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## Hybrid Warfare – Enemies at a Loss?



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# Editorial

Hybrid warfare – this is a combination of covert and overt operations, of political and economic measures, of information operations and propaganda, of subversion and cyber attacks, and even military assistance and the covert deployment of special forces. Hybrid warfare often operates in a gray area below the threshold of armed force, while at the same time providing assistance to insurgents. It describes the intermeshing of military and civilian means, the blurring of war and non-war.

The current debate on hybrid warfare began with Russian tactics in the Ukraine, such as propaganda and the use of combatants without nationality markings. Yet the value of this debate in terms of security policy lies not so much in attempts to interpret, never mind resolve, the Ukraine conflict. Instead, its benefit may consist in discussing aspects of a hybrid security policy for Europe based on our values and principles.

Orchestrating the various elements of hybrid warfare will fundamentally change our continent's security architecture," said German defense minister Ursula von der Leyen at the launch event for the 2016 White Paper. She added that the security environment has changed substantially: the Ukraine crisis, threats in cyberspace, global resource conflicts, and the impacts of poverty, conflicts, wars and transnational terrorism.

What does this imply with regard to a common European security architecture? How should open and free societies respond to terrorist attacks such as those in Paris, and the ongoing threat? In response to such attacks, what means are legitimate, and which are ethically justifiable?

Hybrid warfare scenarios are highly diverse. Those who work on defense strategies therefore take the view that a comprehensive approach is needed. Here we find the same full range of hybrid war tactics that the enemy employs: financial and economic sanctions, cyber defense, intelligence gathering, police investigations, rapid task forces and special units, and information campaigns.

This sensitive topic affects the future profile of the German armed forces and our security culture. I am pleased to discuss this controversial topic in this edition of our e-journal with international experts in various disciplines, and specifically with a view to the refugee problem.

I wish to thank everyone who has contributed – the authors, the publishers and the editorial team.

Dr. Veronika Bock
*Director of zebis*

# "Hybrid Warfare": A Possible Trigger for Advances in the Comprehensive Approach?

by Fouzieh Melanie Alamir

## "Hybrid warfare" – a concept of little value

Ever since the notion of "hybrid warfare" entered the American strategic debate almost ten years ago, in 2006, as a description of Hezbollah's tactics against Israel in the Second Lebanon War (Frank G. Hoffmann), the attribute "hybrid" has served as a generic term for the methods used by opposing parties against the US military in scenarios as diverse as Afghanistan and Iraq. Hybrid warfare in the US discourse focuses on military adversaries that make use of conventional as well as unconventional instruments, regular and irregular actors, and overt or covert means across the entire available spectrum in order to undermine the West's conventional superiority. However, irregular non-state actors were the point of reference in the US debate at that time.

With Russia's activities in its conflict with Ukraine, the term has been taken up in the NATO discourse since 2014 and has also fueled the debate in Germany since then. In the wake of events in East Ukraine, further nuances of hybrid warfare have been emphasized: the particular importance of the information factor and the use of social networks in the virtual space, the systematic control (or destruction) of economic and social infrastructure, and the special role of civil society. Unnoticed, the point of reference in the discussion of hybrid warfare has shifted from irregular actors to its deployment by a state actor.

The US understanding of hybrid warfare assumes that it is characterized by a combination of the elements outlined above. In NATO and German discussions, on the other hand, it is mainly the specific case of Russia's methods in Ukraine that is referred to as hybrid warfare. Accordingly, one state pursues its interests against another state by using force, with partly covert, partly overt assistance from irregular actors. There is no direct clash between the armed forces of the two states. Military force may be applied in the form of terrorist attacks, guerrilla tactics, or also conventional confrontations (Hans-Georg Erhardt). This narrow definition has recently been replaced in Germany, too, by a wider concept that comes closer to the US terminology (cf. Veronika Bock at a *zebis* conference on this topic in July 2015).

The broader understanding of the term is problematic, however, as it is too generic. What distinguishes hybrid warfare from the methods of opposing parties in the eastern Democratic Republic of Congo, in Mali, Yemen or Syria, to whom this label was not previously applied? From this point of view, the concept – without any discernible analytical value – joins a string of equally vague terms such as "asymmetric" or "irregular" warfare, and is more of a collective term for all actions in the context of violent conflicts that cannot be clearly categorized, and for which, so far, only insufficient counter-strategies exist.

Even in its narrow definition, hybrid warfare is not an analytically useful category because it relates only to the specific case of Russia. The term should rather be read as an expression

of the political and military challenges that Russia's tactics in Ukraine have confronted the NATO countries with. In this capacity, it mainly demonstrates the surprise that Russia so blatantly undermined the construct of the "pan-European security architecture," and associated notions of order and expectations of abiding by international rules. The term further suggests that the NATO states have not yet found an adequate answer to the question of Russia's role in Europe and in the transatlantic context – neither in terms of security policy, nor politically or economically. It is furthermore an indicator of the heightened awareness of our societies' vulnerability and lack of resilience to hybrid forms of warfare, not only with regard to Russia. The term points to the growing importance of perceptions and interpretations, and the accompanying decision-making uncertainty in security policy, since one characteristic of hybrid warfare is the lack of clarity concerning the nature of aggression, and the blurring of boundaries between conflict and war, with all of its implications for international law. Finally, hybrid warfare in a broad sense points to a deficit in comprehensive national strategies and approaches in foreign and security policy among the NATO states.

## "Hybrid warfare" as an indicator for our own lack of coherence

This aspect deserves particular attention and is the main focus of the following considerations. In the recent debate in Germany about the comprehensive approach as part of the ongoing process to develop a new security policy white paper, Russian methods in East Ukraine were on various occasions ironically described as "perfectly comprehensive action." This means that Russia proved it was capable of using all available civilian and military instruments purposefully together. It will remain for more detailed studies to assess the extent to which Russian tactics are actually backed up by a systematic strategy, or are rather responding to situations and circumstances. However, this provocative statement does identify a weakness in Western-style democracies.

Authoritarian systems can quickly make use of regular- and irregular instruments, without significant restrictions imposed by a decentralized distribution of power and democratic consensus-building processes. Western-style democracies, on the other hand, tend to have more cumbersome decision-making processes as a result of various power-control mechanisms, and they face a greater need for explanation and legitimacy in defining their political objectives and choice of means. Institutional identities and self-interests, including on the part of executive institutions, and the competitive nature of political processes, make it more difficult for centralized policy-making.

Intense discussions about comprehensive approach that have been ongoing for more than a decade in Germany, and the in the NATO and EU context, are based on the perception of a lack of coherence in strategies and modes of implementation in foreign and security policy, and thus a resulting loss of effectiveness and efficiency. Threats from hybrid warfare of all shades particularly bring to light those shortcomings which the comprehensive approach attempts to address.

Despite all the rhetoric about comprehensive approaches, the mainstream of security policy thought in Germany is only slowly beginning to move away from patterns that rely primarily on military instruments. There is practically no integrated problem or situation as assessment. Problem analyses and strategies are usually developed only at departmental level, while consultation and coordination processes are mainly shifted to the operational and tactical level in the country of deployment, as there is a lack of coherent political and strategic guid-

ance. Systematic evaluations, if they take place at all, rarely encompass multiple departments.

Faced with current challenges such as Russia's continuing activities in East Ukraine below the level of open warfare, the erosion of functioning statehood in Syria, Iraq, or Libya and the expansion of IS, and the surging flow of refugees into Europe, we are largely perplexed as to what to do. There is a lack of clear political will and aims, and an absence of suitable holistic strategies that put humanitarian and development aid policy instruments into effect with a complementary role for the police and military, while at the same time tying in with economic, social policy, and information policy instruments.

In contrast, actors who make use of "hybrid" methods have a utilitarian attitude to the available instruments and combine them without reservation. This blurs the lines separating civilian and military instruments; in particular, they are not held back by normative considerations. The confrontation with "hybrid warfare" takes us to the limits of our political systems' capability for fast and effective international action. The regulatory and normative bases of our societies and their free and democratic decision-making processes are among the highest goods, yet in some ways they conflict with the need for a systematic combination of the instruments of state power and their rapid deployment to achieve a better capacity for international action. Any decision in favor of greater centralization of foreign and security policy action could only be taken on the basis of a social consensus. This, however, would require a wider perception of the threat, which at the present time does not exist in the case of hybrid warfare threats.

The role of civil society as a subject with its own legitimate interests, specific functions, and special forms of action continues to be neglected in the international crisis management strategies of the EU and NATO. The dangerous potential for radicalization of large sections of the population, the vulnerability of societies with weak social and economic infrastructures, and the need for preventive work on the causes of conflict are fully recognized, yet so far none of this has has been reflected in appropriate strategies. Packages of measures to prevent radicalization tendencies, the strengthening of institutions and governability in fragile states, the use of economic policy instruments to improve infrastructure and employment opportunities, and the systematic mainstreaming of conflict prevention approaches currently remain the domain of specialized communities and particular department strategies. They have not become part of overarching strategies that combine policing and military activities with development-policy and private-sector instruments in a complementary and systematic way.

In contrast, civil society plays a central role in hybrid warfare as a recruitment and financing base, a reservoir of resources, a subject of power and refuge, a legitimizer, and often also as a social base. The comprehensive approach needs to be considered as something more than simply supporting the military with civilian means, or replacing military measures with civilian means due to a declining willingness to deploy the military. Contrary to popular rhetoric, comprehensive national approaches to solving security-policy challenges are still in their early stages in EU and NATO countries.

## Are "hybrid warfare" threats a potential trigger for advances in the Comprehensive Approach?

Despite all the weaknesses, the attention given to threats posed by hybrid warfare presents an opportunity to promote interdepartmental policy concepts. However, as indicated above, so far the perception of the threat is limited to specialist circles. Moreover, it should not

be overlooked that neither networked security nor the comprehensive approach has ever been satisfactorily defined.

The understanding of Comprehensive Security in Germany today ranges from better cooperation between civilian and military actors at operational and tactical level to coordinated crisis management strategies at international level. Early on in the debate, the concept had a system-reforming connotation. In this sense, Comprehensive Security was understood as a quality of security policy, characterized by: (1) a comprehensive and systemic understanding of the situation that is shared across departments; (2) integrated, outcome-oriented foreign and security policy thinking that also takes interdependencies, cascades of effects, and unintended consequences into account; (3) systematic, interdepartmental and interorganizational decision-making, planning, and implementation processes; and (4) interdepartmental, and interorganizational progress reviews and impact assessments as an integral part of international crisis management.

The current discussion about Comprehensive Security has largely lost this reformative impetus. Conceptual inflation has set in, with the result that "talking together" is allready stylized as a comprehensive approach. At EU and NATO level, there has been no consistent development of coherent strategies thus far, due to diverging national and institutional interests among the member states. While Germany has seen some considerable improvements in modes of communication and cooperation between departments and subordinate authorities, they have remained incremental in approach and lacked significant advances in quality, especially with regard to strategic policy coordination between departments.

There has been sufficient occasion and need for action to improve the coherence of crisis management in recent years – in Afghanistan, in the Near/Middle East, in the Maghreb, and in connection with the threat of Islamic terrorism; not to mention the crises and conflicts in Africa, Asia, and Latin America which have been lost out of sight. The progress that has been made in terms of improved interdepartmental and interorganizational cooperation at national level and within the NATO and the EU shows that awareness of the problem exists. However, the improvements fall short of what is required. To meet the challenges described above in the long term without harming the normative and regulatory foundations of our societies, there is a need for consistent further development of integrated national policy and implementation strategies.

In this context, it is to be hoped that the ongoing process to develop a new security policy white paper will result, in 2016, in a document from the German federal government that takes into account not only the German armed forces but also the entire spectrum of instruments of other departments that are relevant to foreign and security policy. It is also desirable that the impetus provided by the German Federal Foreign Office's review process to reorientate German foreign and security policy toward taking on greater international responsibility should be actively taken up by other departments, and that their instruments should be systematically combined to shape integrated German strategies in international crisis management.

The discussion on hybrid warfare can make a positive contribution here if it addresses those areas of need for which it is a problem indicator.

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# Just Peacemaking and Hybrid Wars

by Drew Christiansen, S.J.

When the former Ukrainian President Viktor Yanukovych fled to Russia, it seemed that nonviolence had once again won in Ukraine. In 2002, citizens gathered in the Maidan (Independence Square) had forced a government from power. In a miracle of grassroots organization, the 2013 uprising against Yanukovych's kleptocratic rule and Russian hegemony over their country had stood firm through months of winter weather.

Then came the Russian countercoup severing Crimea from Ukraine with a combination of subterfuge, fifth columnists, and military occupation sealed by a quick referendum on reaccession to Russia. Then a Russophile insurgency in the Donbass region declared Donetsk and Luhansk the Donetsk People's Republic, and with only thinly veiled assistance from Russia the insurgents waged a war of secession from the Kievan government.

## Hybrid war

Ukraine is an example of what military theorists call "hybrid war," that is, an armed conflict conducted in two or more dimensions. It refers, in particular, to the use of a combination of conventional military forces with unmarked subversive elements, as in the Crimea and Donetsk. "Hybrid" also points to the execution of hostile action by non-state actors: for instance, Hezbollah's attack on Israel in 2006, under the sponsorship of Iran, or the spread of the ISIS in Syria and Iraq, combining standard military, guerrilla, and terrorist tactics.

Another US military definition describes hybrid warfare as a united strategy combining "diverse and dynamic combinations of conventional, irregular, terrorist, and criminal capabilities," such as the multisided conflict in Syria or the combination of insurgency with narco-trafficking in Colombia and Afghanistan. Some analysts prefer to define hybrid war more generally by the resiliency, adaptability, and inventiveness of weaker protagonists in asymmetrical conflict with a stronger conventional force.

## Outside the war convention

Traditional just war theorists customarily focused on conflict between armed forces of legitimate states bound by international law and "the war convention," and they made casuistic refinements to their theories to deal with secessionists and guerrillas, though less so with terrorists. Russian engagement in Ukraine and the action of its Ukrainian proxies attempted to evade the usual restraints of just war practice by deception, ambiguity, and surprise. They model hybrid war at its most elusive. By surprise and innovation, they have kept potential adversaries and critics, including potential nonviolent resisters, at bay.

Special note ought to be made of the "Islamic State" because it brazenly challenges the moral conventions of warfare in three ways: (1) by aspiring to become a caliphate outside the state system, thereby rejecting the restraints of international law and morality, (2) by embracing terrorism not just as a tactic used to attain identifiable political ends, but as a

brand expressing its contempt of any other form of civilization, secular or religious, and (3) by utilizing hybrid warfare in its several forms of mobilization (guerrilla warfare, terrorism, criminal activity) and through rapid adjustment to battlefield conditions and adoption of emerging technology like social media. The hybrid war conducted by the "Islamic State," therefore, represents an extreme challenge to the conventions of the just war.

Others in this issue will reflect on the challenges hybrid war holds for the moral (just) use of armed force. I will instead examine the potential applicability of the alternative school of "just peacemaking" to the tests hybrid war presents for the ethical management and resolution of conflict. For purposes of brevity, I will limit my applications of just peacemaking to the Ukrainian crisis.

## Emerging ecumenical attitudes toward armed force

Just peacemaking is one outcome of the search on the part of religious activists over the last three decades for means short of war to prevent and resolve conflict. Among other recent proposals for preventing, curbing, and resolving armed conflict are: just policing, conflict transformation, the responsibility to protect (especially in its preventative mode), peacemaking, and forgiveness and reconciliation programs.

Just peacemaking is also a manifestation of the growing ecumenical ties between the Roman Catholic and Reformation Churches, on the one side, and the Historic Peace Churches, on the other. While the Peace Churches are generally pacifist, the Catholic Church and the churches of the Magisterial Reformation may be characterized as increasingly more committed to nonviolence. Accordingly, the use of force has become less and less a "church-dividing issue" between the Historic Peace Churches, such as the Quakers, Brethren, and Mennonites, and other Christian communions.

Just peacemaking aims to reduce the occasion for war, and, like the responsibility to protect, places prevention of armed conflict at the head of its agenda. Like the US Bishops' 1993 "Harvest of Justice Is Sown in Peace," its proponents believe that "in situations of conflict our constant commitment ought to be, as far as possible, to strive for justice through nonviolent means." Some, but not all its advocates, would also agree with the bishops "that when sustained attempts at nonviolent action fail to protect the innocent against fundamental injustice," then there is place for just war (pacifist members of all the churches would be the exception). The consensus of the early proponents of the model lay in the common question: "What practices of war prevention and peacemaking should we be supporting?"

What just peacemaking offers, then, is a menu of practices, like nonviolent direct action and independent initiatives for threat reduction, which raise the threshold for resort to war, alleviating the conditions that lead to conflict and fostering reconciliation. These are not norms, but practices. They do not set limits to action, but rather offer avenues of action to be pursued and exploited for the sake of peace. Students of Reinhold Niebuhr, the father of political realism, and Second World War veterans, the designers of just peacemaking present their practices not as utopian ideals, but rather as elements of an empirically based ethic that "do in fact prevent numerous wars and multitudinous misery and death."

## Three practices and hybrid war

The contributors came to consensus on ten practices of just peacemaking. Some of these practices – such as support for the United Nations and international cooperation, advancing democracy and human rights, or promoting just and sustainable development - apply to any

conflict situation, and they are general conditions for reducing social tensions and establishing conditions of peace. Others – such as acknowledgement, repentance, and forgiveness – although helpful at any stage, are more applicable after the cessation of hostilities as steps to secure the peace.

With the Ukraine crisis as a point of reference, I would like to consider the pertinence of three peacemaking practices to hybrid war. They are: (1) nonviolent direct action, (2) cooperative conflict resolution, and (3) cooperative forces in the international system.

## (1) Nonviolent direct action.

Ukraine might seem to be an unlikely site for active nonviolence. After all, the annexation of Crimea and the attempted secession of the Donbas (Donetsk and Luhansk) followed on the protracted mass demonstrations in the Maidan during the winter of 2013/14. After an initial victory in ousting President Viktor Yanukovych, the new government was confronted with subversion on two fronts, Crimea and the Donbas, regions where greater Russian and Russophile populations were found, and where opposition was thus more difficult to organize against hybrid Russian and Russophile Ukrainian forces. The opposing forces (militia, Russian "volunteers," etc.), moreover, are also harder to identify and readier to employ force against protestors than police of the same ethnicity.

Nonviolent direct action comprises a variety of practices that seize the initiative to contest a policy or regime. The Ukrainian people have repeatedly proved themselves capable of organizing extended mass protests, including strikes, boycotts, and sit-ins, against autocratic and kleptocratic rulers and in favor of democracy, especially at the time of the 2004 Orange Revolution, so nonviolent direct action is not alien to them. In addition, networks are extant in civil society, notably among the churches, to serve as the basis for further organization. A unique feature of the crisis is the unity of Orthodox Christians in all their forms and Catholics in support of a united Ukraine.

With an imperiled government of their own choosing and in the use of nonviolent direct action, Ukrainian activists may need to weigh political stability more highly than during the days of the Maidan. Likewise, they may need to learn not to press their advantage as they did after the ouster of Mr. Yanukovych, but to accept small victories and comprises with the adversaries as Gandhi advised.

Many of the standard techniques, such as boycott and civil disobedience, are less applicable because either the Russians or pro-Russian forces control the contested territories. But there are techniques that could work even under current conditions. The first is disclosure, providing information and publicity on the conduct of the militia and the rebel government of the Donetsk People's Republic (DPR) and on condition and problems in their areas of control.

Other possible tactics are variations on "accompaniment" and "safe spaces," welcoming inhabitants of the Donetsk People's Republic and providing them with hospitality in Ukraine, offering aid to pensioners and others as an incentive to exfiltrate, or providing fora for protestors and discontented residents of the Donetsk Peoples Republic to make spread awareness of the poor living conditions and abuses they suffer.

The techniques of nonviolent direct action are many. Committed activists can be inventive in finding novel ways to protest, as Gandhi did, for example, with his March to the Sea to protest against the British salt tax. In addition to inventiveness, persistence is important. Writing of the anti-Communist protestors in eastern Europe in the 1980s, Pope Saint John Paul II wrote that, Communist control of

eastern Europe was "overcome by the nonviolent commitment of people who, while always refusing to yield to the force of power, time after time succeeded in finding effective means to bear witness to the truth". Persistence with renewed efforts and experimentation with new techniques is critical. Not just hybrid warmakers, but also nonviolent peacemakers can practice adaptation and innovation in their struggles.

## (2) Cooperative conflict resolution.

Cooperative conflict resolution (CCR) is a formalization of Churchill's maxim, "To jaw-jaw is always better than to war-war." German theologian Jürgen Moltmann has called for "quarreling partners" engaged in "non-lethal controversy" to replace armed enemies locked in combat. At times, specific initiatives by diplomats have defused tensions, as Robert Gallucci did with the North Korean nuclear program in 1994. At the highest level, Presidents Reagan and Gorbachev initiated a movement toward nuclear disarmament during their Reykjavik summit in 1986.

In 2014, while relations between the US and Russia were tense, Russian Foreign Minister Sergei Lavrov and US Secretary of State John Kerry were able to collaborate on elimination of Syria's chemical weapons. While Kerry and Lavrov might be regarded by some as partial outsiders, weapons specialists from both sides had worked for months in advance to prepare the way for just such an independent initiative.

Sometimes the transformation of conflict is assisted by outsiders offering their independent good offices as the Norwegian diplomats and peace activists did in preparing the Oslo Accords or President Jimmy Carter in hosting the Camp David talks. Pope Francis served the same kind of mediating capacity in healing US-Cuban relations and in advancing Colombia's settlement with the Fuerzas Armadas Revolucionarias de Colombia (FARC).

Civilian groups that bring together people from both sides of a conflict can sometimes also contribute to cooperative threat reduction. In Israel and Palestine, grassroots groups of family survivors on both sides – like Open House and Family Circle – have endeavored to open the path to peace and build lines of communication across ethnic and religious divides. In India and Pakistan and elsewhere, Seeds of Peace has brought children and young people together to encourage attitudes of mutual understanding, dispositions for peace among future generations, and to teach elementary techniques in conflict resolution.

## (3) Work with emerging cooperative forces in the international system

Despite countervailing trends and trouble spots, the international system today is more cooperative than it was 25 years ago. While the responsibility to protect had unanticipated negative consequences in Libya and the principle was never even invoked for Syria, the world is somewhat better ordered because of it. Preventive activities undertaken under the responsibility to protect have averted conflict from escalating in places like Kenya and Ivory Coast.

The International Criminal Court, special tribunals, and international jurisdiction for gross human rights violations may work slowly, but they have nonetheless meted out justice to political leaders who perpetrated genocide, war crimes, and crimes against humanity in, among others, the former Yugoslavia, Rwanda, Cambodia, and Sierra Leone. They have also encouraged domestic prosecution of onetime tyrants in Chile, Guatemala, Ethiopia, and elsewhere. Ending impunity for the perpetrators of genocide and related crimes helps secure peace by providing some semblance of transitional justice and disincentives for attempting similar crimes in the future.

Regional groupings, like the Economic Community of West African States (ECOWAS), provided peacekeeping activities that have helped end conflict and supplied increased security in African conflict zones. The participation of EU navies in the rescue of refugees at sea, though far from perfect in concept and execution, is another example of emerging cooperative forces alleviating the crises of failed and conflicted states. The announcement of US President Barack Obama at the 70th UN General Assembly that world leaders had agreed to increase peacekeeping forces by 40,000 shows heads of state and government recognize the expanding role of international forces in preventing and curbing armed conflict and in post-conflict peacebuilding.

Whether it is peacekeeping forces, cooperative conflict resolution, or nonviolent direct action, just peacemaking asks us to consider the prevention of armed conflict and post-conflict peacebuilding as alternatives to war.

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# Hybrid Attacks Demand Comprehensive Defense

by Bastian Giegerich

The concept of hybrid warfare has become entrenched in Europe's security-policy vocabulary. NATO and the EU are working on strategy papers aimed at strengthening defensive capabilities and preventing hybrid attacks. The German federal government's White Paper on security policy and the future of the German armed forces, which has been announced for 2016, should also address hybrid threats. There has been a proliferation of newspaper articles calling Russian tactics in the Ukraine a hybrid war, without further explanation, apparently on the assumption that readers already know what this means.

In itself, the combination of regular and irregular forces in one theater of operations is of course quite a conventional strategy.[1] What is new, however, is the immediate relevance to Europe's security today. Hybrid actors in the east and south are directly threatening European security interests, and even appear to be calling the entire Euro-Atlantic security order into question. Vladimir Putin's great power ambitions are just as incompatible with the regulatory framework and value structure of European security institutions as the caliphate of Abu Bakr al-Baghdadi. It is the barbarity and nihilistic contempt for humanity of the so-called "Islamic State" (IS, also known as ISIS, ISIL, and Da'esh) that makes a negotiated solution with this actor seem unlikely, if not plain absurd, whereas with regard to the Russian government, the established methods of international relations, including their military dimensions, should still be effective.

Hybrid wars have therefore reached Europe from two directions, and in very different form. In the east is a state actor who deliberately uses non-state means, and in the south is a non-state actor who is attempting to establish structures which are at least similar to a state, and who also has access to means of violence which ordinarily tend to be attributed to states, or more precisely to their armed forces. These enemies of Europe are hybrid in the sense that they are able to use all available instruments of power in a theater of operations in a coordinated way, and with at least a certain degree of central control. At the same time, they are pursuing the same goals that have always motivated actors in armed conflicts: to gain a psychological and physical advantage. In this struggle, hybrid warfare is no different from other forms of war.

## The challenges for Europe

Neither the EU nor NATO is sufficiently prepared to defend against or prevent attacks whose destructive force is exerted in the spaces between peace and war. It is mainly Russia who operates in these spaces, blurring and distorting facts into indistinctness through propaganda and misinformation. Members of the Euro-Atlantic community of states are evidently finding it difficult to keep up at the level of strategic communication.

Russia's activities in the Ukraine, the developing Russian military doctrine, and significant investments in modernizing the Russian armed forces raise the question of whether NATO's conventional deterrence is sufficiently

robust to guarantee Alliance members' security. It is not a question of whether NATO forces could assert their superiority in a large-scale military conflict. Rather it is the lower thresholds of conflict that are currently causing concern among Alliance strategists. Scenarios are multiplying which suggest that Russia, pursuing the methods of hybrid warfare, could with a limited deployment overcome defense structures on the Alliance's eastern flank.[2] Advantages that can be achieved at a lower escalation level would then be consolidated by the threat of deploying much more extensive means of violence – demonstrated for example, by the ability to rapidly concentrate and deploy sizable military formations. This would signal that NATO has to learn to live with the new circumstances, or be prepared for an escalation. Temporary occupation of part of a NATO member state could on its own be enough to confront the Alliance with an existential question: invoke Article 5 and risk a war, or put up with the provocation and accept the disintegration of the Alliance? It is unlikely that NATO can continue to exist if its essential core of collective defense is undermined.

Of course, an attack on NATO territory has a different quality than the annexation of the Crimea, with regard to its effect on the Alliance, and still remains unlikely. However, the impression may arise on the Russian side that a geographically and militarily limited confrontation with NATO could be successful. At least some of the NATO member countries are aware of this vulnerability in principle, which is destabilizing in itself. Attempts at intimidation as part of a hybrid attack have a particularly promising chance of success if they can target political fault lines in the fabric of NATO and EU members.

The hybrid threat that emanates from the IS has a different character. In this case, the mix of conventional military action and other instruments is a necessity and less of a choice. If the IS had greater military capabilities at its disposal, these would presumably be used and assume an even more dominant role in its tactics. Moreover, the IS has succeeded in setting in motion and maintaining, via modern communication means including social media, an international mobilization and recruitment campaign that is historically unparalleled. As well as recruitment, this propaganda machine serves the purpose of raising financial resources and launching information operations against IS enemies.[3] Because of the many international combatants in its ranks, the IS projects a terrorist threat into the international sphere that reaches well beyond the territory it controls.

British foreign minister Philip Hammond stated recently: "Defeating Da'esh is not enough. To eliminate the underlying threat to our security, we have to defeat the extremist Islamist ideology on which Da'esh is based."[4] In combating the IS, military means are just as essential as counterterrorism tools. If this hybrid threat is to be suppressed, the extremist ideology on which the IS feeds must also be defeated.

## Comprehensive defense

It is obvious that even deciding on responsibilities at national level and task-sharing between NATO, the EU, and other organizations will be anything other than easy. The theoretical synergies of the networked approach are hard to achieve in practice. What approaches are there? First of all, it is a matter of systematically identifying vulnerabilities to hybrid threats so that the currently much-vaunted resilience can be strengthened. This may include marginalized groups in society, who may be targets for radicalization efforts or ideological mobilization. It may be a case of energy dependencies that can be turned into means of exerting political pressure. Equally: are our armed forces in a position to respond rapidly in the event of a

conflict? There is no single responsibility for defense against hybrid threats. The spectrum is wide, and the end result will be a picture that makes it only too clear that at national level and international level, the available instruments are insufficiently interconnected.

An example: information operations are an integral part of hybrid warfare, and are used to form narratives and generally to influence political opinion-making among the target population. Strategic communication offers an opportunity to counteract this, but only if it is coherent, consistent, fast, and precise. On June 22, 2015, the EU adopted a strategic communication action plan. Back in July 2014, NATO set up a center of excellence for the same topic in Latvia. The EU action plan makes no reference to this, while the work plan for 2015 on the NATO center's Web site does not indicate any prioritization of cooperation with the EU. And yet both organizations have stated that close coordination is needed in precisely this area.[5]

Another important area of action for defense against hybrid threats is early warning, and to produce a situation assessment that is appropriate to the character of this form of conflict. Here it will be necessary to share and evaluate findings and results of national intelligence service work more rapidly in the international framework within the EU and NATO than is currently the case. Even weak signals pointing to a hybrid attack may consolidate into a pattern if coordination of this kind takes place.

There is also a need for action in the area of conventional military deterrence. This includes the permanent stationing of significant NATO forces in the territory of at-risk member states, ideally in the form of multinational units. The deterrence strategy should not be based exclusively on the assumption that in the event of a crisis, NATO will at that point be able quickly and easily to strengthen its forces. NATO exercises are now taking hybrid threat scenarios into account, a development that corresponds to the changed security environment. Visibly demonstrating via exercises that NATO member states are able and willing to defend themselves is also a form of communication, quite aside from the immediate military benefit that contributes to deterrence.

One reason why Europe has difficulty in effectively counteracting hybrid threats is that its response must be adequate to the character of the conflict, but without making this character a standard for its own action. In other words, the integration of the means of diplomacy, the media and information landscape, the intelligence services, the economy, of police and justice, and of the armed forces is essential to deter and prevent hybrid threats. This is a task for society as a whole. Justice, law, morality, and ethics are not weaknesses that to a certain extent prevent equality of arms with hybrid attackers. They are the foundation on which defense against precisely these attackers must be based.

1 Boot, Max (2015): "Countering Hybrid Warfare", in: International Institute for Strategic Studies (ed.): *Armed Conflict Survey,* Abingdon, pp. 11–20.

2 Popescu, Nicu (2015): "Hybrid tactics: Russia and the West," European Union Institute for Security Studies, Issue Alert 46/2015, October, Paris.

3 Gaub, Florence (2015): "Hybrid tactics: ISIL & Co," European Union Institute for Security Studies, Issue Alert 47/2015, October, Paris.

4 Speech by Philip Hammond, "The Challenge of Extremism," at the 11th IISS Manama Dialogue – Regional Security Summit, October 30–November 1, 2015, Manama, Bahrain.

5 European Union (2015): "Action Plan on Strategic Communication," Ref. Ares (2015)2608242 – 22/06/2015, http://eap-csf.eu/assets/files/Action%20PLan.pdf (accessed on October 31, 2015); NATO Strategic Communications Centre of Excellence, http://www.stratcomcoe.org/about-us (accessed on October 31, 2015).

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# From Hybrid Threats to Hybrid Security Policy

by Christian Mölling

There is an inordinate amount of hype around the term "hybrid warfare." Under this heading, sections of the security community excitedly discuss the strategies which Russia is employing to destabilize the Ukraine – whether propaganda, covert military operations or infiltration of society. The worry is that these strategies could also be used against the West.

Yet the problems that NATO and EU countries face in dealing with hybrid threats extend far beyond the Ukraine conflict. They are the result of chronic shortcomings in European security policy that have been known about since the 1990s. At the core, the issue is always the systematic vulnerability of Western societies.

However, the much wider range of risks that this involves is lost from sight, because the debate remains narrowly focused on the conflict with Russia and its military dimension. There is no reason why even the next hybrid conflict should follow the Ukrainian pattern, and Russia does not have a monopoly on the use of hybrid strategies. NATO and the EU should therefore place this systematic vulnerability of Western societies at the heart of a hybrid security policy that reorders the relationship between resilience, deterrence, and defense.

## The real danger: extension of the "combat zone"

In essence, the phenomenon discussed under the "hybrid" label is not new. For example, it has already been written about extensively in the debate concerning "asymmetric wars": the perpetual principle in conflicts of looking for the enemy's weaknesses and exploiting these to achieve one's own goals. Because the West – particularly the United States – is still perceived as an opponent that is hard to beat militarily, adversaries choose other fields for conflict. The "combat zone" therefore extends or shifts, especially into "nonmilitary" fields such as politics, the economy, and societies. Accordingly, the means of combat are not the classical military means. Force can take many different forms, such as blackmail via economic dependency, or propaganda, and be used by different actors, well below the threshold of warfare. As a result, the gray area between war and peace also expands.

## Europe's chronic vulnerabilities

Not only Russia but also any other actor can make use of these possibilities for engaging in conflict. By focusing on Russia's activities, Europe even risks losing sight of the fundamental issue, namely that of Europe's "vulnerabilities," and therefore overlooking those areas in which any of Europe's adversaries might wage conflict.

- Territorial integrity: Because Europe has significantly reduced its military capabilities in recent years, military conflict has become more likely. Owing to Europe's relative military weakness, others may be tempted to assert their interests by military means – for example in the Baltic. But we Europeans can hardly escape the repercussions of conflicts on our borders either, whether in the east or in the south, since

they destabilize the border region or affect Europe's security interests. This point is demonstrated by the "Islamic State" (IS), conflicts in Africa, and the Arab Spring.

- **Political cohesion:** From Russia to climate change – acting individually, European states are individually too insignificant and powerless. But together, they are able to exert influence. Yet the different priorities set by EU and NATO states in national foreign and security policy are a threat to the necessary political cohesion. While eastern members are concerned by Moscow's activities, the southern states are worried about the considerable problems in the Mediterranean area.
- **Global interdependencies:** In the course of globalization, Western societies have become enormously dependent on internationalized infrastructure such as Internet communication and flows of goods, services, people, and capital. These interdependencies are not limited to the European region – they are global in nature. The openness from which Europe benefits so greatly also makes it susceptible to disruptions in its global connectedness. For instance, energy supply dependencies can be exploited.
- **Inner vulnerability of open and pluralistic societies:** The radicalization of persons (e.g. by the IS) is happening in the midst of European societies. Especially in urban centers, different ethnic and religious groups live in shared social spaces. This increases vulnerability if communities with incompatible values clash, if groups are excluded, or if they no longer provide an identity for their members, who then seek new role models. On top of this is the fact that infrastructures providing essential functions for our societies – such as the water and electricity supply, transportation, the financial and economic system – are not designed to operate in conflict situations. Here, too, European countries are susceptible.

## Three answers: deterrence, defense, resilience

To address these risks, what Europe needs is not a European army, but a hybrid security policy. Hybrid here means, first and foremost, meeting adversaries in the nonmilitary arena to prevent an escalation toward military force. Thus the military plays a role, but does not take a prominent position in the front row.

- **Deterrence:** Of course, Europe should be prepared for the risk of a military conflict. The measures adopted by NATO at the 2014 summit in Wales are therefore correct. However, the debate surrounding hybrid wars shows precisely that an escalation does not need to begin by sending in the tanks – it could, for example, take the form of exploiting weaknesses in internal order. Escalation prevention is therefore extremely important. And it necessarily has a civilian face: it is a question of safeguarding internal security – for instance, by means of a functioning police force, judiciary, and administration.
- **Resilience:** Because Western societies are characterized by their openness and interconnectedness, it is not possible to build a "protective wall" around them. Instead, it is a case of making them able to withstand an attack on their values and "way of life." The terror attacks in London and Paris ("Charlie Hebdo") showed that Europe is indeed resistant and can collectively recover from such attacks. It is a matter of improving these abilities. Firstly, this requires strengthening social unity in diversity: migration and integration policies should treat cultural diversity as a basic requirement that is worthy of protec-

tion, thus reducing the possibility of radicalization. Suitably designed economic, education, and social policies can boost resilience in the long term by evening out excessive social or economic differences. Critical infrastructure should be better protected. Resilience can mean, for example, specifically developing buffers and redundancies in supply channels.

- **Defense:** The defense of political institutions and territory remains a core task for security policy. Yet precisely because the risks are not found in the immediate vicinity and because Europe is so closely interconnected with the rest of the world, crisis management is a typical feature of security policy that does not wait until the problem arrives in its own country. The military remains as a last resort in acute crises. But for the time being, the West and Europe possess the political and economic power to champion a world order that secures the openness, legal certainty, and interconnectedness from which Europe itself has so greatly benefited.

## Challenge for (German) policy and societies

What is new about this form of security policy challenge for Germany is the mixing of internal and external security. This raises special questions for government, policymakers and the population at large. It is important to clarify whether there is a greater role for the military at home, and for the police and administration abroad.

Reactions so far to this supposedly very new challenge seem only too familiar. They are based on the old Cold War pattern of spiraling actions and reactions – namely, ramping up military defense. Yet exactly this is the trap. Concentrating on the threat of the day is not a strategy; it is actionism. The action, however, usually comes too late. Even before political decisions are implemented, a new threat of the day makes headlines. Currently it is the fight against the IS and the security implications of the refugee crisis. The second challenge, therefore, is to stop chasing after events in this way, and instead seek out and tackle the causes of these developments, which still persist.

At a global level, we must deal with the fact that – up to the present time and probably in the foreseeable future as well – globalization produces losers. These can be states, social groups, or individuals.

Regionally, these centrifugal forces threatening to pull states and societies apart can only be contained with very unspectacular measures. And their mode of action is almost exclusively preventive.

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# Hybrid Wars. The Dissolution of the Binary Order of War and Peace, and Its Consequences

by Herfried Münkler

## "Hybrid war" as a symbol of semantic helplessness

The dividing lines between war and peace are dissolving, and, as they do so, an in-between state has developed that can neither be described as war in the classical sense nor as peace. This in-between state, which cannot be clearly named because its character is constantly changing, and for which, for this reason, the term "hybrid" was introduced, can mainly be observed on the periphery of prosperity zones and in postimperial regions. Here it sometimes assumes the character of civil wars, at other times that of transnational wars, and finally also that of excessive violent crime. Yet at the same time, we talk about hybrid warfare when state actors in the classical sense make use of particular methods below the level of a heavy military deployment to destabilize a neighboring state: for example, in the form of cyber attacks against that country's infrastructure, or by inciting and assisting revolts and uprisings by national minorities in the neighboring country. "Hybrid war" is therefore a collective term that is used to denote highly different forms of organized violence and illegal influence on another state according to international law. Along with the term "new wars," it is a further attempt to take into account the erosion of conventional classification terms, or rather their increasing inadequacy for describing the conceptual order of the political world. For this reason, it is impossible to give a precise definition of what is meant by the term "hybrid war". In principle, hybridity indicates the indefinability of the thing so described. The term "hybrid war" refers more to what is no longer the case, rather than being capable of precisely describing what is new about the changed situation.

Such problems with the classification of wars and the definition of war in distinction to peace are not new. After the end of the Napoleonic Wars and in the wake of wartime violence unleashed by the French Revolution, Carl von Clausewitz in *Vom Kriege (On War)* subjected the new experience to an analytical examination in contrast to the conventional model of *Kabinettskrieg* or "cabinet war." He called war "a true chameleon" and "a strange trinity," because it continuously changed not only in its form of manifestation but also in its triggering forces and internal dynamics. Clausewitz nevertheless identified in war a "blind natural impulse" (violence as its element together with hatred and enmity), the "free activity of the soul" (the game involving probabilities and chance), and "plain reason" (war as a political tool), in order to understand differences in the nature of war in terms of a specific combination of these elements of brutality, creativity, and rationality (*Vom Kriege* I, 1). At the same time, he redefined the blurred boundaries between war and peace by having war begin not with the attack but with defense, because the objective of attacking is mere possession, whereas true fighting is the objective of defense. In this way, Clausewitz revised the concept of war, which had got out of control.

## The binary concept as an establisher of political order

Political order, one could say, begins with a fairly reliable distinction between war and peace. For the vast majority of human history, this was not the case. The nomadic way of life of hunter-gatherer societies did not permit such a thing. This only changed with the emergence of a settled way of life as a result of the Neolithic Revolution – namely, the transition to arable farming and cattle breeding. Unlike nomadic hunters, farmers depend on peace; war becomes a matter for specialists – for aristocrats and professional warriors, who gradually develop their own code of honor. This code of honor can be regarded as an early limitation of the violence of war. With the consolidation of statehood, this was followed by the juridification of the distinction between war and peace, which were understood as being separate aggregate states of the political realm. The transitions from one state into the other were at first conventionalized and later institutionalized as acts of law: declaration of war in one case, peace agreement in the other.

The more precisely the two aggregate states of the political realm were defined and the transitions between them juridified, the more pronounced was the development of a binarity of the political order, based on the principle of *tertium non datur:* there was either war or peace – a third between the two did not exist. The point of the term "hybrid war" is that it stands for precisely this "in-between," for a third state that dissolves the order of binarity. Thus, the custodians of the binary order – the experts on international law – have lost influence, since their influence on politics consisted in them wielding the power of definition. As real-life boundaries erode, so the definition specialists lose relevance. What we are currently observing, and what the expression "hybridization" of war also signifies, is a growing distance between the norm structure of international law and the actual events of violence and war. Particularly the new wars on the periphery of prosperity zones are indifferent to the standards of the law of war, while the strategic hybridization of war deliberately undermines the normative order of international law. In the form of cyber attacks by states against states, for instance, territorial borders are not breached "with armed hand," and the actors responsible can be identified only with difficulty.

Indeed, the contribution of binarity to order was not limited to the distinction between war and peace *(ius ad bellum),* as it also constituted the inner ordering framework of *ius in bello:* this applies, for example, to the distinction between interstate and civil war, or between combatants and noncombatants. Here too it was the case that no third existed or could exist, because to recognize such a third would have called the entire order into question. The concept of the semi-combatant, which Michael Walzer brought into play in his book "Just and Unjust" Wars to describe German armaments workers during the Second World War, contradicted the structure of the classical law of war. And on the real-life level, the strategies of nuclear war which defined the second half of the 20th century were characterized by a radical negation of binarity, as they treated all living beings in the target area of nuclear missiles as combatants. The erosion of the binary order is therefore not a recent occurrence, since it extends well back into the 20th century.

This also applies to the distinction between interstate war and civil war, for it has always been apparent that civil wars have been characterized by a notorious disregard for the rules of the law of war (or of religion or ethics). For this reason, civil wars were differentiated from interstate wars so that the latter could serve as the normal case for the development of standards. Civil wars, or to be precise wars within

societies, were regarded as to be avoided at all costs, because they notoriously led to a cataclysmic unleashing of wartime violence. The political orders following the Thirty Years' War and the Napoleonic Wars, in which civil war and interstate war intermingled, were aimed at reregulating interstate war and actively preventing civil war. In contrast, the new wars can be described as the return of patterns of violence from the Thirty Years' War, and it is characteristic of the era of decolonization that a legitimacy was ascribed to the war of liberation, conducted in a manner similar to civil war, which amounted to the exact opposite of its previous delegitimation. At the same time, following the events of the First World War, the classical interstate war was placed under normative guardianship. This found expression firstly in the prohibition of wars of aggression, and after the Second World War, under the UN Charter, in a general prohibition of war.

## The concept of a policification of war

With the erosion of the system of binarity and the associated loss of its ordering force, the idea emerged of a policification of war, which was designed not according to the model of the duel, but as the enforcement of peace against notorious peacebreakers through police measures. Thus, on one side stood the powers who laid claim to the role and tasks of a "world police," and on the other side were the "villains" against whose malevolent influence the good order was to be imposed. In parallel, theories of just war resurfaced, which are likewise characterized by a normative asymmetry between the warring parties. They became a blueprint for the concept of humanitarian military intervention. In legitimacy terms, this differs from conventional war in that it is carried out not in the own interests of the conflicting parties, but in the interests of a third party, namely the civilian population in the intervention area. President Wilson's explanations for the United States joining the First World War in 1917 can be regarded as the starting point for the idea of a policification of war. In retrospect, this can be seen as the beginning of a normative hybridization of war, since "a war to end all wars" had no place in the binarity of interstate war and civil war.

Lest this be misunderstood, these third-party designs, in which maintaining and enforcing peace were made an absolute political imperative (which is not the case in the binary order with its contrasting of war and peace as being in principle equivalent aggregate states of the political realm), were not the willful destruction of an established order, but rather a consequence of this order's self-destruction as a result of national mobilization capacity and industrially provided destructive potential. The tipping point in this development was the First World War, but it was the Second World War, with the use of the two atom bombs in early August 1945, that first made the insight into the impossibility of this type of war compelling. The problem is that no concept has been developed as yet that creates clarity and perspicuity similar to that of the earlier binarity. In this respect, the term "hybrid war" is just a placeholder that stands for the end of the old order, but is not itself able to provide a cornerstone for the development of a new order. This is mainly because it is an inclusive term with no discriminatory force, a term that merely describes and thus has no ordering and certainly no prescriptive dimension. More than that, it is semantically maintained by the old binary order, which it must invoke to be able to describe hybridity as an essential feature of the new.

Everything therefore suggests that we should not expect too much in the way of clarification from the term "hybrid war." In particular, it is inadvisable to build models of political order on it, since the hybrid represents the

combining of contrary elements, and hence it can be assumed that with any step into political practice there will be dispute as to which of these two elements has or should be given the greater weight. Thus, the concept of hybrid war is nothing more than a semantic brand for the current practice of "muddling through" in security policy. To put it another way, before one can start changing the political world for the better on a lasting basis, it is first necessary to explain it, and this is done by defining it in clear and unambiguous terms. This appears not to be possible at the present time and the concept of hybrid war stands for just this impossibility.

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# Old Wars, New Rules – The Impacts of Hybrid Warfare on Women

by Karin Nordmeyer

A few days ago, in her address to the United Nations, German Chancellor Angela Merkel urged the international community of states to "give greater priority on a day-to-day basis to resolution 1325" (of the UN Security Council from the year 2000).[1] German foreign minister Frank-Walter Steinmeier added: "to an ever greater extent, and ever more frequently, it is non-state actors who are responsible for war and violence – to whom no rules appear to apply, not even the minimum standards of the law of war." [2]

Among others, this includes the terrorist organizations Islamic State (IS) and Boko Haram, neither of which yet appear on the United Nations' terror list of groups subject to sanctions.

New forms of aggression in current armed conflicts on several continents significantly worsen the situation for people in affected areas. This aggression does not take place on isolated battlefields between armed soldiers, but instead deliberately involves the civilian population in terrorist acts. One consequence of this is that very many women and children become victims of these wars. A new term is used – "hybrid warfare" – which can be explained as follows: it is "the combination of covert and overt operations, of diplomatic pressure and economic coercion, of disinformation and cyber attacks, it is cutting off gas supplies and broadcasting propaganda. It is the intermeshing of military and civilian means. It is, in a word, the blurring of war and non-war."[3] The international legal situation with regard to hybrid warfare is not yet clear.

From the perspective of women and children, who are supposed to be protected as civilians under the 1949 Geneva Conventions, it matters little what name is given to the aggression that fundamentally violates their human rights. Gender-based sexual violence, which is used as a tactical weapon in declared armed conflicts or in "nonwars", deserves special attention. People are "broken" with brutal violence, and the perpetrators in these often patriarchal societies suggest that men are unable to protect their families, women, and children. Rapes committed to demoralize the enemy – including in specially set-up rape camps – are also used to recruit fighters, to intimidate or drive out the population, and even to generate income by trafficking women. Meanwhile the enslavement of women and girls, forced marriages, and even stonings destabilize communities and often leave former combatants brutalized. Once hostilities cease, this brutalization spills over into reconstructed societies, and there is a significant increase in the form of violence later referred to as "domestic violence." Sexual violence committed against women and girls implies a security problem in these societies and produces noticeable economic consequences.

As ancient history tells us, sexual violence has "always" been used as a tactical weapon of war. Women and girls were the booty of the victors.

But at least since the time of the founding of the United Nations and the adoption of the Charter and the Universal Declaration of Human Rights, the international commu-

nity has been sure that gender-based, sexual violence in armed conflicts or in "nonwars" is a massive violation of human rights, and should be punished.

Since then, a series of legal instruments for prosecuting these war crimes has been put in place. These include the Rome Statute of 1998, which established the International Criminal Court (ICC) in The Hague; and the UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), which was supplemented in 2013 with General Recommendation No. 30 for women in conflict prevention, conflict, and post-conflict situations, and which clearly states that the implementation of resolution 1325 falls within the responsibility of every state. Since 2014, the London Protocol – an initiative by British foreign minister William Hague – has provided guidance for combating the human rights violations of sexual violence in war.

UN Security Council resolution 1325 on "women, peace and security", with eight supplementary follow-up resolutions, is the most comprehensive legal framework for the prosecution of sexual violence and rape in armed conflicts, for the active involvement of women in all phases of conflict management ("women at the peace table"), for conflict prevention ("agents for change"), and for the protection of women and girls.

Unfortunately, resolution 1325 is still not sufficiently respected or implemented on a day-to-day basis. Getting away with war crimes is rather the norm than the exception – this is also seen where there have been attacks during UN peace operations. Thus, a large security gap still exists for women and girls.

At least three "roles" fall to women and girls in current armed conflicts: they are victims of sexual violence in war, they are combatants in the "female brigades" of ISIS or Al-Shabaab militia, and they work to rebuild and shape postwar societies as participants in peace negotiations and/or as *Trümmerfrauen* or "rubble clearers."

Although the proportion of signed peace declarations that contain a reference to women has risen from 11 to 27 percent since the adoption of resolution 1325, women are still not involved in peace negotiations in sufficient numbers. I recall the UN special representative for Syria, Lakhdar Brahimi, at the Geneva peace talks in 2014, who is said to have called off pending negotiations with the words: "no women in my room." Not enough consideration is given to women's knowledge and involvement in reconstruction and conflict prevention.

Far too few women are proposed and appointed by their governments for peace missions. Even though nine women representing the military, police, and civil society received public recognition for their peacebuilding activities on Peacekeeper's Day 2015 in Germany, women only make up a small share of our German contingents on peace missions.

To date, only 54 states have issued a National Action Plan for resolution 1325. Much too slowly, national governments are beginning to recognize the importance of national healing processes as part of integrated justice and accountability processes, and the decisive role that women play in them.[4] Germany's National Action Plan of 2012 is due for review next year, and in this process German civil society will voice its demands based on experiences of aid work in war zones.

In October 2015, with regard to the current armed conflicts and "nonwars" in Syria and Nigeria, Phumzile Mlambo-Ngcuka, Executive Director of UN Women (the United Nations Entity for Gender Equality and Empowerment of Women) underlined the call by the UN Secretary-General to affected states and the international community to place gender

equality at the heart of interventions. She said that this was the only sustainable, systemic way to prevent and respond to violent extremism, and that empowered women and empowered communities were the best defense against radicalization and further violence. She continued: "We must engender counter-terrorism. We must involve women as equal partners in all peace-building measures. We must protect civil society, find ways and means to provide remedies for women and girls who have experienced sexual violence, and facilitate comprehensive assistance. Mechanisms should be introduced to prevent child marriages and forced marriages. In addition to these measures, there is an immediate urgent need to involve women in the design and provision of humanitarian response that addresses the specific needs of women and girls. Schools must be kept going, not only for the education they give, but for the strength, security and solidity that their routines provide to children whose world is being so profoundly disrupted."[5]

She therefore touches on the key point that men and women can only end wars and build peace together – even if it is also becoming clear that "without women, neither peace nor development can be realized."[6]

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1 Speech by German Chancellor Angela Merkel at the UN Global Leaders' Meeting in New York, September 27, 2015.

2 Speech by German foreign minister Frank-Walter Steinmeier to the United Nations in New York, October 1, 2015.

3 Matthias Naß, *DIE ZEIT,* No. 11/2015, March 12, 2015.

4 Global Study: "Preventing Conflict, Transforming Justice, Securing the Peace", October 14, 2015.

5 See http://www.unwomen.org/en/news/stories/2015/10/statement-by-executive-director-on-boko-haram

6 Ambassador Anwarul K. Chowdhury , co-initiator of resolution 1325, September 7, 2015.

# Myths of Hybrid Warfare

by Mary Ellen O'Connell

"[A]s Clausewitz stated nearly two centuries ago, although war changes its characteristics in various circumstances, in whatever way it manifests itself, war is still war. War in the twenty-first century has been and will remain a complex phenomenon, but its essence has not and will not change."[1]

The fact that the essence of war has not changed is a profound observation that has important implications for international law. The unchanged nature of war means that the core provision of the United Nations Charter prohibiting resort to military force is as binding today as it was when it was adopted in 1945. It does not mean, however, that nothing has changed. Clearly the computer revolution in military affairs has impacted tactics and weapons. International law includes mechanisms for dealing with such changes. In brief, the core international law principles relevant to war are either timeless or have been modified over time as needed.

Under international law, war or armed conflict exists when two or more organized armed groups engage in fighting of some intensity.[2] The strategy, tactics, or weapons involved in fighting do not determine whether a situation amounts to armed conflict. This legal characterization determines whether peacetime law or the law of war applies. For example, the 1949 Geneva Conventions on the protection of victims of armed conflict apply only in situations of armed conflict or occupation. The most important of those protections, the right to life, is relaxed during armed conflict. Thus, it is imperative to know if an armed conflict exists or not.

Nevertheless, some international law scholars in militarily powerful states have, since the 1960s (and more emphatically since the end of the Cold War), sought to expand the legal right to resort to killing with military force. One variation of this argument focuses on certain tactics or new technologies. The claim is that non-state-actor armed groups are new and use new types of weapons and tactics that are outside current international law. Another variation claims that certain technologies such as cyber weapons are new and fall into a legal black hole. Without rules, the assertion is that governments are free to use these weapons according to their policy preferences. Some of the terms invoked in these arguments about the legal right to resort to force include "hybrid war," "borderless war," "asymmetric war," "operations other than warfare," "new kinds of battlefields," and "irregular war." What principally matters in international law, however, is whether the conflict is legally a war, not what sort of war.

The term "hybrid war," for example, is clearly being used to attempt to open up space outside the restrictions of law. In distinction to Murray and Mansour's view quoted at the outset of this article, the U.S. Army's Field Manual 3-0 on "Operations" implies that there is something new about hybrid war that is unregulated:

"The future operational environment will be characterized by hybrid threats: combina-

tions of regular, irregular, terrorist, and criminal groups who decentralize and syndicate against us and who possess capabilities previously monopolized by nation states. These hybrid threats create a more competitive security environment, and it is for these threats we must prepare."[3]

The implication of this statement is that a new form of warfare is emerging that is so dangerous as to necessitate using force in response. Omitted is the need to discern which threats are true military threats.

The remainder of this comment will consider three challenges to the Field Manual's perspective:

1. The factual premise that hybrid war is new and, therefore, unregulated in international law is incorrect. Combining unconventional or irregular tactics with conventional ones is as old as warfare.

2. Some aspects of warfare are new, but it is erroneous to think that international law is out of date or full of gaps with respect to new developments.

3. Further, even if international law were deficient, identifying gap-filling rules must come from within the system of international law. In political science or other fields, it may be appropriate for scholars to offer their own personal proposals. In law, as in theology, reasoning must draw from recognized authority using accepted methods.

## Hybrid war is not new, and cyberspace is not unregulated

In their book on hybrid warfare, the military historians Monsoor and Murray recount the use of combined or "hybrid" tactics in ancient Greece, in colonial North America, in the Second World War, and in Vietnam. The book characterizes hybrid war as "conflict involving a combination of conventional military forces and irregulars[…] which could include both state and nonstate actors, aimed at achieving a common political purpose."[4] Miklaucic adds that the forces engaged in hybrid war "employ conventional and non-conventional means adaptively in pursuit of their objectives."[5]

The Ukrainian conflict that began when Russian troops took control in Crimea in February 2014 is being used as an example of hybrid warfare today. Again, it is a case which demonstrates that what is being labeled today as "hybrid warfare" is far from new. According to U.S. Army Special Operations Command, "Counter-Unconventional Warfare: White Paper," Russia seems to be following the old Soviet principle of *maskirovka* – that of using "camouflage, denial, and deception to achieve desired effects." Russia is plainly combining military and nonmilitary means in Ukraine from "bribery of opposing public officials [and] destabilizing propaganda" to "long-range artillery, microwaves, radiation, and non-lethal biological weapons." Regular Russian troops are joining with irregular Ukrainian units to take the control from forces loyal to Kiev.

Russia's varied conduct in Ukraine can be termed as "hybrid warfare" when it is integral to the actual organized armed fighting that is occurring in Ukraine. In contrast, when observers label Chinese activities as hybrid warfare, they do so in error. China is not currently involved in any armed conflict. The United States military believes that, in the event of an armed conflict, China would employ an array of conventional and nonconventional means, including trade measures, commercial and financial arrangements, environmental manipulation, and psychological and propaganda campaigns. In a list of "hybrid threats," the U.S. White Paper also includes "economic aid, cultural, and international law warfare." It is unclear what "cultural warfare" might be, but it is clear that economic

aid and international law should not be characterized as "warfare." Doing so limits the legal right to engage in them and gives the impression that economic aid and international law can be used unlawfully. International law does not prohibit the use of international law or economic aid. It is always open to the US or other states to meet Chinese international law arguments or Chinese offers of aid with counterarguments and counteroffers. This conduct may coincide with and be used supportively in a war effort but is not "warfare" per se.

The same erroneous view is being taken of Chinese activities in cyberspace. Some Chinese efforts are unlawful but none are properly labeled as "warfare." Governments are engaged in three types of unlawful cyber activity: spying, theft, and property damage. Most governmental spying is unlawful under national law rather than international law. International legal protections against spying appear to reach only as far as protections for personal privacy under human rights law. As of the date of this article, the world has witnessed nothing that could be properly categorized as a "cyberwar." In the Georgia–Russia conflict of 2008, organized armed fighting began after Georgia launched an attack on unsuspecting Russian troops deployed to police a ceasefire in South Ossetia. Russia responded militarily, invading Georgia and coming to within 30 kilometers (18.6 miles) of the capital. Both sides relied on computers for communications, in order to operate military vehicles and deploy weapons. Interfering with such computers is part of standard military tactics. In addition, both sides attempted to disrupt various government computer operations not directly linked to the armed conflict as well as media and financial websites. Some of this activity was likely unlawful as interfering with civilian as opposed to military activity or for failing the test of military necessity, which restricts attacks to those that can advance the military objective.

The "Islamic State" or ISIS is also more appropriately characterized under well-established international law categories. The heated rhetoric that it is something wholly new is unwarranted. ISIS emerged out of the wars following the 2003 Iraq invasion that have erupted in Iraq and Syria. It currently controls territory in both states, governing with ingenuity and brutality. The group can be compared with the ideologically driven Fuerzas Armadas Revolucionarias de Colombia (FARC) in Colombia as well as many other non-state actors that take and hold territory in civil wars. While ISIS uses the Internet for propaganda and conventional military control, no firm evidence exists that it has created a cyber weapon that can cause kinetic damage. It is also linked to terror attacks outside of its area of control including attacks in Paris on 13 November and Beirut 12 November. Terrorism is in almost all cases not war but criminal conduct.

## International law has the means to meet new challenges

As the above discussion shows, international law has rules governing even the newest technology of war, namely computers. The use of cyberspace for offensive tactics does not pose a serious challenge to current legal categories. Nevertheless, a good deal of the literature devoted to international security and cyberspace reflects a belief that international law has not kept pace and now has gaps. A further assertion is made that if no rule exists forbidding the use of a weapons or tactic, it is permitted.

International law has plenty of foundational principles available to regulate injurious conduct in war and peace that can be applied to new technologies. Reasoning by analogy is also used international law, just as in domestic law. Moreover, international law

includes among the three primary sources not only treaties and customary international law but also general principles of law. International courts and tribunals have drawn certain well-known general principles from surveying national legal solutions.

Whether considering a foundation principle, general principle, or reasoning by analogy, the answers will lie in the law of peace, not the limited rules that prevail in armed conflict. Armed conflict is an exceptional situation, which only exists in the case of explicit evidence. The normal or default situation is peace.

More specifically with respect to cyberspace, international law supports regulating cyberspace as an economic sphere and one of communications. When a state has been the victim of cyber theft, spying, or damage, international law contains means of responding lawfully, including with coercive means. The same sort of coercive measures that are lawful to use against economic wrongs and violations of arms-control treaties will generally be lawful to use in the case of a cyber attack. In the economic sphere, coercive responses to violations tend to be known as "countermeasures"; in arms control, such countermeasures are commonly known as "sanctions." When a state has clear and convincing evidence that a cyber injury is attributable to a foreign sovereign state, the victim state may itself commit a wrong against the responsible state, so long as the wrong is proportional to the initial wrong and aims at ending the wrong or procuring a remedy. In most cases of cyber injury, the evidence will come after the act is over or the damage is done. This fact indicates that the appropriate remedy will be financial compensation.

## Conclusion

Warnings of new threats requiring military responses are not new. Today the warnings sometimes employ the term "hybrid war." We read assertions that no law exists respecting new threats. Instead of relying on law, therefore, the argument is that we should place our faith in military force. It is an argument based on two levels of false assertion. In fact, hybrid war is not new. Moreover, international law comprehensively regulates conduct that can injure, including activity in cyberspace. Greater security will come from respect for authentic international law, a code shared by all nations, faiths and ideologies and devoted to the preservation of peace.

1 Peter R. Mansoor, Introduction, Hybrid Warfare in History, HYBRID WARFARE, FIGHTING COMPLEX OPPONENTS FROM THE ANCIENT WORLD TO THE PRESENT 1 (W. Murray and P. Mansoor eds., 2012)

2 See International Law Association, Final Report of the Use of Force Committee: The Meaning of Armed Conflict in International Law 8 (August 2010), available at http://www.ila-hq.org/en/committees/index.cfm/cid/1022 and WHAT IS WAR? AN INVESTIGATION IN THE WAKE OF 9/11 (Mary Ellen O'Connell ed., 2012.)

3 "Hybrid Warfare," in: JSOU Report 13–4 (2013), p. 4, quoting Headquarters, Department of the Army, Army Field Manual 3-0: Operations (Washington, DC: Department of the Army, 2011), p. 14.

4 Cf. Salonius-Pasternak, Charly (2015): "Preparing Finland for hybrid warfare," in: FIIA Comment 6/2015.

5 Miklaucic, Michael (2011), "NATO Countering the Hybrid Threat," NATO Allied Command Transformation. http://www.act.nato.int/nato-countering-the-hybrid-threat (accessed July 1, 2015). Also see United States Army Special Operation Command, "Counter-Unconventional Warfare: White Paper" (2014) https://info.publicintelligence.net/USASOC-CounterUnconventionalWarfare.pdf (accessed July 1, 2015).

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# "Hybrid Warfare" and the Continuing Relevance of the Just War Tradition in the 21st Century

by David Whetham

Before we can answer the question as to what rules can or should apply to "hybrid warfare," we need to clarify what we actually mean by this term. What is the difference between "warfare," as it is normally understood, and "hybrid warfare"? What, if anything, makes it distinct from other forms of conflict in such a way that a new or different normative framework might be appropriate?[1]

In 2009, Russell Glenn suggested that a hybrid threat can be characterized as such when "an adversary [...] simultaneously and adaptively employs (1) political, military, economic, social, and information means, and (2) conventional, irregular, catastrophic, terrorism, and disruptive/criminal warfare methods." This process could involve a combination of both state and non-state actors.[2] This would suggest an extremely complex form of warfare, difficult to pin down or define adequately. In 2009, US Secretary of Defense, Robert Gates, described the problem in "Foreign Affairs" when he articulated, "the categories of warfare are blurring and no longer fit into neat, tidy boxes. One can expect to see more tools and tactics of destruction – from the sophisticated to the simple – being employed simultaneously in hybrid and more complex forms of warfare." Gates continued, "What is dubbed the war on terror is, in grim reality, a prolonged, worldwide irregular campaign." Some on the panel at a discussion in Berlin on this subject organized by *zebis* in July 2015, were very skeptical about the term "hybrid war," arguing that war can manifest itself in many different ways but that it is still war. Concerns were raised that the new nomenclature was dangerous insofar as it allowed distinctions to be drawn that were invalid and exceptions to the normal rules to be made that should not be made. But, clearly, even if hybrid warfare is not as novel or different as some would argue, the type of conflicts that we, in the West, are currently engaged in, however they are defined, do look rather different to those that were experienced in the 20th century.

The character of contemporary conflict, if not the nature of war, appears to be changing and this in turn raises questions about the suitability of normative frameworks that are supposed to govern it. Can something like the just war tradition, firmly grounded in traditional and arguably outdated understandings of conflict, really cope with the realities of contemporary warfare? Can it truly cope with things like ongoing terrorist activity carried out by non-state actors, or methods of causing harm that are predominantly nonlethal such as subversion or economic attrition? If the activity is not obviously war, then what can something like the just war tradition offer us? Do we need a new normative framework to go along with the new strategic challenges that we are facing? This, of course, is not simply a matter of semantics. Military practitioners around the world are keen to be able to understand and make sense of their professional activities within a coherent normative structure.[3] When things change, they seek answers so as to ensure that their actions remain ethically justifiable. For precisely

this reason, such questions have been asked before. For example, the advent of nuclear weapons led to much soul-searching about whether it was even possible to have morality in warfare anymore. In the 1990s and early 2000s, when peacekeeping, peace enforcement, and "operations other than war" were in particular vogue, people tried to fill the apparent gap between a normative framework that has evolved in order to guide thinking about war, and the reality of situations which were not war, but were not really peace either. Arguably, the growth in interest in International Humanitarian Law rather than the Law of Armed Conflict and the increasing influence of the "revisionist just war theorists" reflect the current unease at the relevance of traditional normative constructs in the face of contemporary challenges.

The just war tradition has evolved over several millennia and is normally broken down into a number of related but discrete criteria. Looking at these, and the martial focus of the wording, suggests immediately why some believe this framework is not the right one for the current environment. The *jus ad bellum* criteria are normally concerned with what is required to justify going to war in the first place, while the *jus in bello* criteria are focused upon what may be done within war, and against whom. While the list can vary from source to source, most would not find the following selection particularly controversial:

### *Jus ad bellum* criteria

- Just cause – that there is a genuine reason for the action, limited to self-defense, or protection of others
- Legitimate authority – declared by an actor who is genuinely able to speak for and represent a political community
- Right intention – that one is not only doing the right thing, but also doing it for the right reasons
- A goal proportional to the offence – an unlimited response to a limited injury cannot be justified
- Reasonable prospect of success – the actions must be capable of making the situation better, and there is a clear idea of what that "better" situation looks like
- Last resort – everything that could work instead has been given a chance

### *Jus in bello* criteria

- Proportionality – do not cause more harm than is absolutely necessary
- Discrimination (also referred to as "distinction" in legal terms) – only deliberately harm those who have made themselves liable to harm through their actions

Why would one want to make a distinction between the two levels of war? It allows us to draw a line between spheres of moral responsibility – in this case, the decision to go to war and the actual conduct of that war. So, for example, soldiers are not responsible for the decision to go to war, but they are responsible for its conduct. Very senior military officers may straddle the line, but, as Michael Walzer points out in his classic book "Just and Unjust Wars," this means we know pretty well where that line should be drawn. While the just war tradition is not necessarily about providing a set of easy answers, what it can do is help to structure decision-making by pointing to the factors that should be considered before and during any use of armed force.

However, to assume that the just war tradition cannot apply, because the situation is not war as we have historically understood it, is to allow those titles to obscure what is going in, and to confuse what the purpose of the tradition actually is in the first place. While the just war tradition historically evolved out of an ef-

fort to apply normative thinking to the taking of life – when it might be justified, in what type of cause, etc. – the moral reasoning contained in the tradition can be applied in a variety of other situations as well. The reasoning, if not the labeling, can be applied to any situation in which one was seeking to do something that would normally be prohibited. So, for example, intentionally hurting someone else – this is something that is universally prohibited under normal circumstances, but may become permitted, or even expected in different circumstances, such as disarming an attacker threatening school children. That hurt or harm, in war, is normally associated with death or injury, but there is no reason why it must only be connected to this very specific type of harm. It can just as easily be applied to when it might be acceptable to deprive someone of their freedom, damage or confiscate their property, corrupt their online data, or invade their privacy. All of these actions involve harm and are normally prohibited, but certain contexts may make them ethically justifiable. The just war tradition, despite the name that it has taken on over the millennia, provides a structured approach to decision-making in such situations.[4] As such, it can provide useful guidance in war and peace, or any situation between the two such as peacekeeping, where an ethical framework is sought to help make a decision about what it is ethically permissible to do.

So, for example, one of the challenges that hybrid war is supposed to pose is connected to the type of messy "social" attacks that involve nonuniformed and unattributed actors, perhaps motorbike gangs carrying out criminal activity or agitators causing unrest, fomenting riots in the street to undermine the state's legitimacy and ability to govern. However, even if such a strategy does not fit into normal conceptions of war – but instead involves promoting disobedience, undermining legitimate political processes, spreading false information, lying, deceiving, and sometimes simply doing harm – the reasoning found in the just war tradition can still help guide what it is acceptable to do in response to what kind of threat and against whom your actions may be directed. If one is considering clamping down on the use of social media, incarceration without charge of those deemed to be a threat until a situation has calmed down, or the restriction of the right to assemble, all of these actions involve "harm" and would not normally be considered acceptable. In that sense, it is about the following issues: whether or not an exception to the usual rules can be made, is the threat of harm significant enough to warrant an exceptional response, who has the right to impose such restrictions, will they actually work, is there anything else that might work instead, against whom should it be applied, and for how long?

The same type of reasoning can be useful elsewhere as well – from peacekeeping to counter-espionage. So for example, even if we accept that espionage itself is not "war" in the conventional sense, it is still a method or strategy that involves disobedience, lying, deception, and sometimes, therefore, the doing of harm to others. The moral reasoning found in the just war tradition demands that such actions can be done only if there is a compelling, morally justifiable reason, that it is done with the right intentions, authorized by those who have the legitimacy to sanction the suspension of the normal rules, that any subsequent short- or long-term harm is proportional to what is at stake, that there is a reasonable prospect for success, and that there are no alternative options that might have an equally good chance of succeeding but would result in doing less harm.

Just because the title of the tradition appears to limit its usefulness in the contemporary security environment, the moral reasoning it

represents is actually a very useful set of criteria, despite the wording, that can be applied in a much broader set of contexts than might initially be imagined. If one poses these questions and finds the answers unconvincing, there is clearly a legitimacy problem. If one or more criteria cannot be answered at all, then there is a very clear warning sign that the current path or specific action should be reconsidered immediately. This reasoning applies to hybrid warfare, peacekeeping, or any other situation in which one is seeking to make an exception to the normal rules.

Were we to simply abandon the just war tradition, and the several thousand years of thinking that has shaped its evolution in favor of something new and bespoke for the current security challenges, we would find ourselves producing a very similar list of necessary conditions for justification. The key questions the tradition asks about issues such as just cause, right intention, legitimate authority, last resort, and proportionality, are, at the very least, aspects that should be considered before breaking any "normal" rule and would seem to be even more pertinent when considering acting so as to consciously harm others. We would also need a new framework that would help us decide the way in which the exception should be carried out, by seeking to limit the necessary harm to those who in some way have made themselves liable, and that any harm to innocent parties is nevertheless limited as far as possible and is proportional to what is trying to be achieved. That is what the reasoning inherent within the just war tradition already provides; the context may change, but the principles remain relevant.

What about if the other side refuses to abide by the same rules, or even deliberately uses them against us? Are there situations in which it is permissible or even necessary to set aside the conventional normative framework in order to fight on an even footing? There are some who have argued precisely this, as they claim that the situation we find ourselves in today is unprecedented and the rules that we have to govern our behavior in response to such threats are unsuited to the foe and the situation that we are now faced with. As the daily news reports attest, in addition to deliberately targeting noncombatants, many opponents are also deliberately creating a situation of moral asymmetry: they do not seem to care about public criticism and deliberately violate the rules of war to try and force a reaction that will also go against the rules but, in doing so, will undermine our own legitimacy. In basketball this would be called "drawing the foul," where one deliberately places oneself in a position so that the opposing player cannot avoid initiating an illegal contact, thus conceding a penalty. How can it be fair, or even strategically prudent, to allow ourselves to be neutered in such a way by upholding the rules when our enemy does not?

The answer is actually very straightforward. The fact that "we" are supposed to be bound by the rule of law and the values that underpin it demonstrates precisely why "we" are supposed to be better than them and why "we" deserve to win. The fact that "they" are not held to the same legal and ethical standards is not an excuse for watering down our standard of justice or hiding behind legal technicalities. The simple response is that it does not matter if our opponents ignore or flout the rules. Those rules, and the values they represent, are part of our identity – and this identity is a strength, not a weakness. We only harm ourselves if we try and leave them behind or get around them somehow. As well as it being the right thing to do, there are sound strategic reasons for maintaining the ethical traditions that govern the military profession, not least for maintaining professional identity and a sense of common

purpose. For the professional soldiers I have had the privilege to work with over the last decade, I know that, for them, how one fights is at least as important as what one fights for.

1 A substantially expanded version of this argument will appear in The Monist (2015): vol. 98, issue 4.

2 Glenn, Russell W. (2009): "Thoughts on 'Hybrid' Conflict," Small Wars Journal, March.

3 Lucas, G. R. (2015): Military Ethics: What Everyone Needs to Know, Oxford, p.4.

4 For a fuller exposition of this argument, see Whetham, D. and Lucas, G. R. (2015): "The Relevance of the Just War Tradition to Cyber Warfare," in: Green, James A. (ed.), Cyber Warfare: A Multidisciplinary Analysis, Abingdon and New York.

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# Media Battlefields: Hybrid Wars and Their Communicative Declaration of War

by Bernd Zywietz

Ever since the times of the Assyrians and Sumerians, propaganda has played an eminent role in wars, whether as a way of mobilizing and motivating one's own troops or of demoralizing the enemy. Yet hybrid warfare relies to a particularly high degree on (dis)information and (mis)interpretation attacks – all the more so when conventional military measures and situations recede into the background or provide a backdrop as a strategic threat.

Much has already been said and written about the doctrine of Russia's Chief of the General Staff, Valery Gerasimov, the "Russia Today" (RT) media apparatus with its Sputnik News Web service and global RT news network, and the Internet "troll army" based in Saint Petersburg that fills Western online forums and comment columns. More rarely discussed are the fundamental mechanisms and resources quasi-unintentionally "provided" by the adversary, which are taken up in propaganda campaigns. These are examined below.

The "new wars," as Herfried Münkler described them in the early 2000s, mainly with a view to postcolonial and post-Soviet conflicts of disintegration and transformation, are characterized by sub-statehood, ethnicization, criminalization, and privatization, the blurring of classic roles and identities of actors (e.g. in the distinction between civilians and combatants), as well as the confusion of clear dramaturgies of war, with their acts and turning points – namely, the declaration of war, pivotal battles, and the peace agreement. Hybrid wars (as can currently be observed in East Ukraine) additionally bring ethnicization and communicative confusion – and often in such a way that our notion of the new wars is itself instrumentalized. Accordingly, instead of hybrid wars being an apparently independent force or phenomenon, one should perhaps speak of "hybrid warfare" to emphasize that this is a highly diverse, deliberately used ensemble of measures comprising economic, diplomatic, IT, and mass-media elements. Ironically, the goal behind this is stardard: to secure and expand state influence. Like terrorism (which may be one of its elements), hybrid warfare is to a considerable extent "theater," since it aims not (only) to occupy territory, but rather minds: it targets the world of ideas in the heads of decision-makers and their electorates, who in the "ideal" or extreme case will become just as much "proxies" and "irregulars" – surrogate fighters for their cause – like separatists or special units who got lost on holiday – even if without rifles in their hands.

Propaganda can be analyzed in different ways – for example, in terms of its addressees. Was it aimed at one's own people, for instance, at the enemy (psychological warfare), or at those providing assistance or neutral third parties, who were to be won over to one's own interpretation of the conflict and concerns? I will concentrate here on the latter, since the former typically or even universally follows patterns of influence that have been frequently described elsewhere: the narrative of one's own state of emergency and emergency assistance – specifically the protection of the Russian population in Donbass against "fascists" and a "conspiracy" between Europe and

Ukraine – and an appeal to national pride (in consequence of which, in Russia, people have a much more positive view of their own country than they did until a few years ago), etc. This not only relies on more recent established recent notions of the enemy (as propagated via Nazi expansion or US imperialism), but also invokes basic conceptual models of being the chosen people and of historical destiny (self-determination and autonomy). Even in antiquity, in the Attic wars or in the campaigns of Alexander the Great, recourse was made to similarly interpreted or fabricated sayings of oracles or signs from god promising victory.[1]

By contrast, the current PR war and war of opinion against the West is more complex and more worrying. At the intellectual and specifically media-cultural level, it is a kind of mental and communicative *aikido*, insofar as it turns the intellectual kinetic energy and inertial force of the opponent against himself, even if the allocation of the roles of attacker and defender is itself here already part of a style of interpretative fighting.

Hybrid warfare therefore takes advantage of the fact that our perceptions and our social and political actions are to a significant extent organized linguistically, which is to say symbolically. We need to share a certain minimum of signs and their rules of combination and use, in order for us to communicate, reach agreement, and coordinate in words and symbols. In court and in church (i.e. in matters of law and faith), terms found in laws and commandments determine what is and what should be, how we should understand and think about things – which is why law and theology are above all sciences of interpretation. Thus, two key aspects of the problem can be derived from the term "hybrid war" itself: Coming from biology, "hybrid" means a mixing of (sub)species in the plant and animal kingdoms, a crossing or bastardization. The (semantic) content of the term and the history of its use are as revealing as they are symptomatic. "Hybrid" and "hybridization" have become central concepts in literary and cultural studies, denoting a mixing of belongings and identities, and representing the idea and proposal that fixed categories and essentialist ideas can quite reasonably be overcome with politically critical gestures. Thus, from postcolonial, gender, and cultural studies, it is but a short step to the debate surrounding the (determination) rights of Russian ethnic groups in East Ukraine, or the ideologically shaped or blinkered perception of a non-Westerner as "the Russian," "the Oriental," or "the Muslim," for example. Accordingly, in this context, "hybridity" is indeed a powerful expression and sign of self-criticism (mainly in liberal academic circles) which is in itself enlightened and entirely appropriate, but admittedly can be monopolized and instrumentalized at a high level in pursuit of specific political goals.

The concept of "hybridity" presupposes that there is such a thing as a categorically distinct war, which then becomes mixed with other pre-, proto-, or nonwarlike forms of action. This "pure" war – with its clear battle formations, roles for actors, responsibilities, and phases – may, as H. Münkler describes, be a very recent and perhaps even only temporary phenomenon in human history. Yet it was and is not merely a theoretical intellectual construct or chimera, but rather an expression of efforts toward, or even a condition for, developing and codifying firm definitions and related civilizing or international law-of-war rules and rights, in order – from the Geneva Conventions to specific UN resolutions – to contain war with its brutality by mutual agreement, to control it in ethical and practical respects, and of course to prevent or at least punish "war crimes."

This is where hybrid warfare comes in and benefits from historical, parallel developments. It will suffice to mention two key developments here:

1) The historical mentality of those Western states and their postheroic societies which attempts to avoid and prevent "war" at (almost) any price.

2) Media-cultural digitalization and its revolution in the media-communicative and media-cultural sphere, with its concomitant possibilities and uncertainties.

As far as the former is concerned, war today is no longer a legitimate – let alone appropriate – political instrument or a means for protecting and asserting interests. The heroic (male) figure, as embodied in popular film up until the 1960s by the John Wayne character, is in the present day generally just as unimaginable as heroizing monuments for Afghanistan soldiers. And the sole morally permissible, though highly contentious, option for military action (strictly avoiding the label of war) – the idea of humanitarian intervention – suffered a lasting loss of persuasiveness in the wake of "new war" experiences in Mogadishu (1993), Rwanda (1994), and Srebrenica (1995).

From a media-cultural and media-technological point of view, this converges with the so-called "CNN effect," the idea that political decision-makers (supposedly) come under pressure as a result of continuous reporting. Images of the horrors of war, at least since the Vietnam War, are of great importance (even only because they are held to have an impact on the public due to the "third-person effect"). Since that time and especially in the last Gulf wars, military leaders have tried to control such images (e.g. via embedded journalism). Meanwhile the CNN effect has been replaced by that which Moisés Naím in "Foreign Policy" calls the "YouTube effect," the employment of which Cori Dauber describes as a "YouTube war."[2] Demonstrators in Istanbul, Cairo, and Hong Kong, but also militiamen in Syria, with cellphone cameras and social media, are overtaking established correspondents as grass roots reporters (or propagandists). From the Tagesschau to Spiegel Online, editorial departments are themselves increasingly falling back on tweets and private online videos as sources and image resources. At the same time, established media institutions and brands, with their professional ethics standards and their specialist background knowledge, are losing influence and coming under pressure: circulation figures and audience reach are declining, while younger people in particular are increasingly using the Web and its social networks as news channels. Instead of authority and contextualization, the new guiding and quality criteria are immediacy and authenticity. A manifold fragmentation, even splintering, and compartmentalization is becoming apparent: while users piece together mosaic-like individual pictures of the situation, interpretive communities are forming and becoming established, in which, actively and passively (through search algorithms and their own mutual reinforcement of opinion), even the most outrageous views find a place, confirmed by the sources and evidence that anyone can cobble together from the Internet, distribute, or produce themselves, just as they pleases. Between disclosure services such as The Intercept and Wikileaks, and productive, critical media and opinion participation for everyone, on the one hand, and outspoken conspiracy theorists, on the other, who look to aggrandize themselves via their pseudo-enlightening "secret knowledge," and for whom propaganda is exclusively that which the Western-controlled "liar press" of "bought journalists" (U. Ulfklotte) spreads, the "truth definitely does not lie in the middle."[3] Nevertheless, the hybrid war propaganda of authoritarian regimes with professionally presented news sites and fake *vox populi* finds a breeding ground here. For want of agreement and certainty, individual interpretations, sheer opinion, and private ideology take their place – for example, in the matter of whether and what is "war,"

who the aggressor, and who the "victim." This propaganda is not at its most effective when it simply lies, but rather when it relativizes and shapes beliefs and emotions. It makes use of and reinforces not only the fear of war, and resentment of the NATO and Europe, but also uncertainty, distrust, and paranoia, in general. At the same time, it seriously undermines that which is fundamental to democracies: a disputatious and pluralistic discourse-ethical public space as the sphere of free, rational judgement and consensus building.

How can we defend oneself against this? With counter-propaganda and/or censorship – perhaps by banning Moscow broadcasters as in Latvia and Lithuania, or with one's own Russian-language TV service, as envisaged by the EU? But what about blogs, forums, and online comments, where not only disinformation but also perhaps abstruse and vulgar, but nevertheless permissible opposing views are published? At any rate, before the question of method and efficiency comes the ethical/moral question, and consequently that of values, which themselves are quickly sacrificed in the effort to protect them. Not least as a result of experiences with two dictatorships in Germany, state censorship and propaganda rightly do not have a good reputation. In terms of its word stem, propaganda – like "hybrid" – refers to nature or, more precisely, to its cultivation – to spreading, propagation, such as of plants (e.g. by sowing). As the spread of opinions or more precisely the "right faith," the term of propaganda can be traced back to the Counter-Reformation – the "Congregatio de Propaganda Fide" established by Pope Gregory XV at the time of Thirty Years' War (1622). Until the 20th century, propaganda was not a negative term. Today, propaganda theorists and philosophers are at least in disagreement as to whether propaganda should be judged deontologically or teleologically – that is, whether (in the tradition of, among others, Jacques Ellul) it should be rejected per se as a method or mode of communication because it systematically undermines and hence in the long run erodes fundamental knowledge and truth values of interpersonal dialogue; or whether, regarded neutrally, it should be judged according to its respective specific goals as being "good" or "evil," morally "right" or "wrong."[4] In support of such realism, it can be said that the idealistic position offers a very narrow understanding of propaganda, which between ideology and education, PR, advertising, political debates, and information campaigns cannot be reconciled with the everyday abundance of different rhetorical approaches and attempts to persuade and convince. Ultimately "propaganda," a term which carries negative connotations, is just as multilayered, amorphous, and ambivalent as "hybrid war"; it is therefore a question of usage and definition.

1 For a readable and entertaining general history of propaganda, see Taylor, Philip M. (2003): Munitions of the Mind. A history of propaganda from the ancient world to the present day (3rd edition), Manchester and New York.

2 Naím, Moisés (2007): "The YouTube Effect. How a technology for teenagers became a force for political and economic change." In: *Foreign Policy*, no. 158, Jan./Feb., p. 104, p. 103 (sic!); Dauber, Corie E. (2009): "YouTube War: Fighting in a world of cameras in every cell phone and Photoshop on every Computer." Strategic Studies Institute, United States Army War College. Carlisle, PA. http://www.strategicstudiesinstitute.army.mil/pubs/display.cfm?pubID=951

3 On news coverage of events in Ukraine, see: Bota, Alice (2015): "Die Wahrheit liegt eben nicht in der Mitte", Zeit Online. http://www.zeit.de/politik/ausland/2015-03/ukraine-berichterstattung-russland-kritik-wahrheit (accessed March 13, 2015).

4 For an overview, see: Cunningham, Stanley B. (2001): "Responding To Propaganda: An Ethical Enterprise," and: Black, Jay (2001): "Semantics and Ethics of Propaganda," both in: *Journal of Mass Media Ethics*, vol. 16, nos. 2/3, pp. 138–147 and pp. 121–137.

**Bernd Zywietz** *is active in the field of film and media studies and is a founding member and board member of the terrorism research network Netzwerk Terrorismusforschung e.V. He completed a degree in journalism and film studies at Mainz before gaining a doctorate on the subject of terrorism in film at Tübingen. He works as a university lecturer, journalist, author, and editor, but also has experience in the media and teaching. He is a member of the Society for Media Science (Gesellschaft für Medienwissenschaft, GfM) and the German Film Critics' Association (Verband der deutschen Filmkritik, VDFK). His current research focuses on online propaganda – especially that of the "Islamic State," its design, and its challenge to media ethics. He has provided advice and worked on various media reports on this subject for both ARD and ZDF.*

# Hybrid Warfare – A Crisis on Our Doorstep

An inflatable boat arrives in the darkness. People haul themselves onto land. Children cry, a woman collapses from exhaustion, a man wraps a baby in a blanket. Scenes like this are being played out on a daily basis on the southern beaches of Europe. This is a bitter offshoot of hybrid warfare.

The terrorist threat and attacks all around the world, the Ukraine conflict, IS violence resulting in refugee movements – for almost a year now, the German defense ministry in Berlin has been saying: "hybrid warfare will be the key issue in the future of the Alliance." Humanitarian disaster, civil war, armed conflict – in many cases, non-military means are more effective than weapons for achieving political and strategic goals. The rules of war have changed.

Hybrid warfare is not new, but the methods and circumstances are. NATO is searching for a strategy against covert and overt operations, diplomatic pressure and economic coercion. The media war, consisting of disinformation, propaganda, cyber attacks and cyber espionage, started long ago. Military and civilian means are deliberately used together, blurring the boundaries between peace and war. As a result of the recent attacks, direct support is expected in France in the struggle against IS. What exactly does this mean for Germany?

A global crisis is moving closer in many senses. The signs are clear, and this raises critical questions. Who can guarantee that German arms shipments don't fall into the wrong hands? More than one hundred soldiers of the German armed forces are currently training *Peshmerga* fighters in northern Iraq. Doesn't this prolong a war, or to what extent does it actually help people in the area? The sea rescue operation in the Mediterranean – whom does this primarily help, and what ethical challenges do they present for a soldier in the *Bundeswehr* and therefore, ultimately, for society? Our values are firmly rooted in the German Basic Law (Grundgesetz), and should on no account be called into question or undermined.

Especially in these times, it is important not to stir up fear. The current population movements are by no means unique in history, and migrants are not an uncontrollable threat. Experts agree that terms such as "invasion of migrants" or "floods of refugees" are not accurately chosen with regard to current events.

It is therefore all the more important to respond to the complexity of hybrid warfare in a measured and forward-thinking way, and to develop counter-strategies such as strengthening resilience, a better understanding of essential values, and a faster response capability.

I hope you will enjoy reading this e-journal special, and that you will find its personal perspectives and sometimes controversial points of view both interesting and insightful.

Gertrud Maria Vaske

Gertrud Maria Vaske
*Chief Editor*
*"Ethics and Armed Forces"*

# The Refugee Business


**Michael Gmelch** *was the first Catholic military chaplain to take part in the 1st German Sea Rescue Contingent providing "humanitarian assistance for refugees in distress at sea in the Mediterranean." He is a pastoral theologian and pastoral psychologist as well as psychotherapist according to the German Alternative Medical Practitioners Act and priest of the Diocese of Eichstätt. He is head of the Catholic military chaplain's office (Militärpfarramt) in Flensburg, and ministers to officer designators of the Naval Academy Mürwik (Marineschule Mürwik) on the training ship Gorch Fock, and at sea as part of the operational and training flotilla (Einsatz- und Ausbildungsverband, EAV).*

## Extremist groups are financed in dark ways via billions of euros from people smuggling – to what extent does Europe share the blame?

Notwithstanding the fact that people in distress at sea must be helped, we should not close our eyes to the complexity of the refugee problem. It is an enormous business built on the illegal transportation of people in despair. Naive sentiments of concern, of the do-gooder variety, are not very constructive. Many refugees pay thousands of euros or dollars to the people smugglers for their passage to Europe.

In the knowledge that they probably will not be granted asylum, many destroy their identity papers en route. Without papers or proof of nationality, it is not so easy for them to be deported.

The German armed forces (*Bundeswehr*) have been deployed in the Mediterranean since early May 2015 – first to rescue people in distress at sea, and since June as part of the European Union Naval Force – Mediterranean (EU NAVFOR MED) operation, which specifically aims to combat smuggling gangs. Initially, the operation focused on reconnaissance and intelligence gathering about the smuggler networks, but since October, permission has been given to search and, if necessary, seize or divert suspicious ships.

Sea rescue nevertheless remains an important part of the mission – it is after all every seafarer's duty under the United Nations Convention on the Law of the Sea and the International Convention for the Safety of Life at Sea. Since May, the *Bundeswehr* has rescued almost 9,000 people from distress at sea.

The smugglers know about the additional patrol ships and are stepping up their activities. They give refugees further "guarantees," since once they have left their own territorial waters, they will be fished out of the Mediterranean.

The increasing presence of gray ships in the Mediterranean reduces the risks for people smugglers and refugees enormously, and makes them more calculable. Smugglers and refugees alike are motivated by knowledge of "success stories" in the press and the fact that, in the best case, it is not necessary to cover the whole distance, but only part of the way beyond Libyan territorial waters.

The refugee business has become a hugely profitable industry, worth billions of euros. Extremist groups are also availing themselves of the opportunity to make money in this "market."

In this respect, the mission of the *Bundeswehr* is ambivalent, since while they are rescuing people, they are also indirectly and unwittingly encouraging the migration organizers, and thus supporting organized crime, with its concomitant violence, forced prostitution, and human trafficking.

This does not in any way change the *Bundeswehr*'s current task of actively combating the people smugglers, since the actual smugglers themselves are not traveling in the boats. And as long as there is a demand for people smugglers, this demand will be served and exploited.

It is said that the refugee problem can only be solved through cooperation with the governments of the countries concerned. Joint action is required together with African and Near Eastern countries to effectively tackle the causes of flight. Until this happens, we are simply trying to alleviate the symptoms of the dramatic refugee situation. But what if these governments are one of the main reasons for the flight? The question of whether a humanitarian tragedy can be addressed by military means leads straight to the heart of the ethical and political conflict situation that has accompanied the refugee problem from the outset. The deployment of soldiers confronts Germany with the highly sensitive question of the extent to which Europe should intervene, for example, in the Libyan chaos.

It is true that the people smugglers include the sea rescue operation in their merciless business calculations. The more ships that EU countries send into the Mediterranean, the lower the risk in transit and the faster the smugglers' profits accumulate. Europe therefore shares responsibility for the crime of people smuggling.

Of course, the act of fishing drowning people out of the sea is humanitarian and always correct. And the people who do it have the feeling of having done something important and right. But it can only ever be an emergency measure.

This is an unresolvable dilemma, from which it is impossible to emerge blameless. As long as no legal ways are set up, people smugglers and everyone involved in the business will profit from the illegal ways. This also applies to extremist groups such as the ISIS.

Receiving centers in the countries of origin and legal escape corridors could therefore be a first step toward breaking the system of organized people smuggling. But one thing is clear: a comprehensive strategy is needed. Hasty actions and populism do not offer a solution. What is happening in southern Europe has become a challenge for us all.

# Does the Training of *Peshmerga* Forces Help Against Hybrid Warfare?

An interview with Jan Heymann by Gertrud Maria Vaske

**Lieutenant Colonel Jan Heymann** *is currently commanding about 104 German soldiers in northern Iraq, in the metropolis Erbil where the German armed forces (Bundeswehr) are presently training Kurdish fighters. Heymann is the successor to Colonel Stephan Spöttel who commanded the mission until the end of September 2015. Spöttel was found dead in his hotel room in Erbil. Heymann holds the Silver Cross of Honor (Ehrenkreuz der Bundeswehr in Silber) and is currently on his third overseas deployment. He has held various positions in the Bundeswehr, and is now serving in the 37th Mechanized Infantry Brigade (Panzergrenadierbrigade 37) at Frankenberg in Saxony. He was born in 1974, joined the German armed forces in 1995 and lives in Saxony.*

### How satisfied are you with how the training is progressing? How good is communication with the Kurdish fighters?

I am highly satisfied with the training. We can see, too, that the Ministry of Peshmerga is satisfied with the training. We do of course tailor our training content to what the Kurds need. For example, we have just recently increased our training periods to 25 days because the Peshmerga Ministry said: "We really like what you're doing. Make the course longer." Firstly, this is a confirmation that the training we are providing here is exactly what is needed; and secondly, it is a good example of how closely we are coordinating with the Peshmerga.

Together with our international partners, we have trained more than 4,000 fighters in total – out of which we Germans have trained 800. That is good. But we can also see that more training is still needed.

### What is working well, and where are there major conflicts in terms of culture, training, and the people involved?

The *Bundeswehr* does have experience with training missions in different cultural settings. We provided training in Afghanistan, and we are currently doing so in Mali and here in Iraq. We adapt ourselves to the circumstances and the people. We are welcome guests here, and we want it to stay that way. So we respect people's customs. And we learn more every day. For me personally, for example, it is incredibly moving to see how many thousands of refugees Erbil has taken in.

### Is Erbil a safe environment for the training project?

Erbil is a real boomtown. It is the oldest continuously inhabited settlement in the world. It is a city of more than a million people that has steadily grown throughout its history. The international soldiers are welcome, especially us Germans, and the people are very friendly toward us. On the whole, I get the impression that everyone here is very considerate of each other. The whole region, after all, is shouldering the burden of accommodating and caring

for thousands of refugees. It is very impressive to see.

Needless to say, there is also a fundamental danger. We are aware of it and are taking it very seriously. And, of course, we must adapt to this danger as well.

**What special challenges are there in this mission for the soldiers?**

Of course, this mission has its pressures, including being far away from home and separated from one's family. But everyone knows how important the task here is. When we see the Kurds fighting a defensive war, or the many refugees in the city, then we are happy to accept the challenges that a mission like this brings.

**In terms of hybrid warfare, can the effects of the new war strategies – namely, a mix of cyber warfare, cyber espionage, asymmetric warfare, drones, the IS and media/propaganda – be felt in the area?**

Our mission is purely a training mission. Our task is to train the Peshmerga for their defensive battle against the terrorist organization that is the "Islamic State" (IS). We follow developments closely and have come to realize what methods the Islamic State uses to spread its messages around the world. It makes use of every distribution channel currently available. Of course, this has a certain impact.

**To what extent does training the Peshmerga also help to combat hybrid warfare?**

Because our training helps to increase the fighting capacity of the Peshmerga, we are strengthening the Peshmerga to fight against the IS. The former are defending their homeland, their families, their villages, and towns against a remorseless and brutal enemy. Nobody could have a greater motivation to fight. And this is how the Peshmerga fighters approach their training.

**What feedback are you currently receiving from the Peshmerga fighters and from German soldiers about the actual success of the fight against the IS?**

They are telling us how important our contribution is. For example, the many MILAN antitank guided missiles that Germany has supplied to the Peshmerga are a crucial asset on the battlefield. Without them, there was no way to stop IS vehicles packed full of explosives. Whole trucks full of explosives, armored with steel plate, and a suicide bomber at the wheel, would break through Kurdish positions and set off the deadly charge; for a long time the Kurds were defenseless against this kind of attack – until they got the MILANs and were able to destroy the vehicles at a great distance.

**Is there even any effective way to fight the Islamic State's megalomania? To what extent? And why?**

I can only say that the Kurds here in the north are full of courage and highly committed to defending their homeland. You can tell from the daily news reports that this battle is not easy. But just because something isn't easy, does that mean you shouldn't even start, or continue with full force?

**German assistance entails the provision of equipment and training by supplying armaments and support – does this "assistance" prolong the war against the IS?**

Personally, I firmly believe that we must continue to help the local people defend themselves against a deadly threat. The faster and more effectively this danger is fought, the better.

**Training is scheduled to continue until the end of January. Will the mission be extended? And if so, why?**

I cannot and do not wish to anticipate the political decision-makers. I only know that we are needed. We see that every day from people's reactions here.

*This interview was answered by e-mail on October 7, 2015.*

*The German Federal Ministry of Defence announced it will send a further 50 troops to the Kurdistan Region. A total of 150 German soldiers will then train the Peshmerga. Further Germany signaled it would send up to 650 soldiers to Mali. Germany also plans to join the military campaign against Islamic State militants in Syria by deploying Tornado reconnaissance jets, refuelling aircraft and a frigate to the region, after a direct appeal from close partner France. With an expected 1200 soldiers the planned involvement would be Germany's largest current overseas deployment. All three planned deployments must still be approved by parliament.*

*(November 30, 2015)*

# Sea Rescue and Hybrid Warfare – A Commander's Thoughts

**Captain Andreas-Martin Seidl** *was deployed as commander of the operational and training flotilla (Einsatz- und Ausbildungsverband, EAV) from January to June 2015. With its mobilization for the refugee rescue operation, he became commander of the 1st German Sea Rescue Contingent (1. Deutsche Einsatzkontingent Seenotrettung). He has been head of department in the Planning Office of the German Armed Forces (Planungsamt der Bundeswehr) since October 1, 2015. He was captain of a minesweeper and operations officer on board the frigate "Köln." After serving as first officer on the frigate "Niedersachsen" and working as an adviser in the German Federal Ministry of Defense (Bundesministerium der Verteidigung, BMVg), Seidl was captain of the frigate "Schleswig-Holstein" from 2007 to 2009. Subsequently, he was engaged as an adviser to Parliamentary State Secretary Thomas Kossendey, and as head of department for the development of the Intervention Forces Operational Command Headquarters (Kommando Operative Führung Eingreifkräfte) before taking over command the 2nd Frigate Squadron (2. Fregattengeschwader) in June 2012. He joined the German armed forces in July 1984. After studying economics and organizational science, he began his military career on Lindau-class minesweepers.*

For weeks, refugees from Syria, Iraq, and North Africa have been making the news and shaping political discussions in Europe. The intensity of these discussions has risen along with the challenges that countries of the European Union face in dealing with the extent of the humanitarian catastrophe and its immense cost.

Islamic terrorists are operating in the crisis regions of Western Asia and North Africa, from which people are fleeing in their thousands. Despite having considerably different motives in some cases, these terrorist groups are united by a concept of the "West" as the enemy, including its secularity.

From a humanitarian viewpoint, the refugees are without a doubt victims of the armed conflicts which are ultimately driving them to flee into the unknown. Unintentionally, however, they also become part of the Islamists' hybrid warfare, which, in addition to using military means, quite deliberately aims to destabilize the "Western enemy" both economically and politically.

Moreover, in light of the Ukraine crisis, is it a coincidence that so many refugees from Syria are trying to find their way to Europe right now? Or is it not also in the interests of the Russian president and Assad supporter Putin to break apart European unity?

Thus, the current flow of refugees are apt to open deep cracks in the facade of the much-vaunted European community of values. This lack of political cohesion in Europe reveals a vulnerability that the protagonists of hybrid warfare are using to their advantage. But even within the EU member states, the increasing plurality with respect to the refugees offers an open flank for hybrid attacks on their social integrity and defensive potential. The intensifying debate over refugees in Germany clearly demonstrates the potential for political destabilization and a socially explosive situation.

In the face of these vulnerabilities, during my deployment as commander of the 1st German Sea Rescue Contingent (1. Deutsche Einsatzkontingent Seenotrettung) from May to June 2015, a number of rather probing questions arose: What happens after the initial – in my opinion – abundantly naive media enthusiasm about the "good deed" when the reality of the refugee influx hits home? Are we soldiers, *nolens volens*, becoming part of the chain of human traffickers and, at worst, even becoming a ferryman for IS terrorists on the route across the Mediterranean? And how are these risks consistent with our oath?

The soldier's basic duty "loyally to serve the Federal Republic of Germany and courageously to defend the rights and freedoms of the German people" lies at the heart of the armed forces' military task, and, at the same time, through the commitment to the values of the German Constitution, it provides firm guidance for individual soldiers.

How am I to reconcile these values with the reality of sea rescue?

The values of the federal constitution also provided me with a firm standard when, as a result of the sea rescue, firstly the rights and the values of the German people embodied therein were defended, but secondly the prosperity and the social integrity of the German people, in particular, appeared to be put at risk by the mass influx of rescued refugees.

There was definitely a dilemma here, but powerlessness in the face of hybrid wars? No! Powerlessness means helplessness or at least a sense of not being able to do that which is necessary with the available options. I felt neither.

I had a clearly defined task. To carry it out did not constitute a crime, nor did it violate human dignity. Therefore, it had to be carried out. Our federal constitution also provided me with a deeper answer: "Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority."

The soldiers of the 1st German Sea Rescue Contingent stood up for this basic right with firm will and immense skills in improvisation. Our basic rights are the cement that can hold our – intentionally or unintentionally – "more colorful" society together, not only today but tomorrow as well. These rights are the guidelines that we can offer refugees starting a new life, but which we should also demand that they respect, in order to maintain a united society despite its increasing pluralization. They are ultimately the guarantors of unity, justice, and freedom, and hence of the existence of our country in its current constitutional form.

With powerful ships, well-trained crews, and legitimacy given, even in full awareness of the potentially explosive force of a mass influx of refugees from other cultures, the deployed troops were not powerless – they were called to duty in the name of these values.

Nothing must be allowed to change the soldier's commitment to values, even in an age of hybrid warfare, and not even if the enemy exploits the openness of our free democratic basic order. Were we to give this up, the enemy would have defeated us in the innermost core of our being.

# Refugee Movements as a Consequence of Hybrid Wars

**Elke Tießler-Marenda** *has been employed in the department for migration and integration at Deutscher Caritasverband e. V. since 2001. She has been focusing academically on the subject of migration and care since 2006, including in the context of a lectureship at the Catholic University of Applied Sciences in Freiburg (Katholische Hochschule Freiburg). Her dissertation on the history of immigration law and asylum law was published in 2002. Since then, she has published in the fields of the law on aliens, the law on social benefits for foreigners, and antidiscrimination law. Tießler-Marenda studied law at the Friedrich-Alexander University (FAU) in Erlangen, Germany. After taking the second state examination in 1995, she worked as a research fellow at the Chair of History of German and Bavarian Law and Civil Law (Lehrstuhl für Deutsche und Bayerische Rechtsgeschichte und Bürgerliches Recht) in the Faculty of Law at FAU.*

The "classical" wars of the 20th century, and especially the Second World War, produced the highest ever numbers of refugees and displaced persons around the world. During the subsequent Cold War, from the European point of view, refugees were mainly individuals fleeing communism, or victims of dictatorships in South America. It has almost been forgotten that the millions of Palestinians whom the United Nations High Commissioner for Refugees (UNHCR) counted as international refugees, even in 2014, are war refugees as a consequence of the Israeli War of Liberation. The innumerable war refugees resulting from civil or proxy wars – whether in Rwanda, Congo or Angola – have received less public attention. The end of the Cold War did not bring the hoped-for peace dividend for refugees and displaced persons. Quite the contrary. Since then, civil wars and hybrid wars have driven their numbers to new record levels. Currently, more people are refugees than at any time since the Second World War.

So if flight and displacement have always been a consequence of war, why inquire about their relevance as a result of hybrid wars? For the persons concerned, it makes relatively little difference what name is given to the war that drives them from their homeland. Yet hybrid wars, by their nature, are particularly responsible for refugee flight and displacement.

In hybrid wars, the addressee of international humanitarian law – which is directed at states as legal subjects, as the actors in a war – is absent. If states are not even "officially" involved in a hybrid war, then nor can they be called upon to observe this law. Where it is not clear who the warring parties are, where even state actors proceed by "unconventional" means, the protection of civilians is more easily overlooked than in the case of classical interstate wars. Where destabilization is part of the plan, the people themselves become the target of hostilities.

The aspects that define hybrid wars – their ambiguity, the blurring of boundaries between civilians and the military, the exploitation of modern media, and especially the disregard for normative and humanitarian considerations – are particularly dangerous for the civilian population. Syria and the Ukraine are

clear examples of how the minimal consensus contained within international law to protect civilians is flouted in hybrid wars. It is hardly possible for the Red Cross or or the United Nations High Commissioner for Refugees (UNHCR) to provide humanitarian assistance, such as care for the wounded or for people who become refugees in their own country (internally displaced persons). The assistance needed in East Ukraine was politicized by Russia and hence used as a tool of warfare. In Syria, it is too dangerous for foreign aid workers to provide humanitarian assistance, which is now possible only on a very limited scale. This is a further reason why the war in Syria is regarded as being one of the greatest humanitarian disasters of our time.

According to UNHCR statistics, there were around 60 million refugees worldwide in 2014 – and contrary to perceptions in Germany, the majority do not come anywhere near Europe. Sixty-four percent were internally displaced persons, mainly in Syria and in countries in Asia, Africa, and South America. "Only" 19.5 million fled to other countries. Apart from Syria, the refugees' main countries of origin include other countries that are suffering from wars or their late effects, such as Afghanistan, Iraq, Somalia, and the Central African Republic. A new country of origin that was included in the statistics for 2014 was Ukraine. The war in Ukraine, often cited as a prototype of hybrid war, resulted in 1.64 million people fleeing East Ukraine in 2014. Around one million people were displaced within Ukraine and 640,000 fled to neighboring countries. Russia, which was partly responsible for and an actor in this war, was at simultaneously and for the first time, the country, in the world that took in the most asylum, seekers in 2014 as a result of accepting people from East Ukraine. People who flee to another country where they formally apply for asylum are recorded as asylum seekers. There were nearly two million such people in 2014. This number will probably be significantly higher in 2015, when Germany could be the country taking the most asylum seekers, based on current estimates of the anticipated number of asylum applications, which range from 800,000 to 1.5 million. Russia and Germany were followed by the United States, Turkey, and Sweden in 2014.

For a number of years, the EU and Germany have also seen an increase in the number of people seeking refuge from the consequences of hybrid wars. Syrians are currently the largest group, but many people are also coming from Afghanistan, Iraq, and Somalia. As large numbers of refugees opt not to stay in the camps in adjacent countries, and instead risk their lives to head for the EU, via the Mediterranean or on foot across the Balkans, it is becoming clear that hybrid wars represent more than just a far-away challenge for foreign and security policy. The destabilization of states to the point of collapse (referred to as failed states) accompanying hybrid wars has consequences for the people who live there – and, with their flight, increasingly for EU countries as well.

The EU is currently struggling to get to grips with the situation. Remedies include making it more difficult to enter the EU by tightening border enforcement and combating people smugglers, as well as distributing refugees who are already here within the EU. With regard to Syria, efforts to end the war are to be stepped up. Adjacent states, particularly Turkey, are to be given more support to accommodate refugees, but in return they are asked to prevent them leaving for the EU. So far many countries – including within the EU – have not honored their financial commitments to provide better care for refugees. Refugees need prospects if the camps are not to become a decades-long phenomenon and if refugee movements are to abate. The neighboring states of crisis countries should therefore receive support to help

them take refugees, and especially for their integration.

Germany, meanwhile, is relying on the EU and has just tightened its asylum laws. With regard to the current wars and crises, however, one might question whether it is helpful, for example, to prevent rejected asylum seekers from working legally while cutting their welfare benefits. Another measure recently passed, that of routinely banning asylum seekers from working for six months during their initial reception, somewhat reduces the concerns of local authorities. As a result, however, the most acute problem – accommodation – is merely shifted to the federal level, not solved. To make progress here, the construction code in Germany has just been changed to make it easier to create collective accommodation. This initial provision is not enough. Refugees are currently also creating problems for government structures in terms of coping with their registration and processing asylum applications in reasonable time. On average, it still takes significantly longer than the three months that the process is supposed to take. Some asylum seekers have waited up to two years for a decision. Changing this requires, above all else, more staff. The German Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge, BAMF) in Nuremberg is currently making efforts to recruit extra personnel. They are also receiving support from staff in government ministries and other authorities.

Based on current acceptance rates, around half of asylum seekers will stay in the longer term. It is therefore a very welcome development that policy makers with responsibility for housing, jobs, family policy, and education are giving thought to what the immigration of refugees means in these areas. The challenges are huge, but not new. After all, large numbers of people have been migrating to Germany for decades. If refugees are granted a protected status, they face the same problems as other immigrants: they have to learn German; getting their qualifications recognized in Germany is a complicated process; they need to find a job and a place to live. At the moment, Germany has a high demand for workers and trainees. Some refugees have a good education. But around 20 to 25 percent cannot read or write. It will therefore be a matter of education, training, and supplementary qualification. The employment service's offerings will need to be adapted and expanded accordingly, without this being to the detriment of those who already need support with labor market integration. As people generally go where the jobs are, many refugees will move into cities where affordable housing is already in short supply. Sufficient housing space therefore needs to be created for them and for other people on low income. Schools need to be equipped to deal with a return to rising student numbers and increasingly heterogeneous students. Germany can accomplish these tasks, and the openness and willingness to help shown by many people in local communities are an encouraging sign. But everyone needs to realize that it will cost money. Nevertheless, the immigration of so many young people and children also presents an opportunity from the point of view of demographic change.

For sustainable integration, it will also be important to shape the way people live together at a local level. Integration takes place in everyday life. It is therefore essential to have the existing local population on board. Yet there are fears, concerns, and uncertainties. To counteract these, political decisions need to be made transparent and explained. Other pressing problems in Germany such as poverty, long-term unemployment, and climate protection must not be lost from sight. Information, education, and person-to-person contact are required at the local level. The high level of volunteer involvement that we are currently witnessing represents a signifi-

cant contribution to achieving this. The provision of support for volunteers – for example, by the German Federal Commissioner for Migration, Refugees and Integration or by churches and charities – is therefore a key element for medium- and long-term integration.

# The Ethical and Moral Challenge of Hybrid Wars for Soldiers of the German Armed Forces

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## "Are we still at peace, or is this already war?"

Uncertainty appears to be the hallmark of a kind of warfare that has entered our language as "hybrid." Intentionally causing confusion is regarded in expert circles as being part of the essential core of its operations. Nothing seems clear, only one thing is certain: with this form of warfare, the military is supposedly no longer dominant. The increasingly "creative use" of civilian methods and means, and the blurring of hitherto recognized boundaries to achieve political goals, are apparently outpacing the classical categories of military thought and action. Covert operations mixed with the overt use of tools of war, the systematic infiltration of intelligence personnel or soldiers without insignia into crisis areas, deliberate disinformation and propaganda, stirring up social tensions in conflict regions, foreign powers building up military potential close to borders combined with economic pressure – all of this together paints a picture of war that appears more total than anyone was previously willing to imagine.

Not least in light of security policy activities in Ukraine and the Middle East, the traditional understanding of wartime operations is losing its doctrinaire selectivity.

In its concept of networked security, the Western alliance developed a kind of strategic counterplan. For this, all existing and available political and military instruments – ranging from rapid reaction forces to financial and economic sanctions, cyber defense, reconnaissance, and police investigations as well as information campaigns – are to be synchronized as best as possible through networking in line with an effective defense strategy.

However, within these strategic considerations, German policy makers, armed forces, and the society in general see themselves faced with the challenge of being "intellectually" prepared for the temporally and regionally unlimited political character of hybrid conflicts. Even at the conceptual stage of considerations, it is clear that, for us as soldiers of the German armed forces – as potential participants in future hybrid scenarios – the hitherto known boundaries between war and peace will appear strangely blurred; fundamental distinctions will be even more diffi-

cult to determine than they already were. The "dissolution of borders" in conflicts is proceeding apace; as a "citizen in uniform," I will foreseeably come up against not only legal but also ethical and moral boundaries. Within hybrid deployment scenarios, too, the duty of soldiers may include having to kill – their contribution, in other words, of resolving the conflict in the sense of an *ultima ratio.*

This requirement stands in diametric opposition to that which tries to prevent them from doing this: their own conscience, the law, a fear of punishment, or a sense of shame – as well as the belief in intellectually agreeing with the basic principles of our constitution, according to which every person is worth just as much as oneself. In order to make resulting inner tensions controllable, special rules of engagement (for the use of military force in armed conflicts) have been issued, which change individual parameters so that for us as soldiers, in defined situations, it is expressly not "wrong" if we are forced to kill. To some people, a sentence like that might sound confusing, almost cynical. In ideologically charged discussions, being a soldier, using violence, and killing are often assumed to be an "unholy trinity."

Perhaps at this point the objection is warranted that killing is by no means approved of in the military. On the contrary. Even if, under "regulated conditions" of war and deployment, killing appears to be socially accepted, such an extreme experience always demands a personal decision to be made – from any soldier. Even if he is able, in a combat or battle situation, to temporarily set aside his civilizing instincts, this is hardly possible for his conscience or sense of shame. Anyone who chooses the profession of soldier should ultimately be clear about the fact that, as part of the constitutionally enshrined task of the armed forces, he could be forced to have to kill. For us – thank goodness – extreme experiences of this kind are still absolute exceptions. Nevertheless, past operations – especially in Afghanistan – have made it clear that personal action in extreme situations cannot be legitimized solely by the idea of serving a greater good – the security of Germany. "Having to kill" inevitably leads any soldier into ethical and moral dilemma situations.

I firmly believe that only a credible and convincing value framework can provide orientation for thoughts and action in these situations. In my understanding of what it is to be a soldier, "I was only following orders" must never again be regarded as sufficient.

This is not only the essential point that emerges from reflection on German history of the past century, but is also – in my view – a conscious differentiation from the brutal murder perpetrated by holy warriors of the "Islamic State," which we are currently witnessing in Iraq and Syria. These "fighters" commit murder intentionally and without remorse – not, for instance, because they have become "bad people," almost overnight, under the influence of religious propaganda. They murder with such ruthlessness because the mechanisms which are supposed to prevent violence in a functioning civil society have completely broken down, to be replaced by a "rule of violence." In bewilderment and with great reluctance, in the face of the indifference to human suffering that we are observing, we must understand thatthis, too, is a particular "mode of human experience," but one at an unbridgeable distance from the civil society in which we live.

In conflict scenarios that are becoming increasingly hybrid, the likelihood of a clash with unrestrained fanaticism is high; in encounters with organized actors who, in their conception that they are fighting for their god or some higher power, know no limits to their brutality. For many of us, the immediate experience of such

a callous, merciless attitude will trigger feelings of helplessness and rage; and a demand for more rigorous rules of engagement – beyond the leadership philosophy of *Innere Führung* (leadership development and civic education), which is felt to be too "soft." How else can such "bestiality" be tackled effectively?

From a functional point of view, this seems almost comprehensible; after all, an army proves itself in the tasks that a real world sets for it. And in doing so, it learns what it needs to learn. The danger is that one of the "lessons learned" hereby could seemingly be that "the ends justify the means." Yet if an emotional perception experienced by soldiers in the German Armed Forces automatically triggered reactive social behavior of this kind, we would lose the essential justification for that which we are fighting for. To be deployed in complex, highly emotionally charged scenarios, in which all norms and rules appear suspended, and yet still be able to experience feelings of empathy and consideration, is likely to be one of the crucial ethical and moral tests for soldiers in the German Armed Forces.

How well is our own organization prepared for challenges of this kind? Will the current management philosophy prove resilient under the described conditions?

Current discussions make it clear that many soldiers now perceive the essential core of *Innere Führung* as being associated only with commands and duties – namely, as more of an intellectual concern with principles and rules that all too idealistically describe what a soldier "should" do. This makes it clear that the management philosophy and guiding principle of our army are in danger of making abstract demands, which, in the absence of emotional involvement, will hardly show any conscious impact on the social behavior of its soldiers or provide them with guidance in the context of an increasing sense of disorientation. Admittedly, *Innere Führung* in its pure form is an ideal, and an army in keeping with this management philosophy remains a utopia.

But I feel that *Innere Führung* is always more than its definition and personally regard it more as an experience. It is combined with the realization that only I myself can make it clear who I am as a soldier and who I want to be. Furthermore, I do not believe it possible to answer intellectually specific questions arising in my everyday life as a soldier using a leadership philosophy and on the basis of a guiding principle that is binding for all. I tend to find my answers in things that I have experienced and lived through in the soldierly community.At the same time, I also reflect upon my actions to see whether I have done what I previously thought I was supposed to have understood to be what I "should" do. It is one thing to think clever things when it comes to leadership culture and the soldier's self-image, and to "feel thrilled" about it. However, here, too what counts is whether I then actually do what I have recognized as being the right thing to do.

Thus, *Innere Führung* cannot be understood as a confessionally correct model for dealing with all ethical and moral challenges in our profession. Doubts remain and are normal – also as an opportunity to continue learning. What personally sustains me is more "my heart's quest" for a sense of soldierly community, for camaraderie, for soldierly identity. Skepticism about the effectiveness of the concept of *Innere Führung* may very well be a part of this quest. I firmly believe that one can have doubts about individual formulations but nevertheless be able to live their "spirit."

Even so, it is important that the greatest possible number should be able to believe in the shared vision of a soldierly community. Indeed, the will to trust and serve is

more than an inner matter. Allowing closeness to other people who trust in the same thing, enabling shared tasks to be performed better, is the essential core of camaraderie. It is not abstract, but rather a "feeling" when interacting with one another on a daily basis. Understood in this way, *Innere Führung* can help us to "take something to heart" and to want to make a lasting change to something in this spirit. Sometimes this is nothing more than a new perspective that provides orientation at the right time – also and particularly in the confusing circumstances of hybrid conflict scenarios.

But *Innere Führung* is never effective in an arbitrary way and is not an all-purpose tool for universally dealing with ethical and moral challenges. It is based on particular rules, because social coexistence among soldiers is not possible without this. Yet these exterior rules should have the effect, above all, the effect of helping us to understand the interior connections. Every soldier has the task of interpreting and shaping his life, both when he is wearing his uniform and not. The results are and will always remain provisional. Despite this, they significantly influence ideas concerning how we want to coexist and also "fight" as a community. But if we are not willing to live as part of and for a soldierly community, we will not be able to win any "hearts" for it. *Innere Führung* does not provide any "rules of life" here – either in generally valid or definitive terms. It is rather a "testimony" in that it tells us what we can experience and pull through together if we live by what we consider to be important.

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