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HYBRID WARFARE: ABOVE OR BELOW THE THRESHOLD OF ARMED CONFLICT?

ABSTRACT: *The term “hybrid” gained widespread use in military and political discourse; it grabbed the headlines and eventually reached the general public. We refer to “hybrid warfare” or “hybrid conflict”, most likely without fully comprehending the term’s meaning and ramifications. The question is whether and when hybrid warfare should be regarded an armed attack that exceeds the threshold of damage and devastation caused by a kinetic action. The purpose of this paper is to shed light on the consistency of the growing doctrine of hybrid warfare with current international (humanitarian) law, beginning with a lexical and logical analysis of the words.*

KEYWORDS: *hybrid, conflict, war, International Humanitarian Law, Geneva Conventions*

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INTRODUCTION

At the 2014 NATO Summit in Wales, the allies agreed that international law applies to cyberspace, and that cyberattacks can be just as harmful as conventional strikes.¹ As a result, cyber defence was recognized as part of NATO’s core task of collective defence. At the Warsaw Summit in 2016, the alliance raised cyberspace as a domain of operations, comparable to the “traditional” domains of air, land, and sea.² In 2021, at the NATO summit in Brussels, the allies confirmed that a cyber-attack can trigger Article 5 of the Atlantic Charter, which states that “an attack on one is an attack on all”.³ The doctrine, which the North Atlantic Alliance have been developing since 2014 and is a cornerstone of the organization, raises an alarming possibility. The terms and concepts contained in contemporary NATO policy on “hybrid” have no legal significance because they are not specified by conventions or customary law.

¹ Marsili, M. “The War on Cyberterrorism”. *Democracy and Security*, 15/2, 2019, 178. DOI: <https://doi.org/10.1080/17419166.2018.1496826>

² Marsili. “The War on Cyberterrorism”. 178.

³ NATO. “Brussels Summit Communiqué”. Press Release (2021) 086. NATO. June 14, 2021. https://www.nato.int/cps/en/natohq/news_185000.htm, Accessed on 24 March 2022.

LEXICON, TERMS AND DEFINITIONS

The term “hybrid warfare” or “hybrid war”⁴ gained popularity in the post-Cold War geopolitical setting, when hybrid wars replaced traditional ones.⁵ Hybrid warfare lacks a legal definition; it is a sort of infusion cooking in which everything goes; it blurs the line between peace and conflict, transcends traditional military domains, and resides at the interface of information, physical, and cognitive/social domains.⁶ Indeed, the concept is not new – a bouquet of various techniques, methods, technologies, tactics, procedures and means⁷ for achieving a political or military objective – as it was frequently exploited in previous centuries. There is nothing novel about it. What is novel is the equivalence between the use of actual force and the use of other means, which certain doctrines attempt to establish. In short, it is a matter of disguising something that is not armed conflict as armed conflict, using the kaleidoscopic hybrid idea to do so.

To begin, we must cleanse the field of lexical misunderstandings and conduct an analysis of the appropriate environment for reusable term definitions. Terminologists generally employ text for the purpose of identifying terms and locating contextual examples.⁸ We will investigate these patterns and demonstrate how the data they contain can be obtained and used as input for terminological entries in the sections that follow.

To be clear, a *per se* conflict does not necessitate the use of armed force. Although there is no consensus over whether lexicology and terminology should be used to define concepts in certain fields, we checked the following definitions, which are based on well-established content and found in several of the most reputable dictionaries: *Merriam-Webster*, *Britannica*, *Collins*, *Oxford*, *Cambridge*, *Longman*, and *Macmillan* are all examples of well-known publishers.

Merriam-Webster,⁹ America’s most authoritative online dictionary for English word definitions and meanings,¹⁰ distinguishes between the following: 1) armed conflict, synonymous with war; 2) conflict as a) “competitive or opposing action of incompatibles: antagonistic state or action (as of divergent ideas, interests, or persons)” or b) “mental struggle resulting from incompatible or opposing needs, drives, wishes, or external or internal demands;” 3) “the opposition of persons or forces that gives rise to the dramatic action in a drama or fiction”. The same dictionary defines the verb similarly: “to be different, opposed, or contradictory: to fail to be in agreement or accord,” whereas “to contend in combat” is deemed “archaic”.

⁴ In the scope and for the purpose of this paper, the terms “war” and “warfare” are equivalent.

⁵ Marsili. “The War on Cyberterrorism”. 172.

⁶ Marsili, M. “The Russian Influence Strategy in its Contested Neighbourhood”. In Mölder, H., Sazonov, V., Chochia, A. and Kerikmäe, T. (eds.) *The Russian Federation in Global Information Warfare. Influence Operations in Europe and Its Neighborhood*. Cham: Springer, 2021, 152. DOI: https://link.springer.com/chapter/10.1007/978-3-030-73955-3_8

⁷ Marsili, M. “The Russian Influence Strategy in its Contested Neighbourhood”. 151.

⁸ For a discussion on lexicography and reusable definitions of terms, see: Pearson, J. *Terms in Context (Studies in Corpus Linguistics)*. Amsterdam: John Benjamins Publishing Company, 1998.

⁹ “Conflict”. In *Merriam-Webster Dictionary*. <https://www.merriam-webster.com/dictionary/conflict>

¹⁰ *Merriam-Webster*. <https://www.merriam-webster.com>, Accessed on 24 March 2022.

Indeed, the doctrine observes that the concept of armed conflict has largely supplanted the concept of war,¹¹ which has lost its original meaning in international law: “a contention between two or more [s]tates through their armed forces, for the purpose of overpowering each other and imposing such conditions of peace as the victor pleases.”¹² Although the term “war” is still used in international law, the larger idea of armed conflict has supplanted it.¹³

A conflict, according to the *Britannica Dictionary*,¹⁴ the first English-language compendium published since 1773,¹⁵ is a “struggle for power, property,” such as armed conflict, violent border conflicts, or a conflict between two gangs. When no one is armed, a conflict develops in “strong disagreement between people, groups” or in “a difference that prevents agreement: disagreement between ideas, feelings.” Accordingly, the word means “to be different in a way that prevents agreement: to say or express opposite things.” Both of the first two dictionaries given, both published by Encyclopaedia Britannica, define the term “conflict” identically.

The *Collins Dictionary*, which has been published since 1824,¹⁶ defines conflict 1) a “serious disagreement and argument about something important” e.g. between two people or groups; 2) a “state of mind in which you find it impossible to make a decision;” 3) “fighting between countries or groups of people;” 4) a “serious difference between two or more beliefs, ideas, or interests”. According to this definition, a conflict happens when “ideas, beliefs, or accounts conflict, they are very different from each other and it seems impossible for them to exist together or to each be true”.

The *Oxford Advanced Learner’s Dictionary*,¹⁷ the *Oxford Advanced American Dictionary*,¹⁸ and the *Oxford Learner’s Dictionary of Academic English*¹⁹ all define conflict as: 1) “a situation in which people, groups or countries disagree strongly or are involved in a serious argument;” 2) “a violent situation or period of fighting between two countries,” referred to as an “armed/military conflict;” 3) “a situation in which there are ideas, opinions, feelings or wishes that are opposed to each other; a situation in which it is difficult to choose”.

¹¹ Use of Force Committee. “Final Report on the Meaning of Armed Conflict in International Law”. The Hague Conference, International Law Association, May 2010, 190. http://www.rulac.org/assets/downloads/ILA_report_armed_conflict_2010.pdf, Accessed on 27 March 2022.

¹² Oppenheim, L., II. *International Law: A Treatise*, edited by Hersch Lauterpacht. London: Longman, Greens, 1952, 202.

¹³ Use of Force Committee. “Final Report on the Meaning of Armed Conflict in International Law”. 1.

¹⁴ “Conflict”. In *Britannica Dictionary*. <https://www.britannica.com/dictionary/conflict>, Accessed on 24 March 2022.

¹⁵ National Library of Scotland. “First edition, 1773 – Encyclopaedia Britannica: or, A dictionary of arts and sciences, compiled upon a new plan”. <https://digital.nls.uk/encyclopaedia-britannica/archive/144850365>, Accessed on 24 March 2022.

¹⁶ “Conflict”. In *Collins Dictionary*. <https://www.collinsdictionary.com/dictionary/english/conflict>, Accessed on 24 March 2022.

¹⁷ “Conflict”. In *Oxford Advanced Learner’s Dictionary*. https://www.oxfordlearnersdictionaries.com/definition/english/conflict_1, Accessed on 24 March 2022.

¹⁸ “Conflict”. In *Oxford Advanced American Dictionary*. https://www.oxfordlearnersdictionaries.com/definition/american_english/conflict_1, Accessed on 24 March 2022.

¹⁹ “Conflict”. In *Oxford Learner’s Dictionary of Academic English*. <https://www.oxfordlearnersdictionaries.com/definition/academic/conflict1>, Accessed on 24 March 2022.

The following definitions are provided by the *Cambridge Dictionary*:²⁰ 1) “an active disagreement between people with opposing opinions or principles,” 2) “fighting between two or more groups of people or countries”.

A conflict, according to the *Longman Dictionary of Contemporary English*,²¹ can be defined as: 1) “a state of disagreement or argument between people, groups, countries, etc.,” 2) a “fight or a war” in the sense of an “armed/military/violent conflict;” 3) “a situation in which you have to choose between two or more opposite needs, influences;” 4) “a situation in which you have two opposite feelings about something;” 5) “something that you have to do at the same time that someone wants you to do something else”.

Finally, the *Macmillan Dictionary*²² defines conflict as: 1) “an angry disagreement between people or groups” or “a fighting between countries or groups” (primarily in journalism); 2) “a situation in which it is difficult for two things to exist together or be true at the same time” or “a feeling of being nervous or unhappy because you want two different things at the same time”. The award-winning *Macmillan English Dictionary*, first published in 2002 and available online since 2009,²³ makes no connection between conflict and war in its definition.

A rebuttal is feasible using the dictionaries’ synonyms (thesauri). The *Merriam-Webster* lists “conflict” among the synonyms for “war,” meant as “a state of armed violent struggle between states, nations, or groups”.²⁴ The *Collins Dictionary*²⁵ offers the following alternative definitions for conflict: 1) “dispute,” which refers to an “opposition between ideas or interests;” 2) “struggle” or “battle,” which refers to “the anguish of his own inner conflict;” 3) “battle,” in the sense of “a military confrontation,” which is synonymous with “war” or “warfare”.

THE LEGAL FRAMEWORK

The comparison of the aforementioned definitions reveals that conflict is distinct from war, which is defined as “armed conflict”. The Hague Conventions of 1899 and 1907, and the Geneva Conventions of 1949, as well as their additional protocols, establish the legal basis for “armed conflict”.²⁶ This body of law, dubbed “international humanitarian law” or the “law of war,” is applicable exclusively during armed conflict.²⁷ The terms “warfare” and “war” do not have the same meaning as “conflict” in this context, but they are equivalent

²⁰ “Conflict”. In Cambridge Dictionary. <https://dictionary.cambridge.org/dictionary/english/conflict>, Accessed on 24 March 2022.

²¹ “Conflict”. In Longman Dictionary of Contemporary English. <https://www.ldoceonline.com/dictionary/conflict>, Accessed on 24 March 2022.

²² “Conflict”. In Macmillan Dictionary. https://www.macmillandictionary.com/dictionary/british/conflict_1, Accessed on 24 March 2022.

²³ Macmillan Education Limited. “About Macmillan Dictionary”. <https://www.macmillandictionary.com/about.html>, Accessed on 24 March 2022.

²⁴ “War”. In Merriam-Webster.com Thesaurus. <https://www.merriam-webster.com/thesaurus/war>, Accessed on 25 March 2022.

²⁵ “Conflict”. In Collins Dictionary Thesaurus. <https://www.collinsdictionary.com/dictionary/english-thesaurus/conflict>, Accessed on 24 March 2022.

²⁶ Marsili. “The War on Cyberterrorism”. 183.

²⁷ Marsili. “The War on Cyberterrorism”. 181.

to “armed conflict”.²⁸ The distinction is critical for comprehending the debate surrounding and about the “hybrid” spectrum.

According to a House of Lords report on the parliamentary role and responsibilities in “waging war”, there is no distinction between war and armed conflict; in both cases, troops are deployed abroad in situations in which they can kill or be targeted.²⁹ As a result, we can deduce that the Geneva Conventions do not apply to a conflict that does not involve the use of weapons merely because it is not an armed conflict.

A seminal work on the equivalency between cyber-attacks and traditional kinetic attacks, i.e. the use of military, lethal force, reveals the logical and legal absurdity of this equation, which is based only on US and NATO policy.³⁰ Doctrine retains neither the force of international treaty law nor the force of customary law in and of itself; it is based only on national interest.

THE HYBRID BLEND

We now turn our attention to the amalgamation of these elements that constitutes “hybrid warfare” – a theoretical term devoid of legal significance. There is no one-size-fits-all recipe for hybrid warfare; like the curry powder, it can be made up of any combination of ingredients. It is an amorphous term, an umbrella notion that incorporates a variety of tools: military and civil, conventional and unconventional.³¹ Hybrid warfare is a comprehensive strategy, not just a collection of techniques and tactics, capable of integrating lethal and non-lethal tools into a holistic approach that shapes the hybrid continuum as a whole.³² Due to the fact that hybrid warfare – often referred to as gray zone conflict or low-intensity conflict³³ – blurs the border between peace and war, it is debatable whether it should be considered above or below the threshold of armed conflict. What is certain is that when weapons are used, an armed conflict occurs, and the existing legal framework applies. Case law pertaining to detainees captured and imprisoned in Guantánamo Bay by the US during the “War on Terror” is pertinent in this regard.³⁴

On the other hand, the use of non-lethal means is not a form of warfare.³⁵ Hybrid operations that do not involve the use of lethal force do not qualify as armed conflicts and hence cannot be compared to a conventional/kinetic military attack.³⁶ These are “military

²⁸ Marsili, M. “The Russian Influence Strategy in its Contested Neighbourhood”. 153.

²⁹ House of Lords, Select Committee on the Constitution. 15th Report of Session 2005–06. Waging war: Parliament’s role and responsibility. Vol. I, HL Paper 236-I. London: The Stationery Office Limited, 2006. § 11, 8. <https://publications.parliament.uk/pa/ld200506/ldselect/ldconst/255/255.pdf>, Accessed on 27 March 2022.

³⁰ Marsili, M. “The War on Cyberterrorism”.

³¹ Marsili, M. “The Russian Influence Strategy in its Contested Neighbourhood”. 151.

³² Marsili, M. “The Russian Influence Strategy in its Contested Neighbourhood”. 153–154.

³³ For a definition of gray zone warfare, see: Theohary, C. A. Information Warfare: Issues for Congress (CRS Report No. R45142), Version 5 Updated. Washington, D.C.: Congressional Research Service. March 5, 2018. <https://crsreports.congress.gov/product/pdf/R/R45142/5>, Accessed on 27 March 2022.

³⁴ Marsili, M. “The War on Cyberterrorism”. 186–188.

³⁵ Marsili, M. “The Russian Influence Strategy in its Contested Neighbourhood”. 153.

³⁶ Marsili, M. “The Russian Influence Strategy in its Contested Neighbourhood”. 153.

operations other than war.”³⁷ According to certain authors (Thomas,³⁸ Giles,³⁹ Gorkowski,⁴⁰ Theohary,⁴¹ Marsili⁴²), we remain below the threshold of armed conflict under these circumstances.

Coercion and deterrence do not necessitate the use of force and can be accomplished fully through soft power means such as diplomacy and persuasion.⁴³ During its short life (1920-1946), the League of Nations experimented diplomatic measures, including sanctions;⁴⁴ in the First World War, Britain’s naval blockade compelled Germany to conduct submarine warfare.⁴⁵ England had already experimented a similar blockade between 1806 to 1814, when Napoleon imposed economic sanctions against British trade through the Continental System.⁴⁶ Coercion and deterrence can also be accomplished by the use of “hard power” or a combination of soft and hard power,⁴⁷ and clustered under the umbrella concept of “hybrid warfare.” If, for example, resorting to lethal force to impose sanctions is necessary, the threshold of an armed conflict is crossed. If military force is not used, we stay below such threshold. The Cuban missile crisis is a case in point from recent history.

On 22nd October 1962, President John F. Kennedy declared a naval blockade on Cuba, following the discovery of Soviet missile installations on the Communist-ruled island by American spy planes.⁴⁸ The purpose of this “quarantine,” as he termed it, was to deter the Soviet Union from sending in additional military supplies to Cuba. President Kennedy stated that the US would not rule out the use of force. On 28th October, the situation came to a peaceful conclusion when the USSR began dismantling its missile bases. Kennedy declared the blockade ended in November.

Instrumentalizing migrants for political ends is regarded as a hybrid move that elicits diplomatic and economic sanctions, but not a military response. Throughout the November 2021 Poland-Belarus border conflict, political figures began to frequently and consistently use the word “hybrid.” The European Commission’s President, Ursula von der Leyen, issued a statement holding the Belarusian authorities accountable for the “hybrid attack” and urging EU member states to impose diplomatic and economic sanctions on the government of Minsk.⁴⁹ In a similar joint statement, the US and European delegations of

³⁷ Marsili, M. “The Russian Influence Strategy in its Contested Neighbourhood”. 154.

³⁸ Thomas, T. L. “Russian Views on Information-Based Warfare”. *Airpower Journal*, Special Edition. 2016, 29.

³⁹ Giles, K. “Handbook of Russian Information Warfare” (Fellowship Monograph 9). Rome: NATO Defense College. 2016, 5. <http://www.ndc.nato.int/news/news.php?icode=995>, Accessed on 18 May 2020.

⁴⁰ Gorkowski, J. B. “US Information Operations in Large-Scale Combat Operations: Challenges and Implications for the Future Force”. In Vertuli, M. D. and Loudon, B. S. (eds.) *Perceptions Are Reality: Historical Case Studies of Information Operations in Large-Scale Combat Operations*. 23. Fort Leavenworth, KS: Army University Press, 2016.

⁴¹ Theohary, C. A. “Information Warfare: Issues for Congress”.

⁴² Marsili, M. “The Russian Influence Strategy in its Contested Neighbourhood”. 153.

⁴³ Marsili, M. “The Russian Influence Strategy in its Contested Neighbourhood”. 155., 158–159

⁴⁴ Marsili, M. “From Battlefield to Political Arena. Shifting the Clausewitzian Paradigm”. 19–20.

⁴⁵ Marsili, M. “Propaganda and International Relations: An Outlook in Wartime”. 8.

⁴⁶ Marsili, M. “From Battlefield to Political Arena. Shifting the Clausewitzian Paradigm”. 19.

⁴⁷ Marsili, M. “The Russian Influence Strategy in its Contested Neighbourhood”. 158.

⁴⁸ U.S. Department of State, Office of the Historian. “The Cuban Missile Crisis, October 1962”. U.S. Department of State. <https://history.state.gov/milestones/1961-1968/cuban-missile-crisis>, Accessed on 26 March 2022.

⁴⁹ Von der Leyen, U. “Statement by President von der Leyen on the situation at the border between Poland and Belarus”. Statement/21/5867. European Commission. Nov. 8, 2021. https://ec.europa.eu/commission/press-corner/detail/en/statement_21_5867, Accessed on 27 March 2022.

the UN Security Council described “the orchestrated instrumentalization of human beings for political purposes” as a “hybrid operation tactic”.⁵⁰ Secretary of State Antony J. Blinken discussed “hybrid tactics,” “hybrid operations,” and “hybrid methods of aggression,”⁵¹ while Defence Secretary Lloyd J. Austin III used the term “hybrid tactics”.⁵² The counterpart US leaders met in this context, adapted their lexicon accordingly: Latvian Foreign Minister Edgars Rinkēvičs spoke of “hybrid attacks”⁵³ while Slovak Defence Minister Jaroslav Nad’ included cyber, espionage, and fake news as hybrid threats.⁵⁴ Oleksii Reznikov, Ukraine’s Defence Minister, discussed a “Russian hybrid attack, using migrants on the Poland and the Baltic countries” during a meeting at the Pentagon.⁵⁵ Reznikov lamented that his country has been victimized for eight years by “Russian hybrid aggression”. He listed energy, women, children and cyberspace as examples of Moscow’s “hybrid weapons”. Again, terminology is significant: nobody ever used the term “hybrid” in conjunction with the words “war” or “conflict”.

In 2016, the European Commission adopted the *Joint Framework on countering hybrid threats*,⁵⁶ which was implemented in 2017⁵⁷ and followed by the *Joint Communication on*

⁵⁰ Permanent Representative of Estonia on behalf of Albania, Estonia, France, Ireland, Norway, the United Kingdom, and the United States. “Joint Statement on the Belarusian Authorities’ Activities with Regard to the Instrumentalization of Migrants”. Nov. 11, 2021. United States Mission to the United Nations. <https://usun.usmission.gov/joint-statement-on-the-belarusian-authorities-activities-with-regard-to-the-instrumentalization-of-migrants/>, Accessed on 27 March 2022.

⁵¹ U.S. Department of State, Office of the Spokesperson. “Secretary Antony J. Blinken and Latvian Foreign Minister Edgars Rinkēvičs at a Joint Press Availability”. U.S. Department of State. Nov. 30, 2021. <https://www.state.gov/secretary-antony-j-blinken-and-latvian-foreign-minister-edgars-rinkevics-at-a-joint-press-availability>, Accessed on 1 December 2021.

⁵² Kirby, J. F. “Readout of Secretary of Defense Lloyd J. Austin III’s Call With Polish Minister of National Defense Mariusz Błaszczak”. U.S. Department of Defense. Nov. 30, 2021. <https://www.defense.gov/News/Releases/Release/Article/2857573/readout-of-secretary-of-defense-loyd-j-austin-iii-call-with-polish-minister-of-source/readout-of-secretary-of-defense-loyd-j-austin-iii-call-with-polish-minister-o>, Accessed on 1 December 2021.

⁵³ Office of the Spokesperson, U.S. Department of State. “Secretary Antony J. Blinken and Latvian Foreign Minister Edgars Rinkēvičs at a Joint Press Availability”. U.S. Department of State. Nov. 30, 2021. <https://www.state.gov/secretary-antony-j-blinken-and-latvian-foreign-minister-edgars-rinkevics-at-a-joint-press-availability>, Accessed on 1 December 2021.

⁵⁴ Austin, L. J., Nad’, J. “Secretary of Defense Lloyd J. Austin III Welcomes Slovak Minister of Defence Jaroslav Nad’ to the Pentagon”. U.S. Department of Defense. Oct. 28, 2021. <https://www.defense.gov/News/Transcripts/Transcript/Article/2826285/secretary-of-defense-loyd-j-austin-iii-welcomes-slovak-minister-of-defence-jar-source/secretary-of-defense-loyd-j-austin-iii-welcomes-slovak-minister-of-defence-jar>, Accessed on 29 October 2021.

⁵⁵ Austin, L. J., Reznikov, O. “Secretary of Defense Lloyd J. Austin III Remarks Welcoming Ukrainian Minister of Defense Oleksii Reznikov to the Pentagon”. DoD News. U.S. Department of Defense. Nov. 18, 2021. <https://www.defense.gov/News/Transcripts/Transcript/Article/2848065/secretary-of-defense-loyd-j-austin-iii-remarks-welcoming-ukrainian-minister-of>, Accessed on 19 November 2021.

⁵⁶ European Commission. High Representative of the Union for Foreign Affairs and Security Policy. Joint Communication to the European Parliament and the Council Joint Framework on countering hybrid threats: A European Union response. JOIN (2016) 18 final. Brussels: EC. Apr. 6, 2016.

⁵⁷ European Commission. High Representative of the Union for Foreign Affairs and Security Policy. Joint Report to the European Parliament and the Council on the implementation of the Joint Framework on countering hybrid threats: A European Union response. JOIN (2017) 30 final. Brussels: EC. July 19, 2017.

increasing resilience and bolstering capabilities to address hybrid threats in 2018.⁵⁸ Hybrid activities mentioned in the latter range from cyber-attacks through disinformation⁵⁹ and to hostile military actions. The joint framework defines hybrid activities as a combination of “coercive and subversive measures, using both conventional and unconventional tools and tactics (diplomatic, military, economic, and technological)”.

The cooperation against hybrid threats is a key area of the Euro-Atlantic partnership, as outlined in the July 2016 Warsaw Joint Declaration.⁶⁰ As part of the measures foreseen in this context, in 2017 the Participating States, NATO and the EU established the European Centre of Excellence for Countering Hybrid Threats (Hybrid CoE) in Helsinki.⁶¹

According to the NATO doctrine, which views the virtual domain as analogous to the physical domain, a cyber-attack is treated similarly to a traditional, kinetic attack, and so fits within the broad definition of “hybrid warfare.” Due to this stance, NATO Secretary General Jens Stoltenberg characterized certain Russian operations against Ukraine as “aggressive hybrid strikes [and] cyber-attacks” during the conflict on the Poland-Belarus border.⁶²

Nonetheless, the political and military elites of the United States maintain an ambiguous and inconsistent position. Speaking at the 2nd National Cybersecurity Summit, held at the National Harbor, on 19th September 2019, U.S. Defence Secretary Mark T. Esper defined cyber as “part and parcel of what many call hybrid war – a blurring of the lines between peace and war” that is “below the threshold of armed conflict”.⁶³ In his speech delivered at the Space & Missile Defense Symposium in Huntsville, on 12th August 2021, commander of U.S. Strategic Command, Navy Admiral Charles A. Richard, concluded that cyber is “below the threshold of conflict”.⁶⁴ The US leadership appears to be perplexed by the nature of hybrid warfare.

Western powers have unlocked Pandora’s box; let us now observe the immediate ramifications. Sergey Lavrov, Russian Foreign Minister, described the sanctions imposed by Western nations against Moscow in response to the conflict in Ukraine that erupted in

⁵⁸ European Commission. High Representative of the Union for Foreign Affairs and Security Policy. Increasing resilience and bolstering capabilities to address hybrid threats. Joint Communication to the European Parliament, the European Council and the Council. JOIN (2018) 16 final. Brussels: EC. June 13, 2018.

⁵⁹ For a definition of “disinformaton”, see: European Commission. Communication on tackling online disinformation: a European Approach. COM (2018) 236 final. Brussels: EC. April 26, 2018

⁶⁰ Juncker, J.-C., Tusk, D., and Stoltenberg, J. “Joint Declaration by the President of the European Council, the President of the European Commission and the Secretary General of the North Atlantic Treaty Organization”. Warsaw, Jul. 8, 2016. https://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2016_07/20160708_160708-joint-NATO-EU-declaratio.pdf, Accessed on 30 March 2022.

⁶¹ European Centre of Excellence for Countering Hybrid Threats. <https://www.hybridcoe.fi>, Accessed on 30 March 2022.

⁶² Garamone, J. “NATO Warns Russia of ‘Serious Consequences’ for Ukraine Actions”. DoD News, Dec. 1, 2021. <https://www.defense.gov/News/News-Stories/Article/Article/2858633/nato-warns-russia-of-serious-consequences-for-ukraine-actions>, Accessed on 2 December 2021.

⁶³ Garamone, J. “Esper Describes DOD’s Increased Cyber Offensive Strategy”. U.S. Department of Defense, Sept. 20, 2019. <https://www.defense.gov/explore/story/Article/1966758/esper-describes-dods-increased-cyber-offensive-strategy>, Accessed on 21 September 2019.

⁶⁴ Vergun, D. “China, Russia Pose Strategic Challenges for U.S., Allies, Admiral Says”. DoD News. U.S. Department of Defense, Aug. 12, 2021. <https://www.defense.gov/Explore/News/Article/Article/2729519/china-russia-pose-strategic-challenges-for-us-allies-admiral-says>, Accessed on 12 August 2021.

February 2022 as “a genuine hybrid war” and a declaration of “total war”.⁶⁵ This is how, in the absence of a legal definition, the concept of hybrid warfare, when it is based on national interest, can readily be abused. The allies have “kicked off the dance”, and these are the consequences. Although coercive diplomacy and economic sanctions fall below the threshold of war,⁶⁶ if we adhere to the US and NATO concept of hybrid warfare, they can be considered as acts of war.

This is how the concept of hybrid warfare can be easily manipulated in the absence of a legal definition and if the concept rests on the national interest. The alliance has “started the dance,” and these are the consequences. Coercive diplomacy and economic sanctions are below the threshold of war but if you follow the hybrid warfare doctrine adopted by the US and its allies, it can be considered an act of war.

The NATO doctrine is evolving towards broadening the hybrid concept by including cognitive warfare that involves the (military) technologies grouped under the acronym NBIC (Nanotechnology, Biotechnology, Information Technology and Cognitive Science). A report released by NATO in cooperation with the Johns Hopkins University concludes that “although it takes elements from previous types of hybrid warfare,” the reach and level of impact cognitive warfare possesses “make it far more dangerous than its predecessors” to such an extent that it has been dubbed a “new way of war”. Currently, the relationship between cognitive and hybrid warfare needs to be clarified.

According to the definition developed by the NATO Science and Technology Organization (STO) Exploratory Team “‘Cognitive Warfare’ is the convergence of ‘Cyber-Psychology,’ ‘Weaponization of Neurosciences,’ and ‘Cyber-Influence’ for a provoked alteration of the perception of the world and its rational analysis by the military, politicians, and other actors and decision makers, for the purpose of altering their decision or action, for a strategic superiority at all levels of tactical intervention concerning individual or collective natural intelligence, as well as artificial or augmented intelligence in hybrid systems”. A Cognitive Warfare Exploratory concept is currently under development by the NATO ACT team of experts. The goal is to develop an Exploratory Cognitive Warfare Concept for approval by the NATO Supreme Allied Commander Transformation (SACT) in first quarter of 2023 to implement the NATO Warfighting Capstone Concept (NWCC) and leverage the Warfare Development Agenda (WDA). This exploratory concept will include a final Cognitive Warfare Concept, to be approved by the Military Committee in summer of 2024.

CONCLUSIONS

There is no legal definition for the term “hybrid warfare” or “hybrid war”; the components of its blend remain unknown. Nonetheless, certain hypotheses appear to be sound. Operations based solely on military intervention, in which lethal force is employed in kinetic actions, should be considered to be above the threshold of armed conflict. This is self-explanatory and does not require more clarification.

⁶⁵ TASS. “Lavrov slams all-out sanctions spree, says West’s values ‘aren’t worth a red cent”. <https://tass.com/politics/1427557>, Accessed on 25 March 2022.

⁶⁶ Marsili, M. “From Battlefield to Political Arena. Shifting the Clausewitzian Paradigm”. 15.

Non-kinetic actions, such as information or influence operations, diplomatic and economic sanctions, do not rise to the level of devastation and destruction caused by a kinetic attack and so do not constitute an act of war. As a result, we make a mistake when we use the term “war” or its synonym “warfare” to describe hybrid operations that do not involve the use of actual force.

The “hybrid” context is purposefully unclear, imprecise, indeterminate, and broad, so that its identity is obscured. This uncertainty is exacerbated by the attitude of political and military leaders who seek to cloud the public’s thoughts in order to secure support for their actions. Nevertheless, it is essential to abide by international humanitarian law and, through compliance, to protect and respect the right to life.

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