

POLITICAL AND LEGAL PROBLEMS OF COUNTERMEASURES ANTI-UKRAINIAN INFORMATION WAR IN THE CONTEXT OF EUROPEAN SECURITY

Kostytskyy V.V.

(doctor of law, member of National Academy of Sciences of Ukraine, Chairman of the National Expert Commission of Ukraine on the protection of public ethics, professor)

Анотація. У статті на основі кількарічного дослідження вперше проаналізовано етапи та особливості антиукраїнської інформаційної війни, висвітлено її вплив на сучасні міжнародні відносини та світовий порядок.

Ключові слова: інформаційний суверенітет, інформаційна безпека, інформаційна війна, антиукраїнська інформаційна війна, етапи антиукраїнської інформаційної війни, інформаційні загрози світовому порядку.

Аннотация. В статье на основании многолетнего исследования проанализированы этапы и особенности антиукраинской информационной войны, ее влияние на современные международные отношения и мировой порядок.

Ключевые слова: информационный суверенитет, информационная безопасность, информационная война, антиукраинская информационная война, этапы антиукраинской информационной войны, информационные угрозы мировому порядку.

Summary. On the basis of several years of research the stages and characteristics of anti-ukrainian information war are highlighted concerning their impact on contemporary international relations and world order for the first time.

Keywords: information sovereignty, information security, information warfare, information warfare anti-Ukrainian, anti-Ukrainian stages of information warfare, information threats to world order.

Development of the global information society is accompanied by increased international competition and the transformation of the information space in the main arena confrontations and fighting varied national interests. Modern information technology not only gives states or multinational corporations realize their own interests without the use of military force to weaken or cause significant harm to the security of competitive states or corporations that do not have an effective system of protection against negative information effects as subjects of global society. Such information is somewhat smaller scale operations are made available to corporate groups and professionals in the field of IT-technologies. In such circumstances, information security is becoming an important area of security business or scientific and technological activities, and even national security in general.

As for Ukrainian realities, this problem has its history and causes accumulation of specific risks. For a long time the information space of Ukraine has remained completely unprotected from constant pressure on people's minds, including the one from foreign countries, full of negative political, social, economic information, creating a real threat not only to the morals of the Ukrainian society, but also to the national security in whole.

This was due to a lag in the development of Ukraine Information Technology, disparity of state information policy requirements of today, including the lack of mechanisms defined by the legislation regulating the distribution and circulation of information products, including those of foreign origin, including electronic media, computer games, Internet that contribute to the growth of the number of crimes in the information sector, which impinge primarily on the interests of the Ukrainian state. The result is the devaluation of the entire value system of the society, which is accompanied by destructive phenomenon directly related to the overloading of the media materials that are contrary to the Law of Ukraine "On Protection of Public Morality."

Thus, the fait accompli was the violation of the information sovereignty of Ukraine, which according to the Law of Ukraine "On the National Informatization Program" is defined as the "ability of the state to control and regulate the flow of information that goes from outside of the state". One of the reasons for this phenomenon was the blatant disregard of numerous applications and appeals of the National Commission on the growth of the negative impact of information products on the state of Ukrainian society and morality by the central and local authorities, representatives of business and information they created lobbying associations, and therefore this created the real threat to national security. Ultimately mentioned reasons were one of the most

important factors of moral crisis in our society, so the political, economic and constitutional crisis was impending.

Under the conditions of entry of Ukraine into the European and the international community to date is the construction of such a state, which is able to ensure the free development of an open, democratic society on universal and national values, the primacy of human rights and the rule of law in the States of their activities.

Of particular relevance the issue is in terms of anti-Ukrainian information war being waged against the Ukrainian people for over 10 years with the Russian Federation. The basis of this war are the dissemination of false, incomplete, biased information about Ukraine, manipulation of public consciousness as citizens of Ukraine, and other countries, war propaganda, national and religious hatred, change the constitutional order by force of our country

Now this information war passed from latent-disguised into the open state. During the last years of operation, the National Commission monitored general trends that showed the rapid deployment of anti-Ukrainian War Information, which covers several periods in the information space of Ukraine.

At the preparatory stage processes that are inherently anti-democratic, but based on the information contained in the transaction raider measures aimed at changing the business segment information, which is in the creation of a democratic society in Ukraine in the early nineties developed on liberal rails, took place.

At this time, due to the Ukrainian border opening the best achievements of television, movies, art and performing arts, and other achievements of world culture that had been behind the Iron Curtain and that in the context of current legislation for the purposes of this stuff called information products became available.

In the first half of the nineties the Ukrainian market surged foreign information products of dubious origin, which were used to produce minimum costs and often one or two rooms, which contributed to an expanding campaign to discredit European and American cinema, other achievements of culture and finally ended with the elimination of national Western European and American market information.

Due to imperfect legislation, poor financing, high taxes, outright counter anti-Ukrainian forces movie, typography and other cultural activities have been unable to industrial war and were driven out of the market.

The next operation is complete substitution of information and cultural products market of Russian origin. Unfortunately, these processes have remained unnoticed by the state, which would protect its information and cultural space, thereby creating a springboard for conducting anti-Ukrainian information warfare.

Later in the first phase of anti-Ukrainian War Information widespread information products that contain alcohol propaganda, shaped alcoholic lifestyle, consumption are connected with recreation, home, family welfare, successful career or business, sports achievements, the struggle for justice. "Heroes" of information materials are regularly drunk, starting from this time and noting its completion. This approach to information services for the population accompanied by sad "achievement" Ukraine - Leadership in alcohol consumption (12.8 liters of standard alcohol per person per year), or prosperity of child alcoholism. Almost all national TV channels were filled with movies and other materials that heroyizuvaly corruption and corrupt officials, promoted violence against the civil society and cruelty as a normal form relationships with people to strengthen the fight against corruption and negative assessments of that phenomenon in Ukraine by the international community. The information space dawned many materials that contained contempt for Ukrainian history, national heroes and state and national symbols of Ukraine.

Not realizing the fact of the information war against Ukraine in the framework of the law and the requirements of Article 10 of the European Convention on Human Rights National Commission developed a plan of response to violence in the media space, which aimed to create the conditions for securing Ukraine younger generation of materials that contained elements of violence and cruelty, promote addiction, substance abuse, smoking and other bad habits, war, national or religious hatred, contempt of national and religious places, which was sent to all relevant state

bodies and local government to support the initiative of the Commission for authorization to perform of the individual items.

Next plan is publishing information combating alcoholism, holding "round table" meetings, discussions in all regions of Ukraine to form a system to withstand the destruction of spiritual, cultural and ideological foundations of social life, which are supported by people of different ages, gender, nationality, religion and different regions - from Sevastopol in amounts from Donetsk and Kharkiv to Lviv and Ternopil. However, these measures do not find the proper response of governmental agencies and media business.

Calls of the Ukrainian Council of Churches and religious organizations saved the National Commission, despite President Viktor Yanukovich approved the Decree of 9 December 2010 on its liquidation, which is the object of information operations to discredit.

So there was destruction of the spiritual and philosophical foundations of social relations, planting of new "standards" of life, unusual multiethnic Ukrainian society, but realize that it is a purposeful activity is not currently exist.

In the second stage the change of emphasis in information warfare is observed, latter is forced to change its perception and evaluation in connection with the deployment of propaganda aimed at the destruction of inter-religious and inter-ethnic harmony and tolerance in Ukraine.

National Expert Commission of Ukraine, as well as other public bodies engaged in public activities could still not see elements of information warfare but firmly signaled the society and the highest state authorities of annual growth in several information products containing propaganda of ethnic and religious hatred is organizing "round table" entitled "Moral and ethical issues of legislative support to interethnic tolerance" in October 2013 by the Parliament of Ukraine, in which representatives of nearly 100 nations and peoples, people of different religions adopted a resolution on the lack of socio-economic conditions for national, ethnic and religious hatred. This thesis was further confirmed by representatives of national communities in various regions of Ukraine - Lviv and Dnipropetrovsk, Zaporizhia, Ivano-Frankivsk. Leaders of Russian communities in these regions tried to assure the public about the lack of any restrictions for national cultural development, including the absence of any discrimination based on language. It becomes clear that the existing situations of inter-ethnic and inter-religious relations inspired the famous intervention.

These circumstances have repeatedly been the occasion for responding to the National Commission - a public declaration of the President of the National Commission of letters, appeals and background reports sent to various government authorities, the Administration of the President of Ukraine, leaders of various political forces and committees of the Verkhovna Rada of Ukraine, NGOs, the media, to help create the necessary legal and organizational conditions for the realization of the rights of journalists, youth, human rights on the information space that is free of materials that pose a threat to the physical, intellectual, moral and psychological well-being. However, Ukraine joined the revolution with the full dignity of the unavailability of the state and civil society in an all-out anti-Ukrainian threats of information warfare that was approaching in parallel with increasing dictatorship.

The third phase of information warfare (November 2013 - July 2014) has found its expression in the large-scale distribution of information products that justifies and promotes the encroachment on the territorial integrity and constitutional order of Ukraine, Ukrainian denies the right people in the multinational state, casts doubt on the existence of Ukraine as state, which was a real threat to the national security of Ukraine. Number of information materials in which examination reveals a violation of the legislation on public morality at the end of 2013 doubled.

However, frequently asked questions constantly raised by the National Commission, again, still intact over the years, remained without response and publicly discussed by the Commission and the accumulated experience and tried and tested analytical materials on the prevention and neutralization of potential and real threats to national security in the information field of the respective state structures and public media organizations were not used.

Prolonged neglect of numerous applications and appeals of the National Commission on the growth of the negative impact of information products on the state of Ukrainian society and morality in this context by central and local authorities, representatives of business and information

they created lobbying associations was the real threat to national security and became one of the most important factors of moral crisis in our society, for which, as we have already noted the impending political, economic and constitutional crisis.

Thus provides a foundation for long-silent opposition, authority and those who openly opposed the National Commission, as it appeals heard as the voice of the public, demanding that sounded at numerous events organized by the National Commission, dissolved in an information vacuum and ran across outright fraud Society on the activities of the National Commission from persons interested in the continuation of anti-Ukrainian information warfare, which, unfortunately, there is plenty.

In Ukraine there is a fourth phase of information warfare, specific psychological aggression which is built on deception and manipulation of public opinion; denial and contempt for Ukrainian statehood; synchronization information of aggression and hostilities against Ukraine.

In today's environment a direct threat to the national security of Ukraine, which extends, in particular due to the strengthening of foreign propaganda in TV and radio programs are especially important to create an effective and rapid mechanism to respond to such facts. For the purpose of task specific tangible and intangible damages in certain areas, establishing their own information superiority, manipulation, will and feelings of the citizens of the Russian mass media spread not only inaccurate, incomplete information about Ukraine, but also outright lie.

Only since the beginning of 2014 the National Commission has analyzed more than 31 thousand. Units of information products. National Commission supported public initiative referred to in the publication "Ukrainian ask Mark Zuckerberg to help in the fight against the Russian propaganda" and decided to appeal to the Ukrainian World Congress requesting assistance in combating anti-Ukrainian information war.

Keeping anti-Ukrainian Information War was a massive encroachment on the sovereignty of Ukraine Information. Now the main form of conduct information warfare is the psychological aggression committed by the managed information influence on individual, group or mass consciousness, the will of the citizens, their feelings, misinformation entities making political, economic and other decisions, undermining the enemy's information infrastructure.

The main objectives of such information is psychological operations demoralization of the population of Ukraine, the Armed Forces of Ukraine, as well as encouraging them to treason and to side with the opposing party; formation of citizens of Ukraine and Russia distorted view of events; create the appearance of mass support for the Russian Federation from the population of South-Eastern regions of the country; psychological support Ukrainian supporters of radical convergence regions of eastern and southern Ukraine and Russia.

Current developments in Ukraine have shown the effects of information provided to the media on the formation of consciousness and worldviews of its customers because the National Commission within its competencies and technical capabilities of tracking and taking action response to the detected violations of the law for the protection of public morals, including the promotion of War, ethnic and religious hatred, disrespect for national and religious shrines, humiliation or insult a nation or individual on a national basis. The Commission will strengthen control over the circulation of information products that threaten Ukrainian state is preparing a number of bills which provided for the introduction of legal liability for such acts.

As the historical experience in the country where secular and spiritual authorities concerned about the high level of morality, there is a steady increase in the welfare of the people, the country's defense and its international prestige. But as soon prevail ignoring ethical standards, disrespect for the person of his rights and freedoms or individual or group selfishness, stability and prosperity of society and even the possibility of his own preservation comes the inevitable crash.

Information warfare, which is now carried out against Ukraine, can be directed against any country in Europe. This war is a challenge to the entire international community, accompanied by an increase of information threats to world order that ultimately poses a threat to the very existence of the modern world order, standards and fundamental principles of international law, shows contempt for human rights and freedoms, ignoring the possibility of a peaceful settlement of all

international disputes and casts doubt on the generally after World War II borders, justifies and promotes the use of force as a form of addressing international issues.

With this in mind, today there is a need to strengthen the role and functions of the state in the control and regulation of various segments of the national information space Ukraine, because only the state can solve important and multifaceted problems that occur in the information environment, only the state as the main actors in international and legal relations may take appropriate action to combat the ravages of an information space. An important role in providing public information policy plays a function to protect public morality as a component of national security.

Because the functions of the state are intended to ensure the free development of man, belongs not only to the cultural (spiritual), but the function of protecting public morals. The most recent of these state functions and implements the National Expert Commission of Ukraine on protection of public morality as a permanent state extra-departmental expert and supervisory authority, which operates according to the Law of Ukraine "On Protection of Public Morality."

State policy in the sphere of protection of public morals is to create the necessary legal, economic and organizational conditions that promote the right to information space free of materials that pose a threat to the physical, intellectual, moral and psychological state of people, information and national security of Ukraine.

Because of the current conditions information is becoming increasingly impact on public opinion in Ukraine is one of the most important elements of national security, the lack of mechanisms defined by the legislation regulating the distribution and circulation of certain kinds of information products, including electronic media, computer games, Internet, lead to the growth of the number of crimes in the information sector, which impinge primarily on the interests of the Ukrainian people and the Ukrainian state.

The issue of separation of the protection of public morals in a separate function of the state, as the question of attribution of state and power of any activity to a separate area as a function of the state, provides for separation of four factors:

1) The presence of a single important group of social relations that require regulation by the state. Today we have reason to believe that the issue of protection of public morals in a separate important group of social relations because of the formation of a global information society, which erased the line between reality and the virtual world. TV, radio, Internet, print media, video captured the world market, became the place of work of millions of people, the source of awareness and determining factor in the race, financial transactions, social processes, industrial war, military operations, international relations, cultural development.

2) Social demands for regulatory role of the state in any sphere of social relations. According to opinion polls 51.4% of respondents believe the state of morality threatening national security; almost 59% in the power of the negative impact of information concerns the scope of the spiritual development of society, the moral and psychological state of young children and require the introduction of moral censorship; 23% of Ukrainian respondents are ready for a complete ban programs show / movie with elements of violence and cruelty; 37% believe that showing relevant programs / films should occur only on specialized channels that need to pay extra; 34% allow the demonstration of such programs / movies only at night, and only 6% of respondents said they did not see the need for any changes in this situation.

3) Availability of legal rules that regulate these social relations associated with the implementation of a function of the state. To date, constitutional and legal provisions on protection of honor and dignity (Articles 3, 28 of the Constitution of Ukraine), non-interference in private life (Article 32), protection of the child (Article 52), protection of rights and freedoms (Article 55), set the "economic constitution" - Civil Code of Ukraine (Part IV Article 13 - the duty of individuals and businesses comply with the moral and ethical foundations of society, on the one hand, freedom of speech and information activities (Article 34 of the Constitution of Ukraine), freedom of entrepreneurship (Article 42), freedom of creative expression (Article 54) and prohibition of censorship (Article 15) constitute "legal corridor", which is implemented by a function of the state

in the protection of public morals in accordance with the Law of Ukraine "On protection of Public Morality."

4) Availability of public bodies and civil society institutions capable of ensuring the implementation of state functions related to the protection of public morals. Such is currently the Ministry of Culture of Ukraine, the Ministry of Youth and Sports of Ukraine, Ministry of Internal Affairs of Ukraine, Ministry of Justice of Ukraine, Ministry of Education and Science of Ukraine, Security Service of Ukraine, the National Council for Television and Radio Ukraine, State Inspection of Ukraine for the protection of human consumers, the State Committee for Television and Radio Broadcasting of Ukraine, the Prosecutor General of Ukraine and the National Expert Commission of Ukraine on Public Ethics (hereinafter - the National Commission. However, unlike all listed public authorities, the National Commission implements the expert function. According to Art. 19 of the Law Ukraine "On Protection of Public morality" National Commission carries out an examination of information products concerning its compliance with the current legislation on the protection of public morals.

The National Commission is in fact a public-public, non-departmental permanent expert body responsible for implementing government policy for the protection of public morals and acts according to the Law of Ukraine "On Protection of Public Morality" № 1296-IV dated 20 November 2003 and the Regulations on the National Expert commission of Ukraine on Public Ethics, approved by the Cabinet of Ministers of Ukraine № 1550 dated 17 November 2004.

The National Commission includes volunteer work leading cultural figures, art, science and education, psychiatrists, psychologists, sexologist, experts in the field of information and other famous persons in Ukraine, which is recommended for participation in the work of the National Commission institutions and organizations where they work. The chairman and his deputy are elected members of the National Commission and work on a regular basis, members of the National Commission - on a voluntary basis.

Among the members of the National Commission of such prominent personalities as Academician Miroslav Popovic, director of the Institute of Philosophy of the National Academy of Sciences of Ukraine, people's deputies of Ukraine Pavlo Movchan many convocations - Chairman of the All-Ukrainian public organization "Enlightenment" and Lilia Grigorovich, Professor National Academy of Public Administration under the President of Ukraine and prominent physicians, including Andrew Serduk, President of the National Academy of Medical Sciences of Ukraine, a prominent cardiovascular surgeon, Doctor of Medical Sciences, Academician Gennady Knyshov, Igor Horpynchenko, prominent artists - composer, rector of the Glier Institute of Music named after Alexander Zlotnik, People's Artist of Ukraine Alexey Bogdanovich, Director of the psychologies of the National Academy of Sciences of Ukraine Serhiy Maksymenko, a distinguished lawyer, Doctor of Law, Deputy Rector of the National University named after Yaroslav the Wise, in the city of Kharkov, Academician Anatoly Getman and others.

In addition, the National Commission established four scientific advisory board of the legal issues of art from issues of social and psychological problems and questions of nationalities and religions, which include well-known scholars and public figures, and in areas volunteer work region of the on the protection of public morals, which bring together representatives of regional cultural elite.

The main directions of the National Commission is making decisions on the appeals of citizens, NGOs, government agencies and entities of the presence or absence of already published information products information that promotes war, fascism, neo-fascism, national or religious hatred, constitutional change through violence order or territorial integrity; degrading or insulting a nation or individual on a national basis; is a manifestation of bullying on disability (injury), with mentally ill people; promotes drug abuse, substance abuse, alcoholism, smoking and other bad habits. The decision of the National Commission is bound to consider the central and local governments, the media of all forms of property, and natural and legal persons.

National Commission for performing tasks defined by law, adopt feasible measures to stop the invasion of information products which promote national and religious hatred, racism, Ukrainophobia, anti-Semitism and other forms of xenophobia; opposes the promotion of violence in

all its forms, humiliation and insults nation or individual on a national basis, encroachment on the constitutional order and territorial integrity of Ukraine, deformation philosophical foundations of life of children and young people.

Guarantee of the sovereignty of the information, including information security, the protection of information space, information infrastructure and information resources of the state, is impossible without the use of systemic mechanisms to prevent and combat threats to information and calls for a comprehensive public-public information system conflict. Priorities of combating anti-Ukrainian policy information war coverage must be the truth about events in the country.

National Commission carries out its activities with regard to Article 10 of the European Convention on Human Rights. The National Commission to oppose censorship in any form, the main principles of work defines the rule of law, the priority of human rights and freedoms, non-interference in the work of the media business and public dialogue state and the producers and disseminators.

In this context, the National Commission drafted and initiated the signing of 19 March 2009 Charter of Partnership for information rights and freedoms and the protection of public morals. The Charter was signed by the Cabinet of Ministers of Ukraine, the National Council of Ukraine on Television and Radio Broadcasting of Ukraine; leading national TV channels of Ukraine, and later nearly 300 media outlets that work in different regions of Ukraine.

Signing the Charter of Partnership for information rights and freedoms and the protection of public morals is the first step of the new policy, based on social dialogue between government and information capital, based on - self-regulation of business in compliance with ethical standards and state interference in the editorial policy of the media.

The modern world is faced with the need to realize that in the context of globalization, which led to the formation of global information society, ethics and standards is one of the tasks of implementation of the policy in the country, the condition of social harmony and tolerance, and the process of globalization involves the creation of a new ethics global civil society, post-industrial era. Individual self-interest, ethics of individualism, with its notions of exceptional being chosen has outdated itself. Global Information Ethics civil society should focus on the priority of human interests, the desire to preserve and transmit the Earth and modern civilization to future generations.

To ensure the harmonization of national and global economy, the government now needs to develop a strategy for efficient entry of Ukraine into the global world to be founded on the principles of openness of the economy, combined with the protection of the internal market; openness of information space and protect humanitarian sphere of civil society; harmonization of the legislation of Ukraine with international norms and rules and drafting laws to their maximum integration.

Development of transparent integration program in Ukraine and the world community to prevent its isolation should include also the creation of software systems integration processes, information and analytical support projects for Ukraine's integration into the world community, stakeholder analysis and the risks associated with these processes.

It is important to develop programs to support media processes of integration and globalization, creating a transparent and objective national statistics, the elimination of "information asymmetry", effective value openness and protectionism.

In view of the above, the basis for combating anti-Ukrainian thorough information war has become the only comprehensive system of protection of public morality, which would contribute to the realization of the right to information space free of materials that pose a threat to the physical, intellectual, moral and psychological well-being. An important step in implementing the state policy in this area is the cooperation with European states on the adoption of the Charter of Partnership for information rights and freedoms and the protection of ethical standards in the media, and the creation of common information security system and the formation of an interstate or international commission on the problems of information security.