



## ENCONTRO COM A CIÊNCIA E TECNOLOGIA EM PORTUGAL

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## Introduction

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

## Lexicon, Terms and Definitions

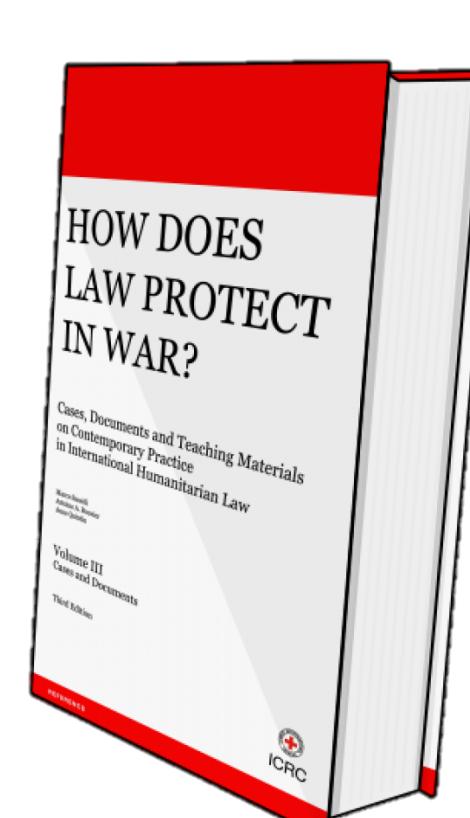
The term "hybrid warfare" or "hybrid war" gained popularity in the post-Cold War geopolitical setting, when hybrid wars replaced traditional ones.<sup>1</sup> Hybrid warfare lacks a legal definition; it is a sort of infusion cooking in which everything goes; it blurs the line between peace and conflict, transcends traditional military domains, and resides at the interface of information, physical, and cognitive/social domains.<sup>2</sup> Indeed, the concept is not new – a bouquet of various techniques, methods, technologies, tactics, procedures and means<sup>2</sup> for achieving a political or military objective – as it was frequently exploited in previous centuries. There is nothing novel about it. What is novel is the equivalence between the use of actual force and the use of other means, which certain doctrines attempt to establish. In a word, it is a matter of disguising something that is not armed conflict as armed conflict, using the kaleidoscopic hybrid idea to do so.

To begin, we must cleanse the field of lexical misunderstandings and conduct an analysis of the appropriate environment for reusable term definitions. Terminologists generally employ text for the purpose of identifying terms and locating contextual examples.<sup>3</sup> This study investigates these patterns and demonstrates how the data they contain can be obtained and used as input for terminological entries.

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

## The Legal Framework

The comparison of the definitions provided by the aforementioned dictionaries reveals that conflict is distinct from war, which is defined as "armed conflict".<sup>1</sup> The Hague Conventions of 1899 and 1907, and the Geneva Conventions of 1949, as well as their additional protocols, establish the legal basis for "armed conflict". This body of law, dubbed "international humanitarian law" or the "law of war", is applicable exclusively during armed conflict.<sup>1</sup> The terms "warfare" and "war" do not have the same meaning as "conflict" in this context, but they are equivalent to "armed conflict".<sup>1</sup> The distinction is critical for comprehending the debate surrounding and about the "hybrid" spectrum.



Indeed, the doctrine observes that the concept of armed conflict has largely supplanted the concept of war,<sup>4</sup> which has lost its original meaning in international law: "a contention between two or more [s]tates through their armed forces, for the purpose of overpowering each other and imposing such conditions of peace as the victor pleases".<sup>5</sup> Although the term "war" is still used in international law, the larger idea of armed conflict has supplanted it.<sup>4</sup>

According to a House of Lords report on the parliamentary role and responsibilities in "waging war", there is no distinction between war and armed conflict; in both cases, troops are deployed abroad in situations in which they can kill or be targeted.<sup>6</sup> As a result, we can deduce that the Geneva Conventions do not apply to a conflict that does not involve the use of weapons merely because it is not an armed conflict.

A seminal work on the equivalency between cyber attacks and traditional kinetic attacks, i.e. the use of military, lethal force, reveals the logical and legal absurdity of this equation, which is based only on US and NATO policy.<sup>1</sup> Doctrine retains neither the force of international treaty law nor the force of customary law in and of itself; it is based only on national interest.

# The Lexicon of War

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## The Hybrid Blend

We now turn our attention to the amalgamation of these elements that constitutes "hybrid warfare" – a theoretical term devoid of legal significance. There is no one-size-fits-all recipe for hybrid warfare; like to curry powder, it can be made up of any combination of ingredients. It is an amorphous term, an umbrella notion that incorporates a variety of tools: military and civilian, conventional and unconventional.<sup>1</sup>

Hybrid warfare is a comprehensive strategy, not just a collection of techniques and tactics, capable of integrating lethal and non-lethal tools into a holistic approach that shapes the hybrid continuum as a whole.<sup>2</sup>

Due to the fact that hybrid warfare – often referred to as grey zone conflict or low-intensity conflict – blurs the border between peace and war, it is debatable whether it should be considered above or below the threshold of armed conflict.<sup>2</sup> What is certain is that when weapons are used, an armed conflict occurs, and the existing legal framework applies.

On the other hand, the use of non-lethal means is not a form of warfare.<sup>2</sup> Hybrid operations that do not involve the use of lethal force do not qualify as armed conflict and hence cannot be compared to a conventional/kinetic military attack.<sup>2</sup> These are "military operations other than war".<sup>2</sup>

According to certain authors (Thomas 2016, Giles 2016, Gorkowski 2016, Theohary 2018, Marsili 2021), we remain below the threshold of armed conflict under these circumstances. Coercion and deterrence do not necessitate the use of force and can be accomplished fully through soft power means such as diplomacy and persuasion.<sup>2</sup>

## Conclusions

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

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

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

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*Disclaimer - The author of this poster advocates the resolution of conflicts through diplomacy and pacific means and rejects the resort to lethal force to settle international disputes.*