

## THE HYBRID WAR CONCEPT - ARGUMENTS FOR AND VERSUS

Ion PANAIT<sup>1</sup>

---

### ABSTRACT:

*THE OVERLAPPING OF MANY CATEGORIES OF CONFLICTS IN THE SAME GEOGRAPHIC SPACE – "CONVENTIONAL CONFLICTS", "ASYMMETRICAL CONFLICTS" – ALLOWS FOR THE ANALYSIS OF AN ENORMOUS QUANTITY OF PARADIGMS, FOLLOWED BY PREDICTIONS, THEORIES AND SINTAGMS, LEADING TO UNBEARABLE CONFUSION.*

*THE EXISTENCE OF THE THEORY OF "HYBRID WAR" IS JUSTIFIED BY GROTIUS'S METHODOLOGICAL INDICATION TO REJECT EXTREMES - HERE "CONVENTIONAL" AND "ASYMMETRICAL" THOUGH THEY ARE PART OF THE SAME PHENOMENON - AND TO VOTE FOR "HYBRID" AS PREDICTIVE FORMULA FOR THE FUTURE CONFLICTS. THIS THEORY WILL RESIST IN TIME DUE TO ITS RELEVANCY IN ADAPTING/REFORMULATING THE LAW OF ARMED CONFLICTS IN THE FUTURE AS A NECESSITY IN RESPONSE TO "MODERN WAR HYBRIDIZATION".*

*TO THESE OBJECTIVE CONDITIONALITY'S, INTRODUCING THE "WAR HYBRIDIZATION" SYNTAGM GETS THINGS EVEN MORE COMPLICATED, CAUSING CONFUSION THAT AFFECT THE STATUS OF THE INTERNATIONAL LAW REGARDING ARMED CONFLICTS UNDISTINGUISHING BETWEEN COMBATANTS/PARTIES IN CONFLICT DOES NOT HELP THE WAR LAW, ON THE CONTRARY, IT BREAKS ITS CREDIBILITY AS IMPERATIVE AUTHORITY.*

---

**KEYWORDS:** CONFLICT, GROTIUS, THE LAW OF ARMED CONFLICTS, HYBRID WAR, WAR HYBRIDIZATION

### PRELIMINARY CONCEPTS

Though religious wars are a substantial episode of medieval history and religious reasons are still at the very base of modern conflicts, the Christian philosophy considers war as an immoral act and therefore considers that its specific actions should be forbidden.<sup>2</sup>

In a larger sense, if the belligerents behave as they please, or subjectively respect the laws of war, there are severe consequences; the justification for the civilians' sufferings being the "military necessity", the basic human rights cannot be observed.<sup>3</sup>

The concept of combatants' immunity seen from the perspective of war laws is a permanently flexible institution monitored by the international community, at least post-factum, but the atrocities and irresponsible acts against civilians cause real humanitarian catastrophes in modern conflicts.

---

<sup>1</sup> Lecturer, "Lucian Blaga" University, Sibiu, nelutu.panait@yahoo.com

<sup>2</sup> See Clausewitz von C., *About War*, Military Publishing House, Bucharest, 1982.

<sup>3</sup> See Choucri, N., *Cyber politics in International Relations*, (Cambridge, MA: MIT Press, 2012), 4.

Actions such as the indefinite detention of terrorist suspects (see Guantanamo Bay), using drones against some suspect civilians are not properly regulated by the international war law.<sup>4</sup>

"Making the war human" goes hand in hand with enforcing the war law; its core is to determine if "war hybridization" is helpful in this respect, given the two options: ignoring "war hybridization" and maintaining the present regulations or maintaining the present law for armed conflicts or the trimming of them to the "war hybridization".<sup>5</sup>

The overlapping of many categories of conflicts in the same geographic space – "conventional conflicts", "asymmetrical conflicts" – allows for the analysis of an enormous quantity of paradigms, followed by predictions, theories and slogans, leading to unbearable confusion.<sup>6</sup>

From the traditional point of view, the classification "conventional"/"nonconventional" does not request their strict observation but it operates "quantitatively": most actions, with a certain degree of importance, define the conflict's class.<sup>7</sup> Usually, conventional wars develop asymmetrical components when a state's forces occupy the territory belonging to the second state; even a conventional strategy needs some certain amount of flexibility, which takes a holistic vision over all fight spaces.

It is only normal for the conflict to host some specifically conflict classes, but less important. Some think that a conflict has main features, characteristic to a "conventional conflict" and minor features, form the "non-conventional conflict" category; therefore, a "hybrid conflict" specific to modern times, a conclusion that is debatable.

Even more, after a shallow analysis of the theoretical bases of the "hybrid conflict" concept, the theoretical discourse turns towards the future gravity of the next conflicts for the national states, a problematic algorithm.

Not-knowing or ignoring a hybrid threat, the lack of confrontation with a conventional and/or non-conventional conflict by a national state would encourage an "open hybrid conflict"; this way of thinking is artificial and contradicts the military strategy principle regarding the forces balance and also the philosophy of the "Copenhagen School" international policies checked during the last quarter of the century of "cooperative security".<sup>8</sup>

---

<sup>4</sup> The "hybrid war" must eliminate the guerilla structures and eradicate the enemies among civilians, to block the enemy from spreading insecurity by means of "cleaning, control and searching and destroying insurgent structures" to be legitimate in front of the people. See McCuen, John J. "Hybrid Wars." *Military Review*. Mar/Apr 2008, Vol. 88 Issue 2, 107-113.

<sup>5</sup> See Lynn III, William, "Defending a New Domain: The Pentagon's Cyber strategy", *Foreign Affairs*, 2010, vol.89, 97-108.

<sup>6</sup> See McDermott, Roger, "Russia's Information-Centric Warfare Strategy: Re-defining the Battle space", *Eurasia Daily Monitor*, The Jamestown Foundation, 2014, vol. 11, no. 123, <http://goo.gl/QaiEe3>.

<sup>7</sup> The American military doctrine, though distinguishes between "war against insurgents" (local authorities support to administrate their own population in the theatre) and the "hybrid war" (the support of the people in the theatre for the intervenient troops) there are no specifications regarding the "manner" in which the operations specific to each type of war are conducted. See McCuen, John J. "Hybrid Wars." *Military Review*. Mar/Apr 2008, Vol. 88 Issue 2, 107-113.

<sup>8</sup> The modern security concept includes five cumulative factors. The security of a state entity is ensured if the following five components are: politics, army, economy, society and ecology. The security domain does not overlap with the state's normal functionality, but it refers only to the threats that, by their mentioned dimensions, endanger the very existence of the state. The military component of the security refers to the interconnection of the following two levels: the offensive weapons and the defensive capabilities of the states, together with their perception of the intentions of other states to participate in the international life. According to the Copenhagen group, the security regions (communities) have the following characteristics: are formed of two or more states; these states are a coherent geographical component; they have interdependent relations from a security point of view, in a positive or negative sense, but significantly strong, stronger than the relations with external entities;

The preliminary conditions for hybrid threats are bound to planning the defense of the national states; it is considered that a wrong planned budget and an unrealistically military doctrine, without predictions and viable strategies, together with old technologies and armament are the ideal conditions for failing in facing "hybrid threats".<sup>9</sup>

In establishing the category of "hybrid threat" the next step is to fundament the "hybrid risk", suggesting the establishment of national military doctrines by the national states, focused on the "hybrid conflict" (the hybridization of warfare) totally ignoring the aired conflicts.

"Hybrid threats" are the future security challenges, specific to insurgent techniques and asymmetrical war, the avantpremiere of the fourth generation of wars.<sup>10</sup>

The danger in these threats forced NATO to develop a new operational concept "NATO Military Contribution to Countering Hybrid Threats - MCCHT" to adapt the strategy, structure and capability for the next 20 years.<sup>11</sup>

Specialty literature persistently moves forward with the concept of "non-conventional challenges" regarding the war between state.<sup>12</sup>

"The internet war"<sup>13</sup> means info manipulation directed to population or the elites, by decentralized sources overlapping or instead of political news or those supporting national security.<sup>14</sup> Given the international context of cybernetic conflicts – including the "net war" and "cybernetic war", the armed conflicts, including the "hybrid war" strongly depend upon intelligence and consequences analysis.<sup>15</sup>

By national military doctrines of some states, among the military components there are cells for the info study. Modern communications can be used to manipulate war info – by affecting the credibility and legitimacy of a party involved in the conflict.<sup>16</sup>

---

the model for the interdependent security should be profound and lasting. See Buzzan, Barry, Waever, Ole, Jaap de Wilde, *Security. A New Framework for Analysis*, Lynne Rienner Publishers, Boulder, London, 1998.

<sup>9</sup> "Army forces must be prepared to defeat what some have described as hybrid enemies: both hostile states and no state enemies that combine a broad range of weapons capabilities and regular, irregular, and terrorist tactics; and continuously adapt to avoid US strengths and attack what they perceive as weaknesses." See *The Army Capstone Concept Operational Adaptability-Operating Under Conditions of Uncertainty and Complexity in an Era of Persistent Conflict*.

<sup>10</sup> See Czosseck Christian, Rain Ottis and Katharina Ziolkowski (eds.), *4<sup>th</sup> International Conference on Cyber Conflict*, Tallin: NATO CCD COE, 2012, 141-153.

<sup>11</sup> See Kubesa, Milan; Spisák, Ján, "NATO/Hybrid threats and development of NATO's new operational concept", *Univerzita Obrany. Ustav Strategických Studií. Obrana a Strategie*, Vol.2/2011, (University of Defense, Brno), 5-15.

<sup>12</sup> See Alex Deep, "Hybrid War: Old Concept, New Techniques", *Small Wars Journal*, 20 March 2015. The strategy of an intervenient force in a "hybrid war" must foresee a possible governmental vacuum behind the offensive forces. The main problem is not forming a new central authority, but to "clear, hold and build" and form a "counter-organization" to destroy the the possible new insurgent structures and to control local population. See McCuen, John J. "Hybrid Wars." *Military Review*. Mar/Apr 2008, Vol. 88 Issue 2, pp. 107-113.

<sup>13</sup> "The net war" - "means trying to disrupt, damage, or modify what a target population 'knows ' or thinks it knows about itself and the world around it", See Arquilla, John and David Ronfeldt, "Cyber war is coming!" *Comparative Strategy*, 1993, vol. 12, 141-165.

<sup>14</sup> "The cybernetic war" a highly debated issue focused on the trio force-violence-power and non-lethal violence in relation to the violence met in a conventional war. See Rid, Thomas, "Cyber War Will Not Take Place", *Journal of Strategic Studies*, 2012, vol. 35, no. 1, pp. 5-32; See Stone, John, "Cyber War Will Take Place!", *Journal of Strategic Studies*, 2013, vol. 36, no. 1, 101-108.

<sup>15</sup> See Schmidt Nikola, "Conventional War, nor a Cyber War, but a Long-Lasting and Silent Hybrid War", *Univerzita Obrany. Ustav Strategických Studií, Obrana a Strategie*, University of Defence, Brno, Vol. 2/2014, 73-85.

<sup>16</sup> See Clarke, R.A. and Robert Knake, *Cyber War: The Next Threat to National Security and What to Do About It*, (New York: HarperCollins, 2012).

The aim of creating a general chaos of the cybernetic attacks over the critical infrastructure is less probable, but the "cybernetic war" is a virtual "fight space" in which operations took place, without the traditional chain of command.<sup>17</sup> The fact that "cyber attacks" involves no soldiers to violate territorial integrity, the impossibility to demonstrate the taking part in blocking or altering important parts of the infrastructure place these operations out of the regulated frame. In order to place the guilt, first one has to know who were the cyber attackers, facts that are not regulated by the law of war.<sup>18</sup>

The "hybrid war" is expressed also by cyber attacks - regarding the info upon the citizens of a facts that cannot be considered military operations - but have great impact over the military strategic objectives.<sup>19</sup> Using cyber attacks in armed conflicts is a novelty bringing advantages of strategic nature over an unprepared opponent. In the case of a conventional war, the military using cyber attacks in their actions must observe the law.<sup>20</sup>

Still, observing the law is important at all times, during the fight and after it, when there are conditions for detailed observation on how were they respected.

In a conflict zone, usually, the administrative authority is strongly affected, the internal law violation becoming a rule due to the lack of sanctions - usually justified by the inferiority towards the enemy - especially if it about self defense, the reason being that "strategic reasons" rule.<sup>21</sup>

Using strategy as justification is a customary law; so are detaining, interrogating and torturing, the clear war, the reinterred intelligence to make "the law a weapon in conflicts".<sup>22</sup>

### **AUGMENTING "CONFLICT HYBRIDIZATION"**

The appearance of a new category of conflicts – guerilla, insurgency, and terrorist - gave birth to new fighters that do not fit Grotius's model.<sup>23</sup>

Specialty literature traditionally operates with six types of armed conflicts: the classical war, between states;<sup>24</sup> three types of national freedom wars - against colonial domination, against foreign occupation and against racist regimes; two types of non-

<sup>17</sup> See Liff, Adam P., "Cyber war: A New "Absolute Weapon"? The Proliferation of Cyber warfare Capabilities and Interstate War", *Journal of Strategic Studies*. 2012, vol. 35, no. 3, pp. 401-428.

<sup>18</sup> See \*\*\* *Cyber-Security and Threat Politics: US Efforts to Secure the Information Age*, London and New York: Taylor & Francis, 2007.

<sup>19</sup> As for ISIL, the preparations made in the cyber space strengthen the legitimacy of aerial strokes, the asymmetrical response from The USA, France Denmark, Holland, The UK and Canada. See Pape, Robert A. and Michael Rowley, "Why ISIL Beheads Its Victims", *Politico Magazine*, Washington, 2014 <http://www.politico.com/magazine/story/2014/10/whvisilbeheads-its-victims-111684.html#>.

<sup>20</sup> Manipulating history, beliefs, discrediting governmental long-term politics as part of a "hybrid strategy". See Fleming, Maj Brian P., *The Hybrid Threat Concept: Contemporary War, Military Planning and the Advent of Unrestricted Operational Art*, Fort Leavenworth: School of Advanced Military Studies. US Army Command and General Staff College, 2011, <https://www.hsdl.org/?view&did=700828>.

<sup>21</sup> See Harvard Law School's Jack Goldsmith, Texas Law School's Robert Chesney, and the Brookings Institution's Benjamin Wittes.

<sup>22</sup> CCDCOE. Tallinn Manual on the International Law Applicable to Cyber Warfare. (New York: Cambridge, University Press, 2013).

<sup>23</sup> The Hague regulation stipulates the status of people in the army, other than combatants, but who, if captured, are subjected to the same treatment as soldiers. See G. Baladore Pallieri, *Raport general sur la notion de "guerre" et de "combatant" dans les conflits armes*, prezentat la al V-lea International Dublin Congress (23-30<sup>th</sup> of May 1970), in *Recueil de la Societe internationale de droit penal militaire*, vol.2, 321.

<sup>24</sup> "Hybrid war" has as strategical objectives, *inter alia*, to destroy and neutralize national structures – political, administrative, the security and of the enemy; cleaning, controlling and destroying the insurgent structures within the civilian population in the war theatre to obtain legitimacy to it; maintaining the war support from the public opinion from home and from the international environment. See McCuen, John J. "Hybrid Wars." *Military Review*. Mar/Apr 2008, Vol. 88 Issue 2, 107-113.

international wars - the post-colonial secession war and the civil war.<sup>25</sup> A relatively new phenomenon, also violent, the breaking up of the federative states, brings a new type of non-international conflict the destructant armed conflict.<sup>26</sup>

The destructant armed conflict from The Ukraine, as viewed by "hybrid war" theoreticians, aims rather at the "deconstruction" of govern's credibility followed by chaos, to legitimate later on a conventional campaign.<sup>27</sup> There is an opinion that the "hybrid strategy" for The Ukraine aims to the delegitimation of any governmental decisions against rebels' "hybrid operations"; Russia's granting humanitarian assistance to rebels and the authorities being incapable to react impact upon the govern's legitimacy and gives credit to the rebels.<sup>28</sup>

"The hybrid modern war" combines conventional, irregular and terrorist components that cannot be reduced to counterinsurgency – as defined after the Cold War by the American vision – due to the many response needs.<sup>29</sup> The reaction in case of "a hybrid war" is based on a fan of forces and means – conventional units ready to high intensity conflict, independent special forces supported by intelligence and technological platforms.

There is an opinion that the weakness of conventional military structures as an effect of the cooperation via security after the Cold War influences and shapes the traditional war concept - a combination of regular and irregular forces, submitted to some political aims, serving national interests - towards a hybrid configuration. The "hybrid war" might occur in any environment - terrestrial, maritime, aerial and in space - unitary, using asymmetrical TTPs configured to exploit the lack of flexibility in military structures, but affecting three sorts of targets: the classical theater, the population in the conflict zone and the international community.<sup>30</sup>

Contemporary conflicts surfaced the syntagm "asymmetrical conflict", understood as a conflict between two parties that are unequal in capabilities, forcing the weak party to approach unconventional TTPs. The asymmetrical conflict is considered also a "non-international armed conflict"/ "terrorism"/ "guerilla warfare".<sup>31</sup> In the "hybrid war" one of the goals is to secure the population and in the war theatre by symmetrical and asymmetrical operations.

<sup>25</sup> See Ionel Cloșcă, *Dreptul umanitar în ajunul mileniului III*, ' "R.R.D.U.", nr.1 (19), 1998; Bosko Iakovljevic, *Conflictele armate în fosta Iugoslavie și dreptul internațional umanitar*, în "R.R.D.U.", nr.2/1993, pp. 11-22; Francois Bellon, *The New Humanitarian Challenges on the eve of the 21 Century*, în vol. *Problemes humanitaires... / The Humanitarian issues...*, 21-28.

<sup>26</sup> All 35 armed conflicts active in this very last year of the XX<sup>th</sup> century are non-international.

<sup>27</sup> See Schmidt Nikola, "Conventional War, nor a Cyber War, but a Long-Lasting and Silent Hybrid War", *Univerzita Obrany. Ustav Strategických Studii. Obrana a Strategie, University of Defense*, Brno, Vol. 2/2014, 73-85.

<sup>28</sup> \*\*\* "Russia's new tactics of war shouldn't fool anyone" *The Washington Post*, 2014 [http://www.washingtonpost.com/opinions/russias-new-tactics-of-war-shouldnt-foolanyone/2014/08/27/0cb73b3a-2e21-11e4-9b98-848790384093\\_story.html](http://www.washingtonpost.com/opinions/russias-new-tactics-of-war-shouldnt-foolanyone/2014/08/27/0cb73b3a-2e21-11e4-9b98-848790384093_story.html) storv.html

<sup>29</sup> [...] hybrid wars are a combination of symmetric and asymmetric war in which intervening forces conduct traditional military operations against enemy military forces and targets while they must simultaneously - and more decisively - attempt to achieve control of the combat zone's indigenous populations by securing and stabilizing them (stability operations). See *Field Manual (FM) 3.0, Full Spectrum Operations*, McCuen, John J. "Hybrid Wars." *Military Review*. Mar/Apr 2008, Vol. 88 Issue 2, pp. 107-113.

<sup>30</sup> Modern hybrid war practitioners apply "conventional capabilities, irregular tactics and formations, and terrorist acts including indiscriminate violence, coercion, and criminal activity" simultaneously. See Frank Hoffman, *Conflict in the 21<sup>st</sup> Century: The Rise of Hybrid War*, Arlington: Potomac Institute for Policy Studies, 2007, p. 8. See John, J. McCuen, "Hybrid Wars," *Military Review*, Mar/Apr 2008, Vol. 88 Issue 2, p. 107. For the opposite See Gartzke, Erik, "The Myth of Cyber war: Bringing War in Cyberspace Back Down to Earth", *International Security*, 2013, vol. 38, no. 2, pp. 41-73. [http://belfercenter.ksg.harvard.edu/liles/IS3802\\_pp041-073.pdf](http://belfercenter.ksg.harvard.edu/liles/IS3802_pp041-073.pdf).

<sup>31</sup> The classical example is the USA (state actor) - the Afghan Talibans (non-state insurgent group).

There is an opinion stating that the "hybrid conflict" includes the entire war spectrum, actionable and conceptual; the victory - reaching strategic objectives - in a "hybrid war" means success in every aspect of the war theatre. Providing security for the civilians, for local administration, maintaining essential services, starting the economy, organizing self-defense is necessary to obtain legitimacy and support from the locals. All these are vital to be successful in a hybrid war. This kind of victory depends on three main stages: conventional fights, the population in the war theatre and the general perception of the actions performed by the intervenient state by the public opinion and by the international community.<sup>32</sup>

The cyber space is characterized by the transformation of temporality in the sense of capturing the information, surpassing the geographical limits, the borders and jurisdictions and the possibility to hide its identity.

Cyber space characteristics underlines the issue of propaganda versus states' sovereignty, the disinformation effects and their sanctioning being a delicate issue for the international policy - defied between its extreme limits - "the extended responsibility" and "the diminished responsibility", being reduced to the individual.<sup>33</sup>

An author considers that the cyber space should be seen as a territory where sovereignty cannot be "limited" due to the fact that although cyber attacks are not violent, they are many; they can aim to spreading information in the desired sense, especially that states cannot be forced to play according to certain traditional war rules.

Manipulations and disinformation in cyber space can prepare for some conventional operations; accusing central authorities by using a vivid propaganda can have serious consequences, up to paralyzing the defense activities.

The propagandistic dimension inherent to any large military action is not directly linked to the classical concept of territorial sovereignty, the values and virtual money playing a major role; the messages send to both the and to population could end with serious consequences, able to paralyze defense efforts, to block strategies, even in the absence of lethal force.

A coherent disinformation, evenly spread from many sources, difficult to detect and counterattack erodes the adversary's stability. Regardless its name - "info security" or "cyber security" it is vital for any national security, defensive or offensive.<sup>34</sup>

The concept of asymmetrical conflict is a subject that attracts many theories and interpretations that might be contradictory sometimes, taking into account Asia's militarization, the tensions in The Middle East or the African states dismantling. These are contradictory to the "conventional war".

Here are some examples of hybrid wars: the Islamic State's entering into Iraq (non-state actor) against the Iraqi conventional forces; using non-state or sub-state actors, actors sub-state by Iraq fighting the Islamic State; The US's participation by aerial strikes against the Islamic State together with the counseling of the Iraqi govern; the Syria-Iraq coalition

<sup>32</sup> Ignoring the three stages caused failure as shown in Indochina, Vietnam, Greek, Somalia, and Lebanon. In Vietnam, the US won against the insurgency and lost the political battle home; in Iraq and Afghanistan they had aims specific to a conventional war instead of an asymmetrical one. See McCuen, John J. "Hybrid Wars." *Military Review*. Mar/Apr 2008, Vol. 88 Issue 2, 107-113.

<sup>33</sup> See Choucri, N., *Cyberpolitics in International Relations*, Cambridge, MA: MIT Press, 2012, p. 4; See Androunas, Elena and Yassen Zassoursky, "Protecting the Sovereignty of Information", in *Journal of Communication*. 1979, vol. 29, no. 2, pp. 186-192; Pomerantsev, Peter and Michael Weiss, "The Menace of Unreality: How the Kremlin Weaponries Information", *Culture and Money*. 2014; Rid, Thomas, "More Attacks, Less Violence", *Journal of Strategic Studies* [online]. 2013, vol. 36, no. 1, pp.139-142; Schmidt, Nikola, "Super-empowering of non-state actors in cyberspace", In: *World International Studies Committee* 2014. Frankfurt: Goethe Universitat, 2014.

<sup>34</sup> Liang, Qiao and Wang Xiangsui. *Unrestricted warfare*. Beijing: PLA Literature and Arts Publishing House, 1999.

(states in a complex situation and seriously weakened) against the coalition formed from non-state actors.<sup>35</sup>

On the other hand, these substantial phenomenon do not fit the syntagm "international armed conflict", especially that they are considered to be defining phenomenon for the future military and political reality. The burst of concepts, paradigms and theories on the military phenomenon's features, especially on armed conflicts, is not helpful in building a methodology/an algorithm to analyze the tensed situations from a political and military point of view, not to mention the predictions. In specialty literature, the lack of clarity found in specific situations in relation to the traditional features of armed conflicts creates more confusion instead of helping the analysis and prediction algorithm.

An author considers that a specific feature of a hybrid war is the strong bond between the non-state actors and their external supporters; the existence of the Islamic State in Syria and Iraq, the involvement of Iran and Hezbollah to support Syria in order to maintain communication within this space is an example of hybrid war.<sup>36</sup>

It is pointed that the hybrid war between the state and non-state actors accepts the traditional principle of combination between the conventional war tactics and those of a civil one (irregular methods) subordinated to declared political means; this perspective of modern armed conflicts resemble or even overlaps with the main features of the civil war or, at least, they seem to have the same roots.<sup>37</sup>

It is advisable to support the need to solve the issues raised by "war hybridization", respecting civilian protection stipulated by the war law. The persons "taking the law into their own hands" in case of a conflict should be punished and forced to obey the international legislation specific to armed conflicts. As a consequence, the international community can enforce the law even in the complex environment of a "hybrid war". The fundamental justification raise with the influence upon the conflict's strategies is towards the improvement of sophisticated weapons systems, the intelligence and also raising the number of non-state actors.<sup>38</sup>

### **THE ACTORS' STATUS AND THE NATURE OF OPERATIONS**

The regular forces of a state taking part in an international armed conflict<sup>39</sup> use specific TTPs reglemented by an internal and international juridical frame. The evolutions of international asymmetrical armed conflicts display the use of new TTPs by the regular forces - the unclear differences in the status of combatants and non-combatants, the intelligence, the cyber attacks, the individual taking down of enemy leaders (with a foggy status, civilians or combatants). On the other hand, the insurgences use conventional tactics against regular forces.<sup>40</sup>

<sup>35</sup> See Joseph Schroefl and Stuart Kaufman, "Hybrid Actors, Tactical Variety: Rethinking Asymmetric and Hybrid War," *Studies in Conflict & Terrorism*, 37-10, 863.

<sup>36</sup> See Dexter Filkins, "The Shadow Commander," *New Yorker*, Vol. 89, Issue 30, 3.

<sup>37</sup> "Hybrid war" is asymmetrical, with components impacting upon military strategies. The combination between propaganda and intelligence has consequences difficult to be evaluated. See Frank Hoffman, *Conflict in the 21st Century: The Rise of Hybrid War*, (Arlington: Potomac Institute for Policy Studies, 2007), 20-22.

<sup>38</sup> See Alex Deep, "Hybrid War: Old Concept, New Techniques", *Small Wars Journal*, 20 March 2015.

<sup>39</sup> The 1949 Convention maintains the provisions of the Hague Regulations from 1907, but it corrects it. The term "armed forces", used in art. 1 was replied by art. 4 "members of the armed forces", defining all soldiers, from all branches, as well as militia members and the volunteers that belong with these armed forces and who *ipso facto* have the combatant status.

<sup>40</sup> It has three ways to forbid or limit the usage of fight means and methods: the non-discriminatory means and methods are forbidden, for there it cannot distinguish between the military and the civilian objectives; it is forbidden to use weapons, projectiles, etc, that might produce futile sufferings, and death or destroy the

The combatant status of a territory's population, under certain conditions, is accepted together with the fight modality, as a *levee en mass- mass rise-* and is not mistaken for *resistance* movements (guerilla, partisans etc), people fighting in isolated groups not falling under Articles 1 and 2 in the Regulation were, according to the Convention, under the protection of "Clausula Martens".

Categorizing the actors taking part into an international armed conflict in a certain space - regular forces, insurgents, and international transitional terrorists - is confusing and this might have bitter consequences. The mix of actors in an international armed conflict gives birth to "hybrid adversaries/ enemies". Such an approach complicates and paralyzes the classical interpretation analysis and prediction algorithm of the conflictual situation.<sup>41</sup> The differentiate the status of the combatants in a hybrid conflict the following three main issues must be observed: 1) the categories of people authorized to take part directly in military operations; 2) the fight means and methods they are allowed to use and 3) the place where they can engage terrestrial military operations.

The first Peace Conference in Hague, in 1899, customary distinguishing between combatants and non-combatants<sup>42</sup> offers a first solution tin defining the persons allowed to take part in hostilities, of the conditions they must fulfill and of the protection they are entitled to. Two visions raised, the right to participate should be recognized only to regular forces<sup>43</sup> and the right to exist for the combatant status including also civilians.<sup>44</sup>

The legal status of partisans,<sup>45</sup> who fought behind enemy lines but on their territory,<sup>46</sup> of civilians and soldiers remained faithful to their exiled governs<sup>47</sup> is regulated by the "Combatants; Status after the Geneva Conventions on 12<sup>th</sup> of August 1949. The concept of "combatant" obtains new nuances, by the reglementations in 1949 with clarifications upon the status and upon whom are the people falling under this provision.

A combatant is not only a person taking part to a war between two states, but also to those taking part in "any other armed conflict between at least two High parties, even if the state of war is not admitted by one of them" (art. 2, par. 1)<sup>48</sup>.

environment. See <http://www.crucearosie.ro/uploads/images/Conventia de la Geneva pdf/Protocolul Aditional I.pdf>.

<sup>41</sup> There is an opinion about the reglementations in the case of insurgents. (US Field Manual (FM) 3-24, Counterinsurgency) that can be used as a start point for a strategy for the "Hybrid war" but they are not enough-some glances into the past would be necessary. See McCuen, John J. "Hybrid Wars." *Military Review*. Mar/Apr 2008, Vol. 88 Issue 2, 107-113.

<sup>42</sup> The principle of distinguishing between combatants and non-combatants is a very old one, being taken care of since the Middle Age; even the Islam discussed it. Art. 1 of the annexed Regulation of the IInd Convention in The Hague on 29<sup>th</sup> of July 1899 (changed into the IV<sup>th</sup> Convention on 18<sup>th</sup> of October 1907) concerning the laws and provisions of a terrestrial war, the combatant status was admitted to 1 the Army; (2). The Militias or the Volunteers; Corps, granting the following: to be led by a responsible person; to ear signs recognoscible from the distance; to wear weapons if full view; and to observe the international war law.

<sup>43</sup> See Carl von Clausewitz, *Despre război*, Editura Militară, 1982, 268-269.

<sup>44</sup> See Ștefan Pascu, *Oastea și țara, oastea populară și Țările Române în secolele XIV-XVI*, Editura Militară, 1975, 29.

<sup>45</sup> 70.000 in Greece, 26.600 in France, 7.500 in Belgium and a larger number in The SSRR, Yugoslavia, Poland. Not admitted as a combatant, Germany appealed to the 3<sup>rd</sup> para. of the Order of the German Headquarters - from 17<sup>th</sup> of June 1938 (death penalty for any shooter that was not a soldier but ad weapons and fights against the German Army), hundred of thousands of partisans were executed as "terrorists".

<sup>45</sup> In the SSRR, Yugoslavia, Poland, Greek, Norway, Italy.

<sup>47</sup> After the capitulation of one's own state, they continued to fight against the enemy, like the case of Free French Forces - FFL – led by Gen. De Gaulle, though German reglementations considered them shooters, and punished with death penalty.

<sup>48</sup> USA's intervention in Vietnam was not considered a war, in the judicial sense, but, based on that provision, it was *de facto* a war and the USA were forced to observe the law of armed conflicts; same for the China-India conflict 1962-1963, or the China-Vietnam conflict, the one in Falkland between Argentina and The UK in 1982.

"Resistance movements" are considered combatants if: respect the four rules above mentioned from art. 2 of the Convention<sup>49</sup> and serve "a party involved in the conflict"<sup>50</sup>. Specialty literature aims an essential characteristic of the "hybrid war": the non-states entities from a state's system; if in the clear vision of the war, the belligerents are the forces hierarchically organized, in the case of a hybrid war, non-states actors and the sub-states actors sustained from the outside by other states are the corner stone, especially that they promote their own interests."<sup>51</sup>

By maintaining the provisions from 1907, 1927 and 1949, the Genève Conference in 1974-1977 improves the combatant's definition, according to the realities of the Cold War.<sup>52</sup>

In a "hybrid war", the population in the war theatre is a target, seen from either side; their support for the insurgents - in Iran and Afghanistan - presented by media and reflected by the public opinion of a state and also international can make military victories insignificant. If from a military point of view, there is either "victory" or "defeat", when it comes about the population the impact of military actions is evaluated in terms of improvement or its opposite.

Terrorist organizations, such as Hezbollah are considered "hybrid" because they are well equipped, carry on missile launches and use drones (UAV - armed unmanned aerial vehicles), and explosive devices against the Israeli conventional forces.<sup>53</sup>

On the 6<sup>th</sup> of August 1999, a document called "Observing the provisions of the international war laws by the UNO's forces"<sup>54</sup> present the basic rules of the international humanitarian laws for the UNO's forces. The document refers to: the applicability domain, the national law, the agreement regarding the forces' status; breaking of the international humanitarian laws; protecting the civilians; methods and war means; civilians' treatment; the treatment of the arrested person; the protection of the wounded, medical personnel.

---

<sup>49</sup> Article 1 from "The Hague Regulation in 1907. The condition "to have someone in charge" doesn't mean necessarily a soldier, a civilian can function as a leader as well. The responsibility extends to from the person who ordered them, to person who didn't prevent them; "the stable sign, visible from a distance", as expression of loyalty, is the equivalent of the military uniform and during the fight it can be a shirt, a beret, anything. "To wear weapons so they can be seen" doesn't mean to wear them in full view; this would contradict the surprise element. A hand grenade or a pistol can be kept in the pocket, the essence of this provision would to avoid perfidy, false pretexts, simulations, etc; "respecting war's laws and", the fourth condition, means that the resistance fighters must observe as much possible the Conventions in The Hague and Geneva (not to use forbidden fight means, to balance their objectives and their destructive effects, not to attack civilians or protected people).

<sup>50</sup> It aimed to organize the resistance movement, like any regular army, especially in terms of military discipline, hierarchy, responsibility and honor. If not, they would be assimilated to fighters in no international armed conflicts, according to art.3 in Genève Convention, from 12<sup>th</sup> of August 1949.

<sup>51</sup> Joseph Schroefl and Stuart Kaufman, "Hybrid Actors, Tactical Variety: Rethinking Asymmetric and Hybrid War," *Studies in Conflict & Terrorism*, 37-40.

<sup>52</sup> Art. 43 of Protocol I, named "*The Armed Forces*": 1. *The Armed Forces of a Party in a conflict are formed of all forces, all groups and all armed units that are organized and placed under the authority of a responsible command that responds for the behavior of the men. These forces must be disciplined and must observe the international law for armed conflicts.* 2. *Members of such a party (other than the clerics or the sanitary, allying under the provisions of art 33 of the IIIrd Convention) are combatants meaning they have the right to take part in hostilities* 3. *The party (involved in a conflict) that has a paramilitary entity or an armed group responsible for the discipline must notify the other parts involved in the conflict about this.*"

<sup>53</sup> The helicopters, the Merkava IV tanks were destroyed due to Iranian technique. See Greg Grant, "Hybrid Wars," *Government Executive*, May 2008, Vol. 40 Issue 5, 32-35.

<sup>54</sup> See the text in "RRDU" no. 5 (29)/1999.

The "war hybridization" tendency contradicts the present juridical regulations.<sup>55</sup> Disrespecting the actual regulations calls for international sanctions or criminal prosecution for war crimes.

In defining the status of a combatant in the case of a future hybrid conflict, one must observe: if the action is taken inside of a collectivity; if this collectivity is military (hierarchically) organized; if the organization belongs to a party involved in the conflict; if there is internal discipline; if it observes the military law and the international humanitarian law; if it applies the principle of distinguishing between military objectives and civilians.

The supporters of the "hybrid conflict" don't come with a new algorithm, as compared to the old classical one, fact that raises questions upon the nature of their attempt-scientifically or purely propagandistically.

### **INSTEAD OF CONCLUSIONS**

Grotius Hugo (1583-1645) was an important analyst of the conflict but also of the juridical frame in which the conflict takes place. From the first valuable references of philosophical and juridical nature, the wars' evolution, the birth of modern armed conflicts - both internal and international - the alliances and the coalitions transformed the core of the issue and no longer fit in Grotius's pattern. Though he had many merits, by promoting a conciliatory vision, his thinking didn't always fit the reality of the armed conflicts still. It is needed to legalize "fair wars" by forbidding some military actions, building an international legal frame and later on a branch of the law of the armed conflicts.<sup>56</sup>

The contemporary juridical frame to regulate conflicts' legal aspects is concluded in several documents and codes of customs, but there are two issues: the first is generated by the impossibility to regulate in detail all legal aspects regarding the armed conflicts, (as in the case of internal law) and the need to adapt to the new tactics and weapons found in modern conflicts.

The existence of the theory of "hybrid war" is justified by Grotius's methodological indication to reject extremes - here "conventional" and "asymmetrical" though they are part of the same phenomenon - and to vote for "hybrid" as predictive formula for the future conflicts. This theory will resist in time due to its relevancy in adapting/reformulating the law of armed conflicts in the future as a necessity in response to "modern war hybridization".

To these objective conditionality's, introducing the "war hybridization" syntagm gets things even more complicated, causing confusion that affect the status of the international law regarding armed conflicts undistinguishing between combatants/parties in conflict does not help the war law, on the contrary, it breaks its credibility as imperative authority.

---

<sup>55</sup> It is well-known the support offered by the interested states to non-state actors— Hezbollah supported by Iran; the quality of the equipments used by the non-state actors transforms the guerilla war in a hybrid war, says the author. See Alex Deep, "Hybrid War: Old Concept, New Techniques", *Small Wars Journal*, 20 March 2015.

<sup>56</sup> See Reeves, Shane R; Barnsby, Robert E., "The New Griffin of War: Hybrid International Armed Conflicts", in *Harvard International Review*, Vol. 34/3, Winter 2013, Harvard International Relations Council, Cambridge, pp.16-18. Vezi și Hammes, TX., "War evolves into the fourth generation", *Contemporary Security Policy*, 2005, vol. 26, no. 2, 189-221.

## REFERENCES

1. **Androunas, Elena and Yassen Zassoursky**, "Protecting the Sovereignty of Information", in *Journal of Communication*. 1979, vol. 29, no. 2.
2. **Arquilla, John and David Ronfeldt**, "Cyberwar is coming!" *Comparative Strategy*, 1993, vol. 12, pp. 141-165.
3. \*\*\* **CCDCOE**. *Tallinn Manual on the International Law Applicable to Cyber Warfare*, New York: Cambridge, University Press, 2013.
4. \*\*\* *Cyber-Security and Threat Politics: US Efforts to Secure the Information Age*. London and New York: Taylor & Francis, 2007.
5. **Clarke, R.A. and Robert Knake**, *Cyber War: The Next Threat to National Security and What to Do About It*, New York: HarperCollins, 2012.
6. **Choucri, N.**, *Cyberpolitics in International Relations*, Cambridge, MA: MIT Press, 2012.
7. **Czosseck Christian, Rain Ottis and Katharina Ziolkowski** (eds.) *4<sup>th</sup> International Conference on Cyber Conflict, Tallin: NATO CCD COE*, 2012.
8. **Deep Alex**, "Hybrid War: Old Concept, New Techniques", *Small Wars Journal*, 20 March 2015.
9. **Fleming, Maj Brian P.**, *The Hybrid Threat Concept: Contemporary War, Military Planning and the Advent of Unrestricted Operational Art*, Fort Leavenworth: School of Advanced Military Studies. US Army Command and General Staff College, 2011, <https://www.hsdl.org/?view&did=700828>.
10. \*\*\* *Field Manual 3-0, Full Spectrum Operations*, Washington, DC: U.S. Government Printing Office, 2008.
11. \*\*\* *Field Manual (FM) 3-24, Counterinsurgency*, Washington, DC: U.S. Government Printing Office, 2008.
12. **Filkins, Dexter**. "The Shadow Commander." *New Yorker*. Vol. 89, Issue 30.
- Gartzke, Erik, "The Myth of Cyberwar: Bringing War in Cyberspace Back Down to Earth", *International Security*, 2013, vol. 38, no. 2. [http://belfercenter.ksg.harvard.edu/liles/IS3802\\_pp041-073.pdf](http://belfercenter.ksg.harvard.edu/liles/IS3802_pp041-073.pdf).
13. **Grant, Greg**. "Hybrid Wars." *Government Executive*. May 2008, Vol. 40 Issue 5.
14. Hammes, TX., "War evolves into the fourth generation", *Contemporary Security Policy*, 2005, vol. 26, no. 2.
15. **Heickerö, Roland**. Emerging Cyber Threats and Russian Views on Information Warfare and Information Operations. Stockholm: Swedish Defence Research Agency, 2010.
16. **Hoffman, Frank**. *Conflict in the 21st Century: The Rise of Hybrid War*. Arlington: Potomac Institute for Policy Studies, 2007. [http://www.projectwhitehorse.com/pdfs/HybridWar\\_0108.pdf](http://www.projectwhitehorse.com/pdfs/HybridWar_0108.pdf) 0108.pdf.
17. **Junio, T.I.** "How Probable is Cyber War? Bringing IR Theory Back In to the Cyber Conflict Debate", *Journal of Strategic Studies*, 2013, vol. 36, no. April.
18. **Kubesa, Milan; Spisák, Ján**, "NATO/Hybrid threats and development of NATO's new operational concept", *Univerzita Obrany. Ustav Strategickych Studii. Obrana a Strategie*, Vol.2/2011, University of Defence, Brno.
19. **Liang, Qiao and Wang Xiangsui**. *Unrestricted warfare*. Beijing: PLA Literature and Arts Publishing House, 1999.
20. **Lynn III, William**, "Defending a New Domain: The Pentagon's Cyberstrategy", *Foreign Affairs*, 2010, vol.89.
21. **McCuen, John J.** "Hybrid Wars." *Military Review*. Mar/Apr 2008, Vol. 88 Issue 2.
22. **McDermott, Roger**, "Russia's Information-Centric Warfare Strategy: Re-defining the Battlespace", *Eurasia Daily Monitor*, The Jamestown Foundation, 2014, vol. 11, no. 123, <http://goo.gl/QaiEe3>.
23. **Pape, Robert A. and Michael Rowley**, "Why ISIL Beheads Its Victims", *Politico Magazine*, Washington, 2014 <http://www.politico.com/magazine/story/2014/10/whvisilbeheads-its-victims-111684.html#>.
24. **Pomerantsev, Peter and Michael Weiss**, "The Menace of Unreality: How the Kremlin Weaponizes Information", *Culture and Money*. 2014.
25. **Reeves, Shane R; Barnsby, Robert E.**, "The New Griffin of War: Hybrid International Armed Conflicts", in *Harvard International Review*, Vol. 34/3, Winter 2013, Harvard International Relations Council, Cambridge.
26. **Rid, Thomas**, "More Attacks, Less Violence," *Journal of Strategic Studies* [online]. 2013, vol. 36, no. 1.
27. **Rid, Thomas**, "Cyber War Will Not Take Place", *Journal of Strategic Studies*, 2012, vol. 35, no. 1.

28. \*\*\* "Russia's new tactics of war shouldn't fool anyone" *The Washington Post*, 2014 [http://www.washingtonpost.com/opinions/russias-new-tactics-of-war-shouldnt-foolanyone/2014/08/27/0cb73b3a-2e21-11e4-9b98-848790384093\\_story.html](http://www.washingtonpost.com/opinions/russias-new-tactics-of-war-shouldnt-foolanyone/2014/08/27/0cb73b3a-2e21-11e4-9b98-848790384093_story.html) storv.html.
29. **Schmidt Nikola**, "Conventional War, nor a Cyber War, but a Long-Lasting and Silent Hybrid War", *Univerzita Obrany. Ustav Strategickych Studii. Obrana a Strategie*, University of Defence, Brno, Vol. 2/2014.
30. **Schmidt, Nikola**, "Super-empowering of non-state actors in cyberspace", *World International Studies Committee 2014*, Frankfurt: Goethe Universitat, 2014.
31. **Schroefl, Joseph and Stuart Kaufman**. "Hybrid Actors, Tactical Variety: Rethinking Asymmetric and Hybrid War." *Studies in Conflict & Terrorism*. 37:10.
32. **Stone, John**, "Cyber War Will Take Place!", *Journal of Strategic Studies*, 2013, vol. 36, no. 1.