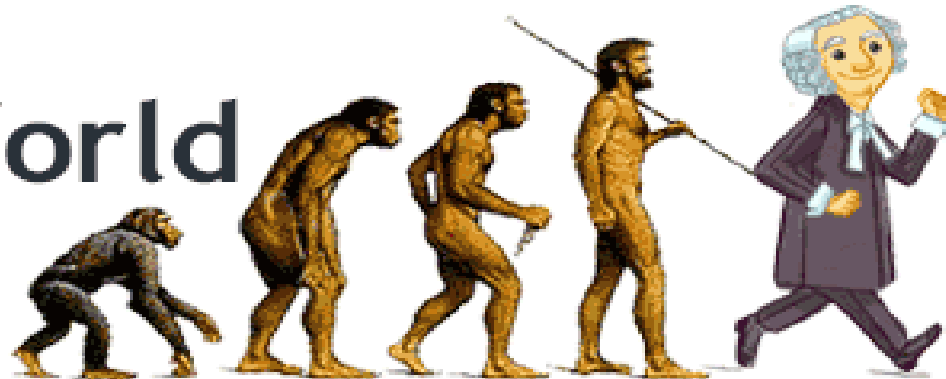


Duhaime's

Timetable of World Legal History



WARFARE IN CONTEXT OF INTERNATIONAL MILITARY LAW

D-r Andrej Iliev, Lieutenant Colonel, Associate professor in Social science Department
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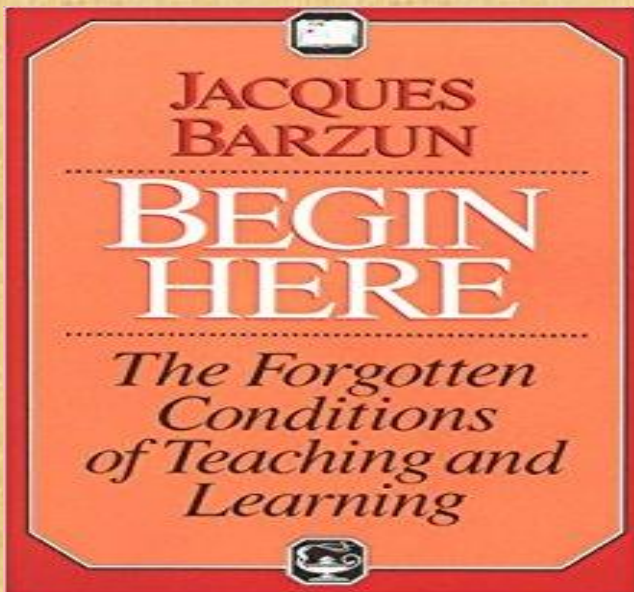


The truth is, when all is said and done, one does not teach a subject, one teaches a student how to learn it.

(Jacques Barzun)

"The student who reads history will unconsciously develop what is the highest value of history: judgment in worldly affairs. This is a permanent good, not because "history repeats" - we can never exactly match past and present situations - but because the "tendency of things" shows an amazing uniformity within any given civilization. As the great historian Burckhardt said of historical knowledge, it is not 'to make us more clever the next time, but wiser for all time'".

Jacques Barzun, *Begin Here: The Forgotten Conditions of Teaching and Learning*

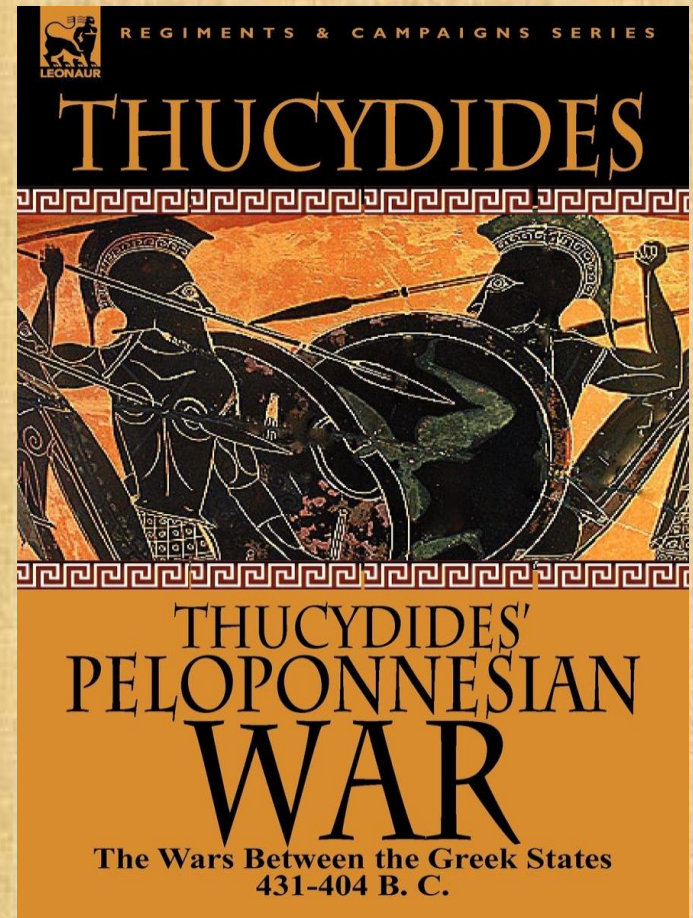


Jacques Barzun

The just war theory also has a long history. Parts of the Bible hint at ethical behavior in war and concepts. The Greeks may have paid lip service to the gods, but, as with the Romans, practical and political issues tended to overwhelm any fledgling legal conventions: that is, interests of state or *Realpolitik* (the theory known as political realism in declaring and waging war. Thucydides' *History of the Peloponnesian War* as an example of why war is necessarily the extension of politics and hence permeated by hard-nosed state interest rather than “lofty” pretensions to moral behavior.



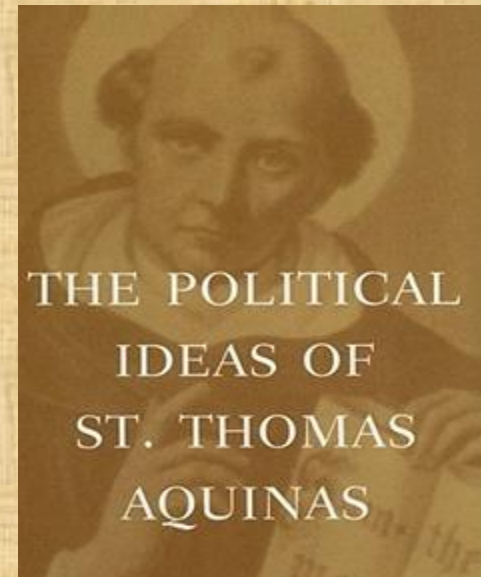
Thucydides



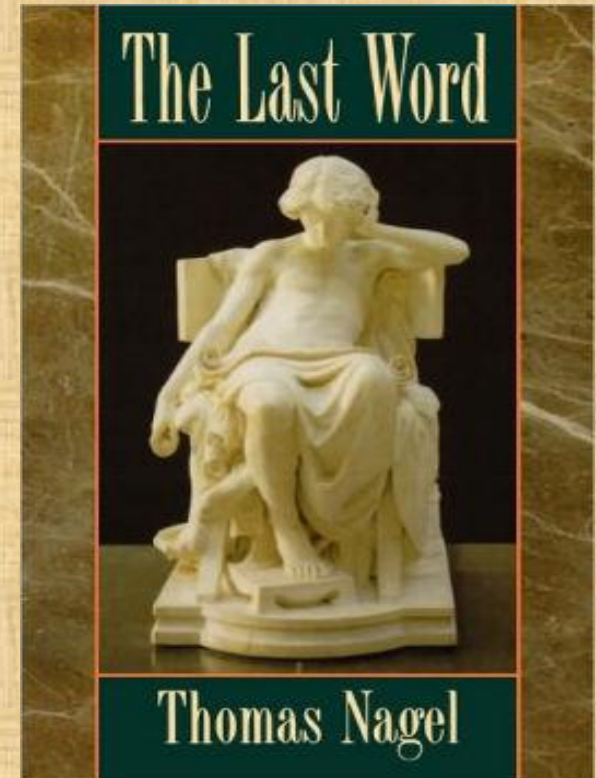
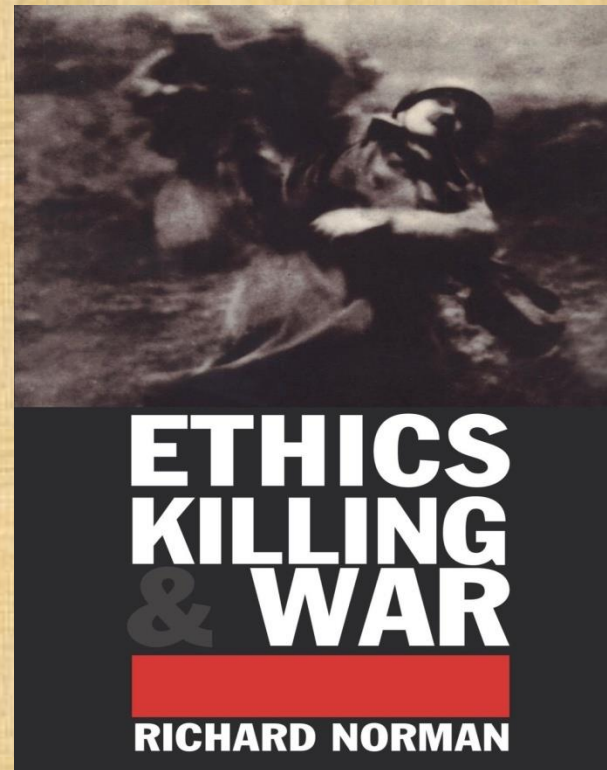
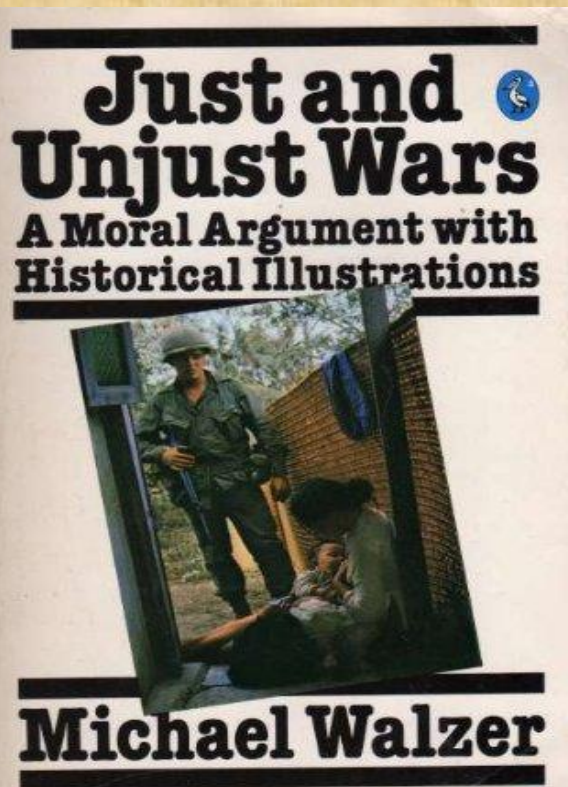
Although Saint Augustine provided comments on the morality of war from the Christian perspective (railing against the love of violence that war can engender) as did several Arabic intellectuals from the 9th to 12th centuries, but the most systematic exposition in the Western tradition and one that still attracts attention was outlined by Saint Thomas Aquinas in the 13th century. In the *Summa Theological*, Aquinas presents the general outline of what becomes the traditional just war theory as discussed in modern universities. He discusses not only the justification of war but also the kinds of activity that are permissible (for a Christian) in war. Aquinas's thoughts become the model for later Scholastics and Jurists to expand and to gradually to universalize beyond Christendom – notably, for instance, in relations with the peoples of America following European incursions into the continent. The most important of these writers are: Francisco de Vitoria (1486-1546), Francisco Suarez (1548-1617), Hugo Grotius (1583-1645), Samuel Pufendorf (1632-1704), Christian Wolff (1679-1754), and Emerich de Vattel (1714-1767).



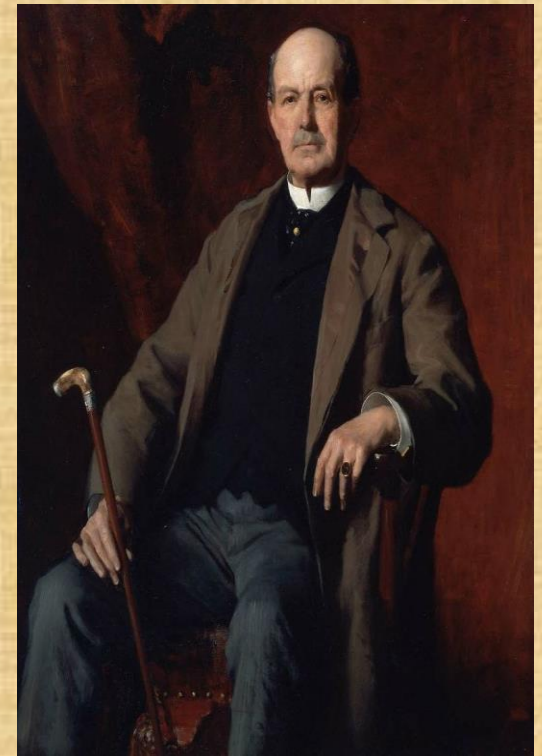
Saint Thomas Aquinas



In the XX-th century, just war theory has undergone a revival mainly in response to the invention of nuclear weaponry and American involvement in the Vietnam war. The most important contemporary texts include Michael Walzer's *Just and Unjust Wars* (1977), Barrie Paskins and Michael Dockrill *The Ethics of War* (1979), Richard Norman *Ethics, Killing, and War* (1995), Brian Orend *War and International Justice* (2001) and Michael Walzer on *War and Justice* (2001), as well as seminal articles by Thomas Nagel "War and Massacre", Elizabeth Anscombe "War and Murder", and a host of others, commonly found in the journals *Ethics* or *The Journal of Philosophy and Public Affairs*



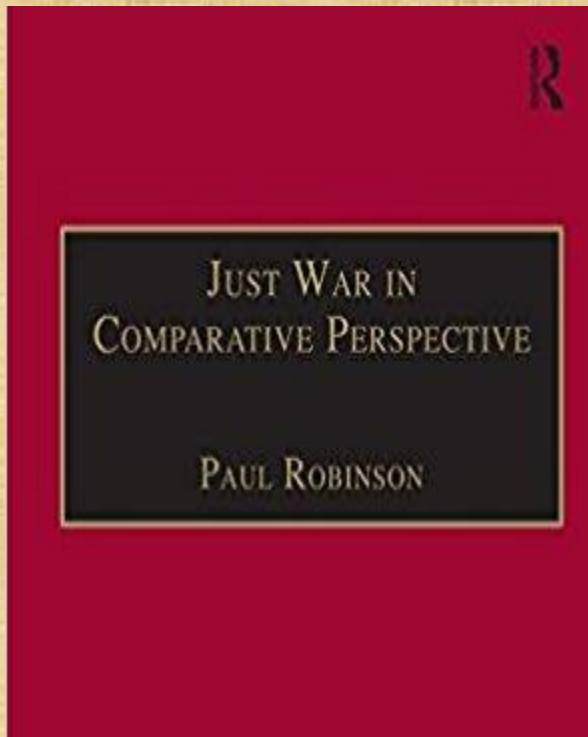
Just war theory has become a popular topic in International Relations, Political Science, Philosophy, Ethics, and Military History courses. Conference proceedings are regularly published, offering readers a breadth of issues that the topic stirs: for example, Alexander Moseley and Richard Norman, eds. *Human Rights and Military Intervention*, Paul Robinson, ed., *Just War in a Comparative Perspective*, Alexander Jokic, ed., *War Crimes and Collective Wrongdoing*



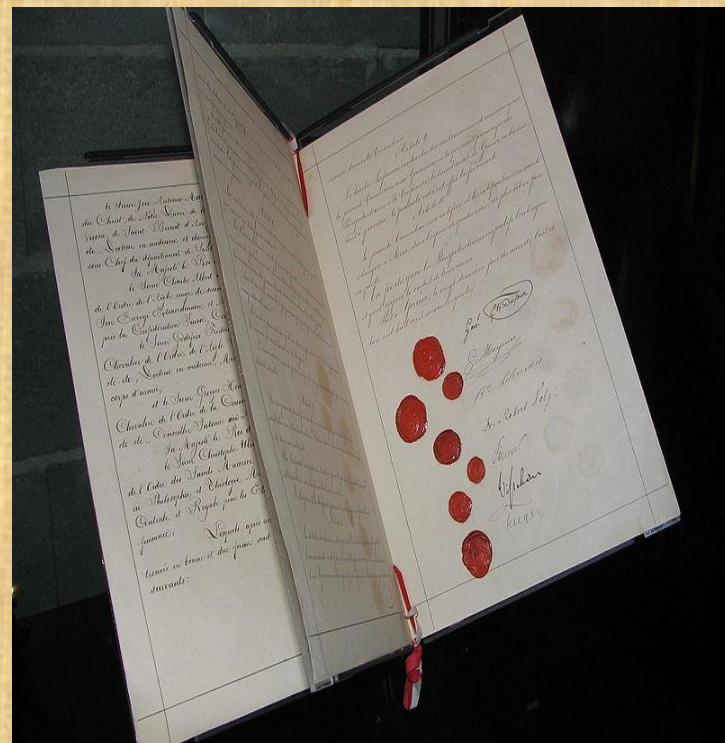
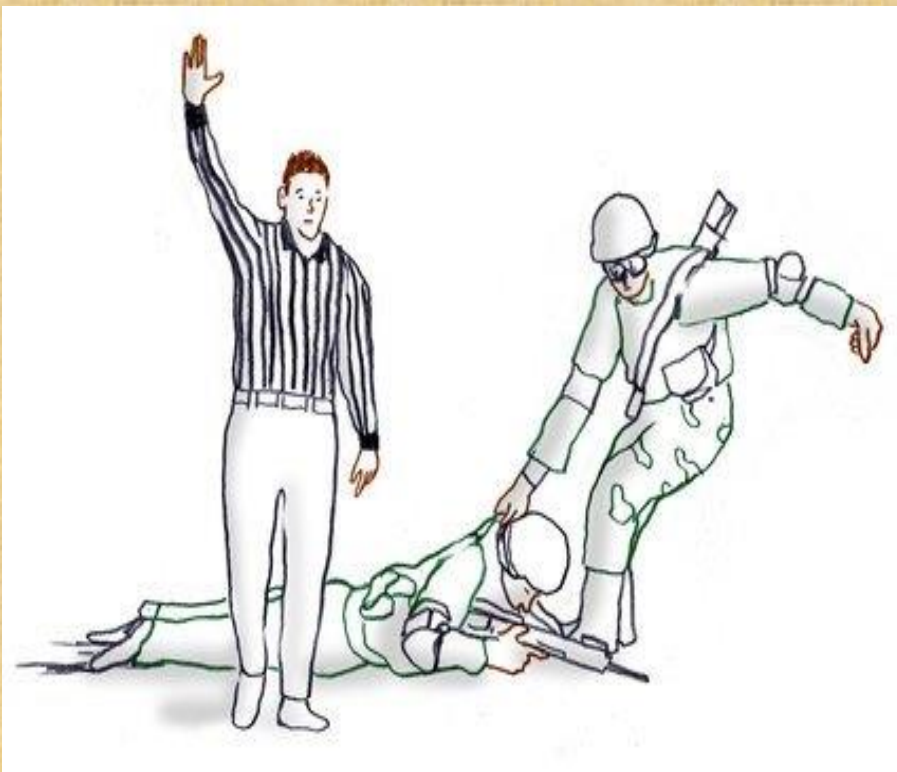
Alexander Moseley



Richard Norman



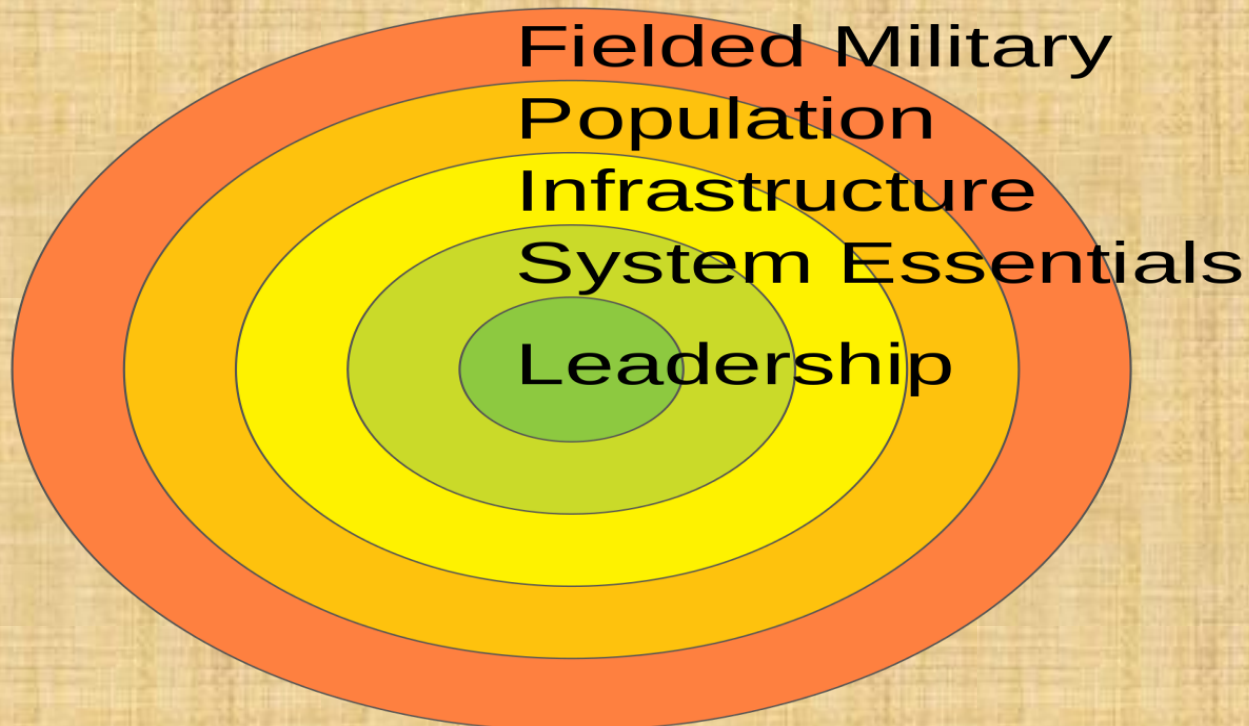
In the political circles, justification of war still requires even in the most critical analysis a superficial acknowledgement of justification. On the ground, generals have extolled their troops to adhere to the rules, soldiers are taught the just war conventions in the military academies (for example, explicitly through military ethics courses or implicitly through veterans' experiences). Yet despite the emphasis on abiding by war's conventions, war crimes continue - genocidal campaigns have been waged by mutually hating peoples, leaders have waged total war on ethnic groups within or without their borders, and individual soldiers or guerilla bands have committed atrocious, murderous, or humiliating acts on their enemy. But, arguably, such acts do remain atrocities by virtue of the just war conventions that some things in war are deemed to be inexcusable.



1-st Geneva Convention 1864 year

Circle of Modern War

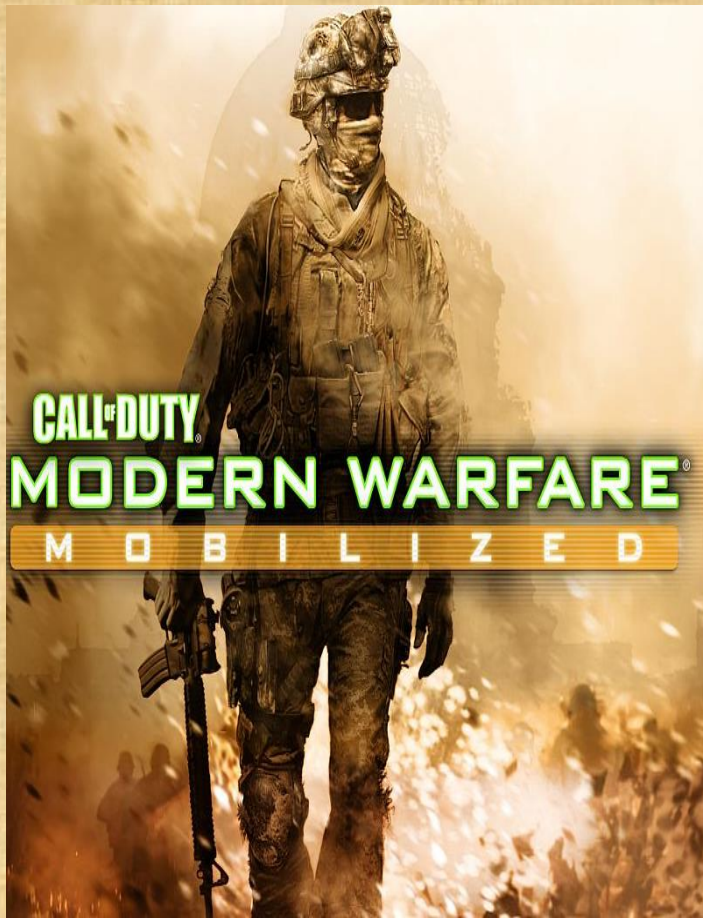
- Match/Mismatch between national objectives & national strategy;
- Core technologies: information technology, metallurgy, chemistry, physics, mechanics, electronics;
- Core Weapons:
 - infantry weapons, artillery, naval armament, aircraft, infantry weapons;
- Logistics as the lynchpin of modern war
- Offense vs. defense
- Revolutions in national, regional and international military affairs



Modern warfare is warfare using the concepts, methods, and military technology that have come into use during and after World Wars I and II.

The concepts and methods have assumed more complex forms of the 19th and early 20th century antecedents, largely due to the widespread use of advanced information technology and combatants must modernize constantly to preserve their battle worthiness.

Samuel Clements (1835-1910)



THE LAWFUL USE OF FORCE Despite the UN Charter's broad legal prohibitions against the use of force and other forms of intervention, specific exceptions exist to justify a State's recourse to the use of force or armed intervention. While States have made numerous claims, using a wide variety of legal bases to justify the use of force, it is generally agreed that there are only two exceptions to the Article 2(4) ban on the threat or use of force: (1) actions authorized by the UN Security Council under Chapter VII of the UN Charter and (2) actions that constitute a legitimate act of individual or collective self-defense pursuant to Article 51 of the UN Charter and/or customary International law.

Article 39 : SC must determine if there is a (1) threat to peace; (2) breach of peace; or (3) act of aggression

Article 40: SC can call for provisional measures. For example, calling for withdrawal of troops or suspension of hostilities.

Article 41: impose sanctions – arms embargo (against Rwanda), economic and trade sanctions (Iraq), diamonds embargo (Angola), prohibition on all States to finance terrorists (SC Res1373 (2001))

Article 42: authorize the use of force – (1) to avert aggression (e.g.: Iraq v Kuwait, 1990) (2) to give authority to Peacekeeping forces to use force (e.g.: in Somalia, 1993) (3) assisting to maintain a government (e.g.: Afghan Interim Authority, 2000)

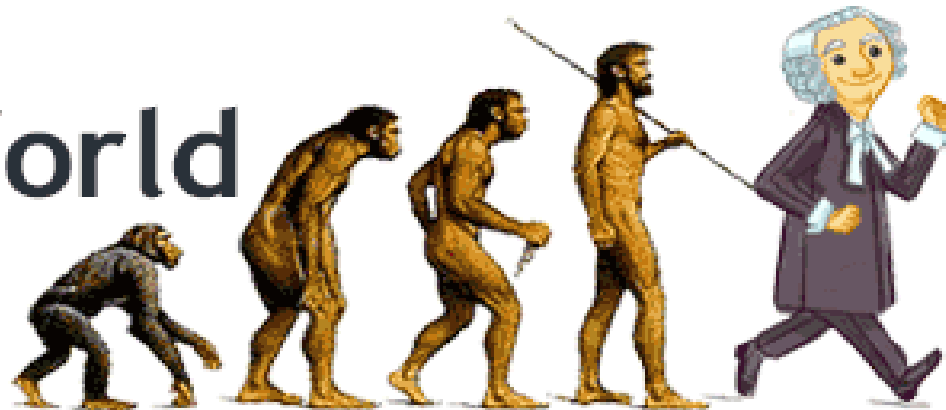
Ladies and Gentlemen thank you for your attention!

QUESTIONS!



Duhaime's

Timetable of World Legal History



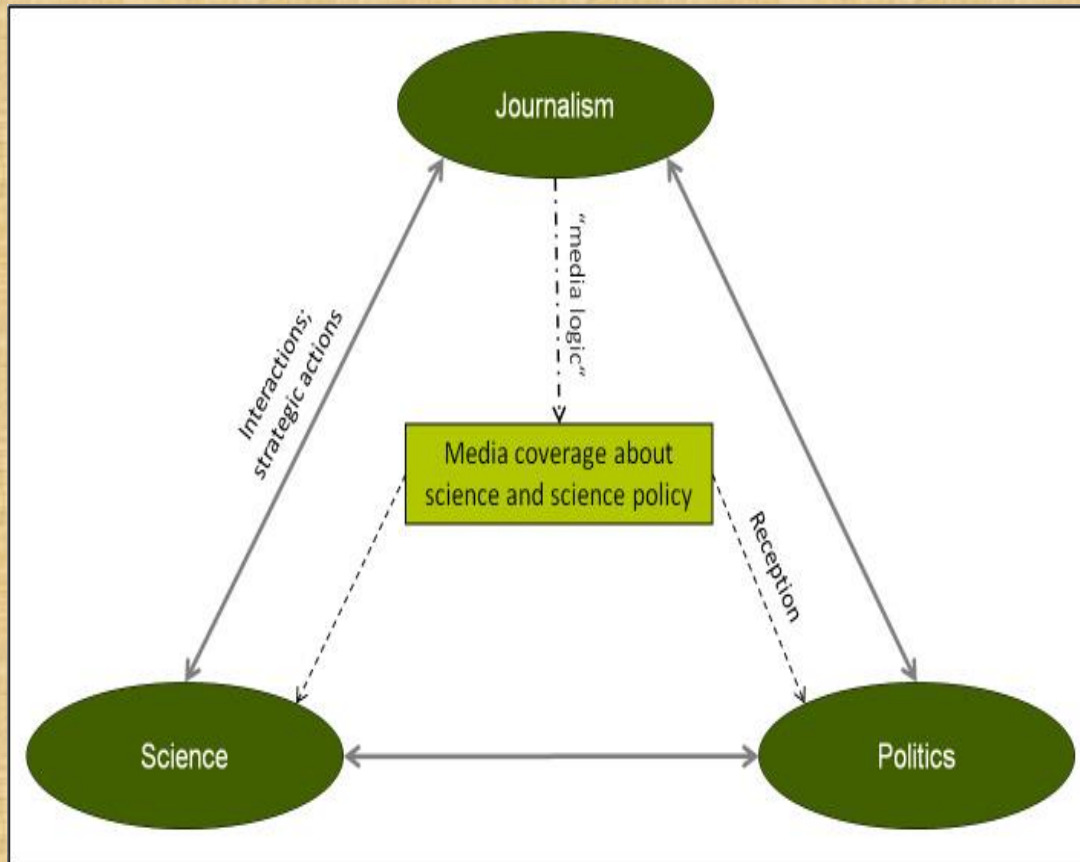
WAR AS A SOCIAL PHENOMENON

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War is a continuation of politics by other means. War is an act of violence that theoretically could have no limits. Traditional war consists of strategic, operational and tactical levels.

State is an entity comprising territory, citizens and constitutional order/legislation. Constitutional order is a set of principles reflected in laws and describing how state is constituted, i.e. how it works, how it is governed and how much control it exerts over its population and various sectors of society and economy.

Politics/policy is a process of decision-making/purposeful flow of action for better define and effectiveness of some state important area.

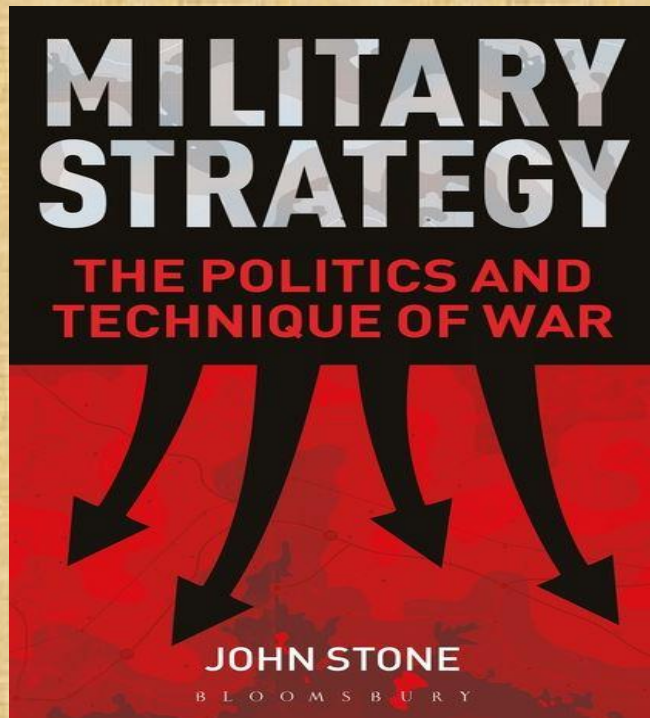


Strategy is an idea or set of ideas for employing the instruments of political and military power in a synchronized and integrated fashion to achieve various objectives.

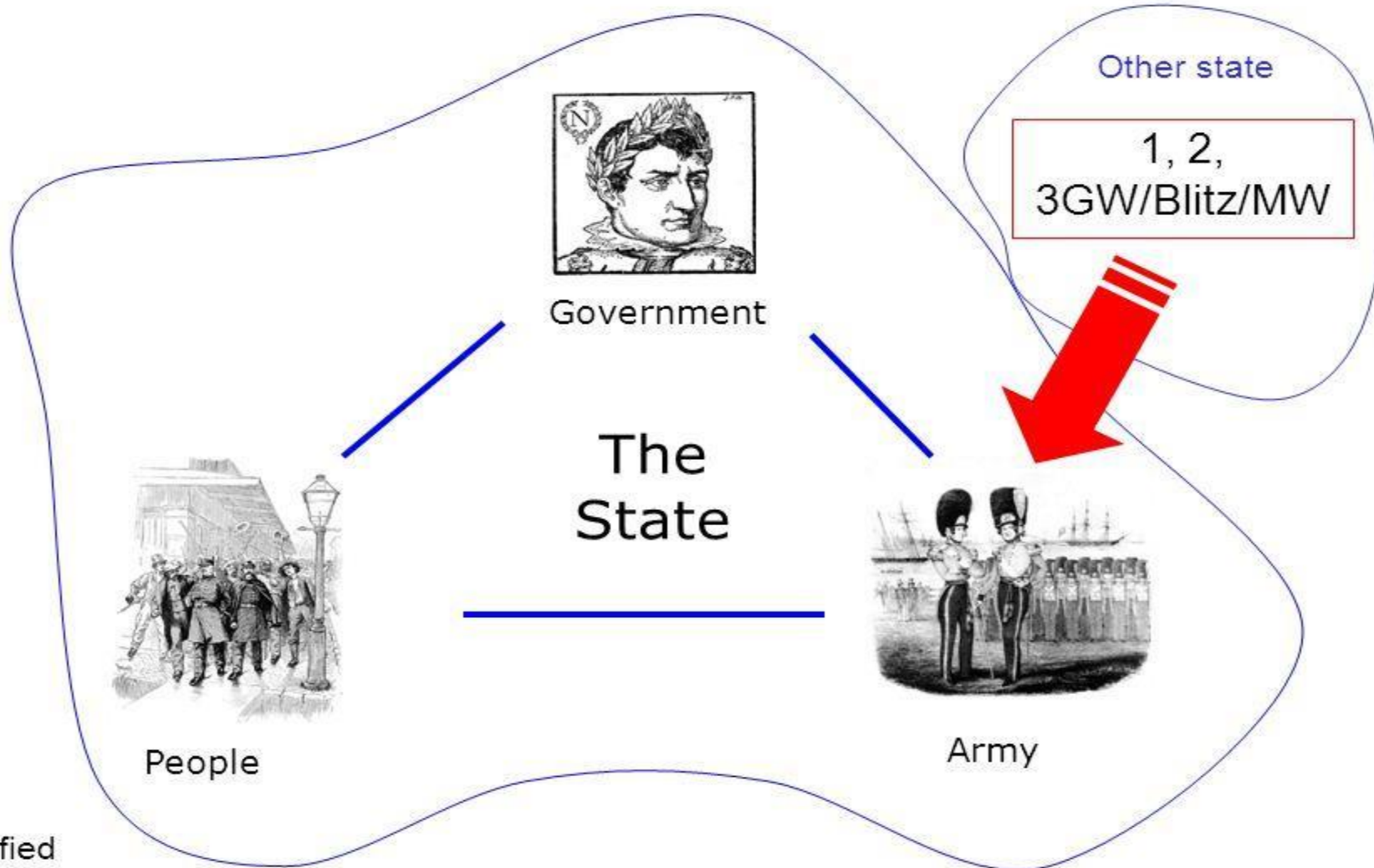
Operational art is an application of creative imagination by commanders and staffs to design strategies, campaigns, and major operations and organize and employ military forces

Operation is a large-scale military action consisting of tactical engagements in support of strategic goals.

Tactics is an employment and ordered arrangement of forces in relation to each other for achieving better domination of the military operation



Clausewitz's Trinity*: State vs. State



*simplified

February 2006

<http://www.jaddams.com>

The war according to Clausewitz

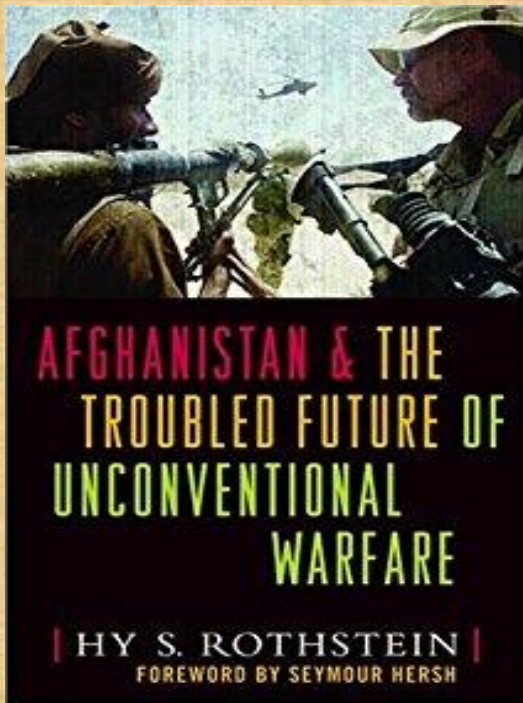
Evolution of States

Innovations	Princely state 1494-1572	Kingly state 1567-1651	Territorial state 1649-1789	State-nation 1776-1870	Nation-state 1861-1991
Constitutional	<ul style="list-style-type: none"> - Consistent finance - Permanent government 	<ul style="list-style-type: none"> - Absolutism - Sectarianism 	<ul style="list-style-type: none"> - Trade control - Aristocratic leadership 	<ul style="list-style-type: none"> - Nationalism - Imperialism 	<ul style="list-style-type: none"> - Nationalism - Ideology
Warfare	<ul style="list-style-type: none"> - Use of mercenaries - Mobile artillery - Fortification 	<ul style="list-style-type: none"> - More firearms - Siege warfare - Standing armies 	<ul style="list-style-type: none"> - Professional armies - Limited wars 	<ul style="list-style-type: none"> - Mass conscription and mass armies - Decisive battles 	<ul style="list-style-type: none"> - Nuclear weapons - Rapid computation - International communications

Historical development of Unconventional warfare

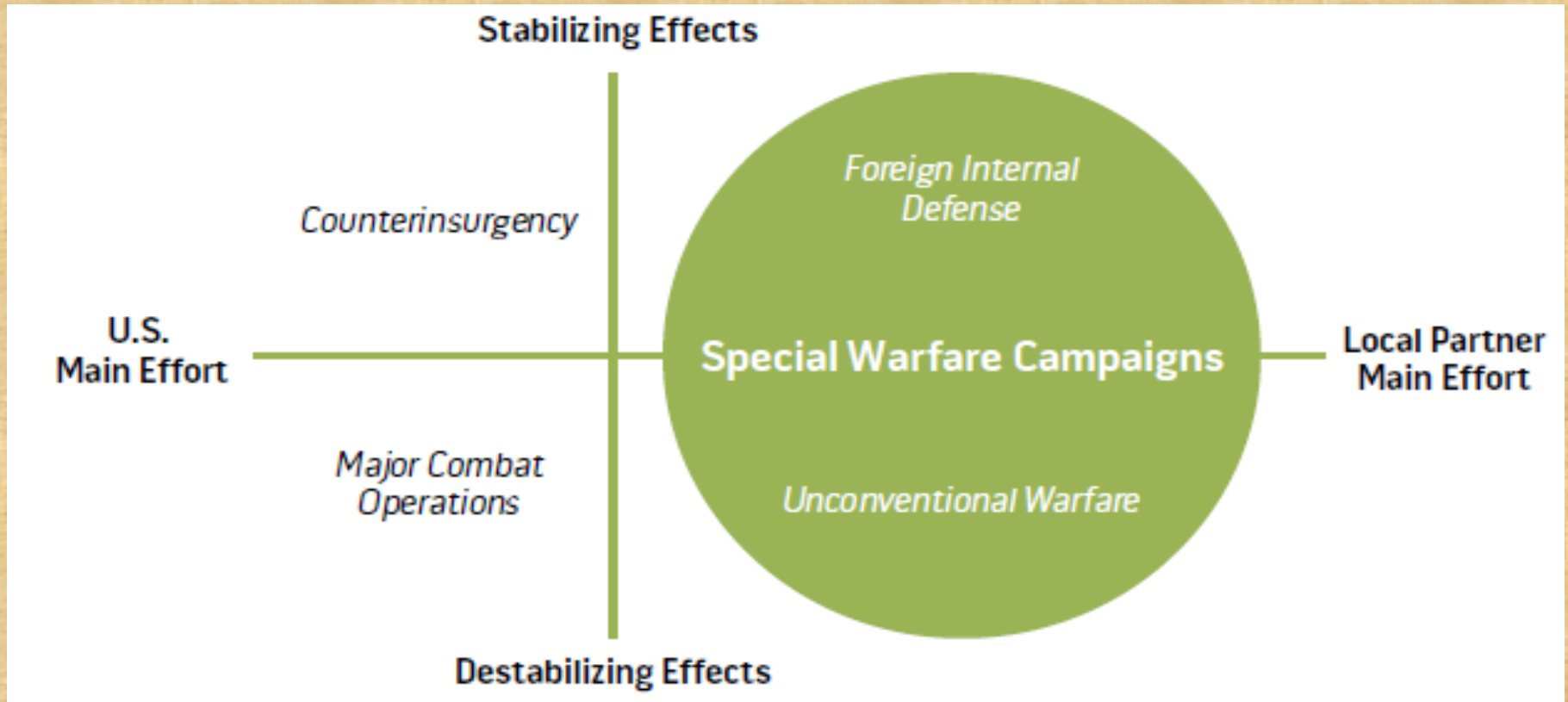
The first official military definition which covered all aspects of unconventional warfare appears in 1950 as "partisan warfare." In 1951, military unconventional assets were consolidated under psychological warfare and the Army issued the first two fields for the use of special operations.

Since 1955 for the first time in history, the Army Special Forces have been linked to unconventional warfare. Unconventional warfare consists of three interrelated fields of: guerrilla warfare, escape and invasion, subversion against enemy forces and similar activities.



The current definition of unconventional warfare follows: "Operations carried out by, with or through irrelevant forces in support of giving: resistance, insurrection or conventional military operations".

This definition reflects two basic criteria: Unconventional warfare must be carried out by, with or through surrogates and the surrogates must be the irregular forces. Unconventional warfare was carried out in support of two rebellions, such as Contras in the 1980s in Nicaragua and resistance to overwhelming occupying power, such as the Mujahedeen in the 1980s in Afghanistan.



Indigenous mass which helps minimize strategic risk during Gray Zone

However, the definition of unconventional warfare is not a simple list of basic criteria and principles. It is one of the most approved definition for the basic unconventional criteria and principles, explicitly and implicitly answers to the questions of the military definition "who, what, when, where and why". "Where and why" are the questions which are explicitly answered by the purpose of unconventional warfare such as quoted above and "when and where" are implied in times and spaces when the goals are achieved.



The relationship between social movements, revolution and unconventional warfare

Defining the Conventional warfare

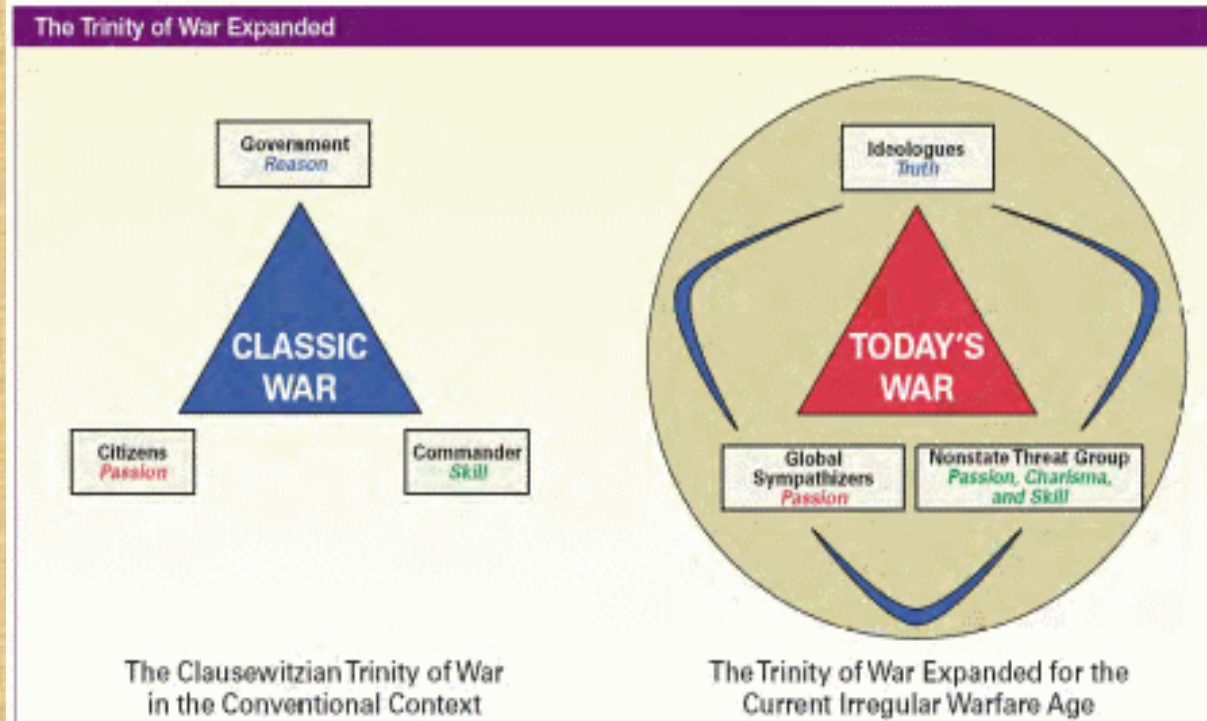
A form of warfare between states that apply direct military confrontations to defeat enemy armed forces, to destroy or exploit enemy facilities or conquer the territory of an opponent in order to force change in government and politics structure of the enemy. The focus of conventional military operations are normally opposing armed forces in order to influence the opponent's government. Usually it is assumed that the indigenous population within the operational zone is not involved and will accept any political outcome that the government will impose, mediate or contract. The basic military goals in conventional military operations is to minimize the participation of civilians in these operations".



Defining the Irregular warfare

The Irregular warfare is an inherent, long-lasting confrontation. Opponents will follow strategies of irreversible warfare by applying hybrids actions of irregular traditional and catastrophic abilities. Facing these challenges and fighting this approach requires the joint efforts of all instruments of national power.

The irregular war depends not only from the military power, but also from the understanding of social dynamics as tribal politics, social networks, religious influences and cultural customs. Although the irregular war is a violent struggle, not all volunteer countries or irregular forces must be armed. So in this kind of constellation, the human factor or the people, before the weapons, operational methodology and advanced technology, would be the key factor for success in this kind of wars.

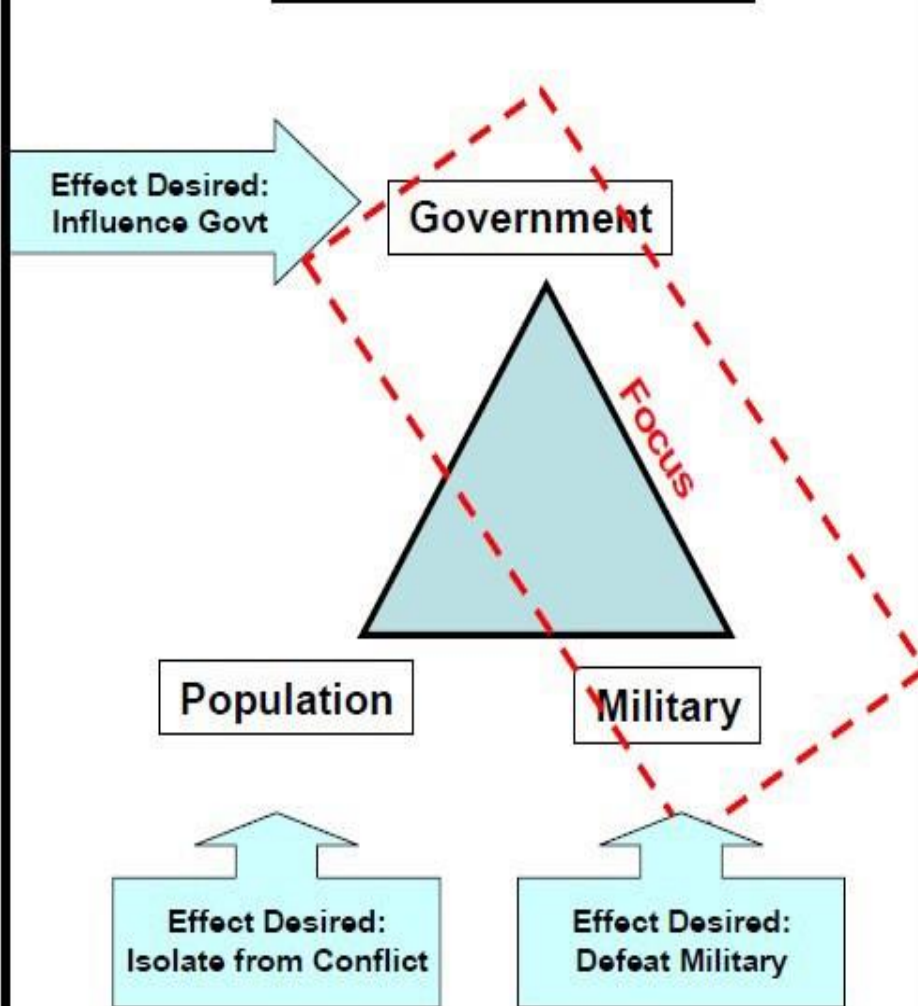


The constitutive activities of the irregular war are:

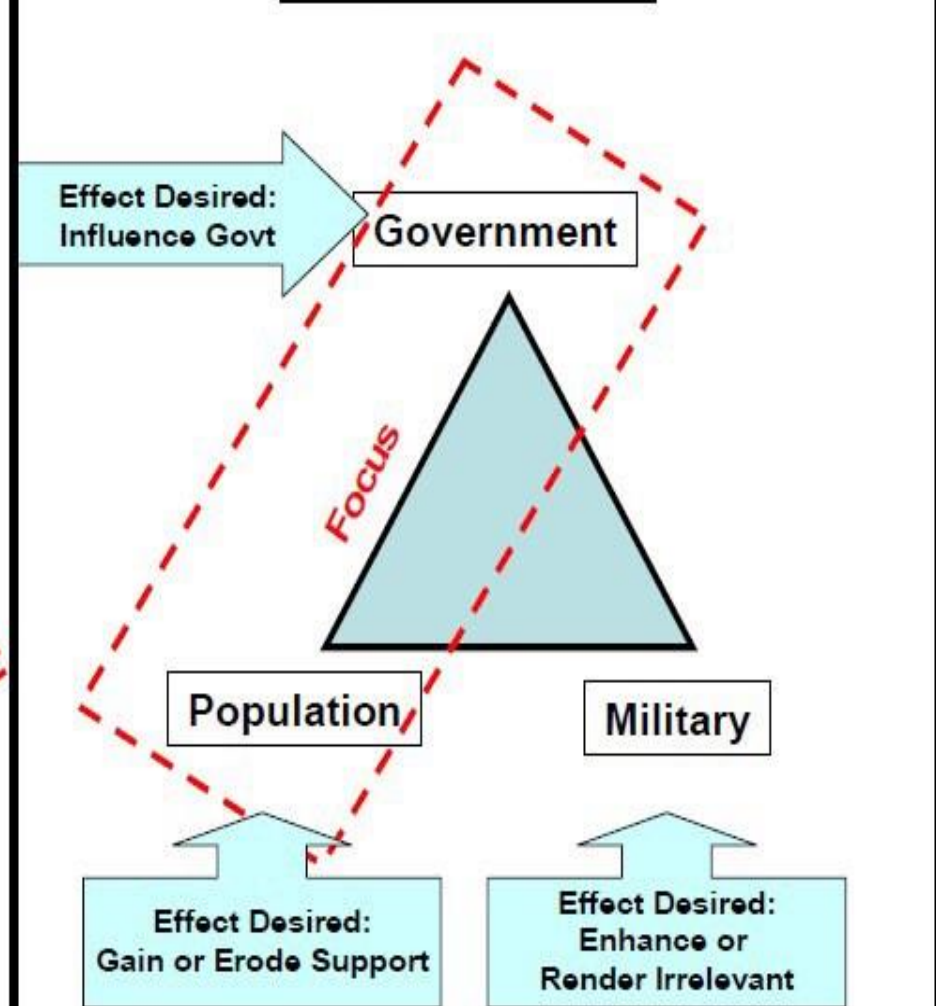
- Rebellion (uprising);
- Anti-rebel rebellion;
- Unconventional warfare;
- Terrorism;
- Anti-terrorism;
- Foreign Internal Defense;
- Stability, security, transition and reconstruction operations;
- Strategic communications;
- Psychological operations;
- Civil-military operations;
- Information operations;
- Intelligence and counterintelligence activities;
- Transnational criminal activities, including drug trafficking, illicit arms trafficking and illegal financial transactions that support or maintain irregular warfare;
- Conducting legal activities that are focused on the fight against irregular opponents.

Contrasting Conventional & Irregular Warfare

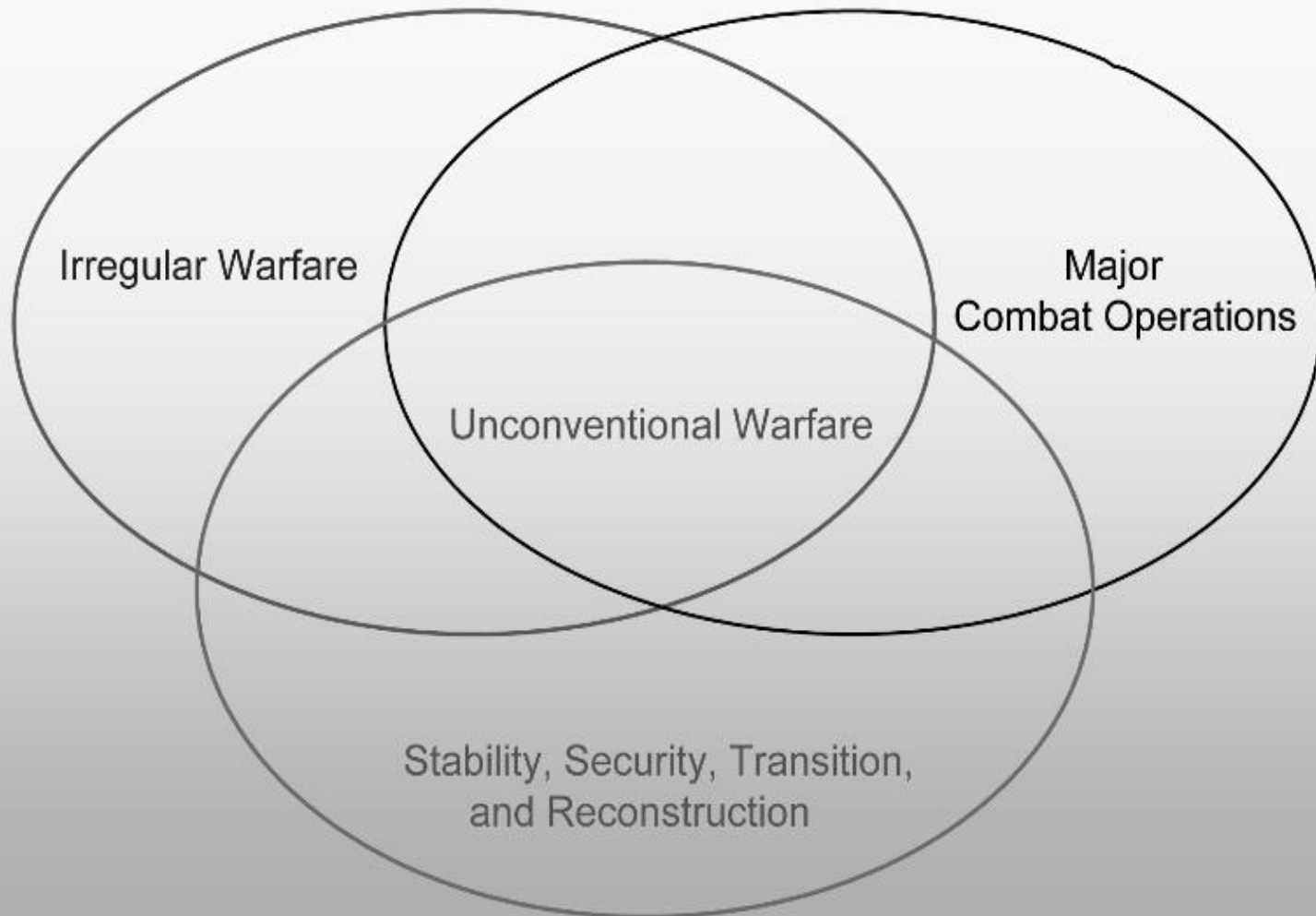
Conventional Warfare



Irregular Warfare

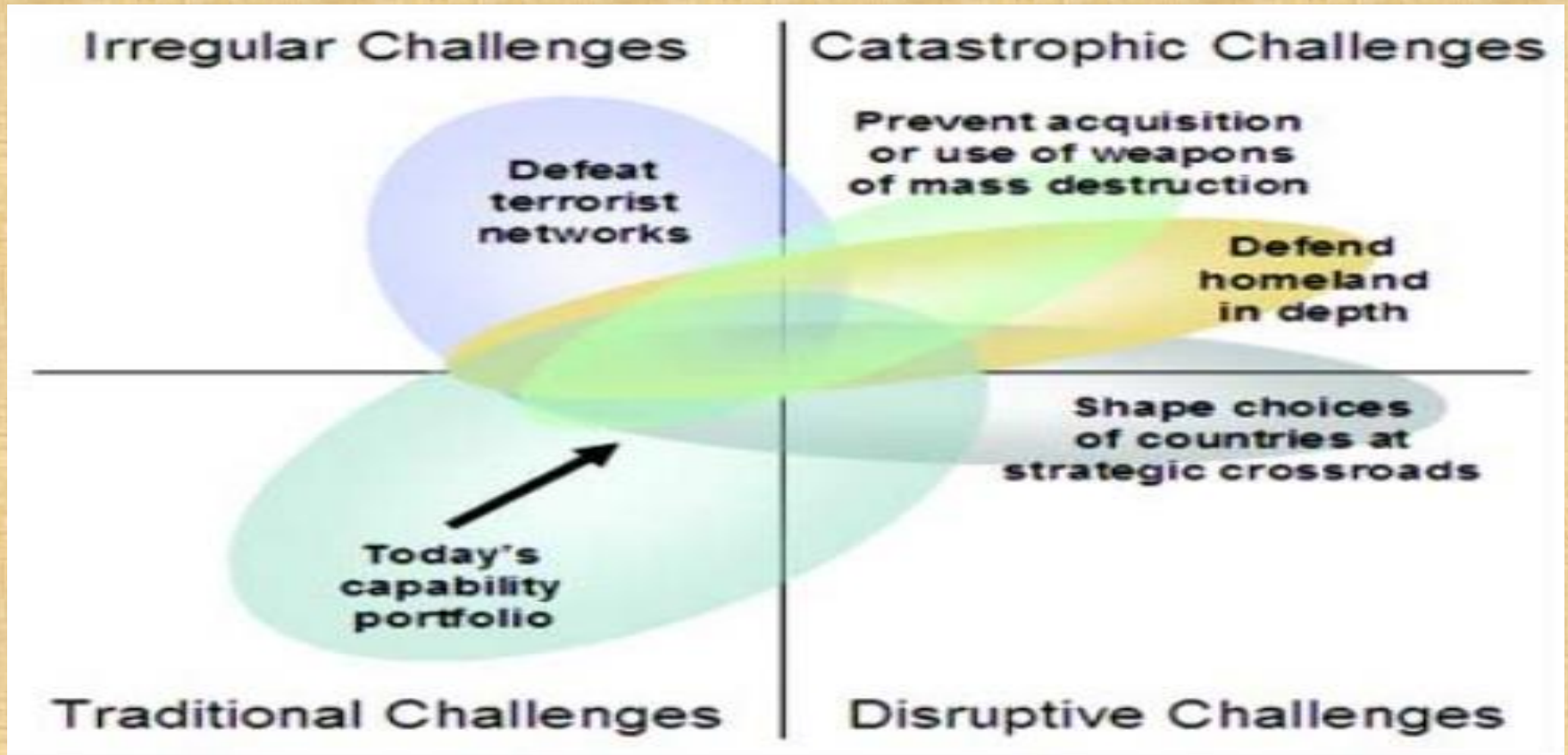


Irregular warfare is an integral part for conducting major military operations and military support for stability, security, transition and reconstruction operations. It is a complement for conducting intimidation operations and shaping operations. It also offers complementary and competing ideas about the ways and meanings of resources for addressing strategic and operational challenges.



The united concept of operations of irregular warfare addresses aspects of irregular warfare that other current joint operational concepts don't do:

- Theater Strategy for Irregular Warfare
- A campaign for irregular design, planning and execution
- Global scale of operations for Irregular warfare
- Long-term timeframe for Irregular warfare
- Offensive applications of Irregular warfare, especially against hostile armed groups working in unaccompanied states



FORMS OF WAR

Military Method

Military Objective

Regular Warfare

Irregular Warfare

High Intensity
(Total War)

Medium Intensity
(Limited War)

Low Intensity
(Terror & Guerrilla)

Very Low Intensity
(‘Cold’ War)

Physical Destruction
(Destroy Capability to Fight)

Psychological Destruction
(Destroy Will to Fight)

Varying Intensities of Peace

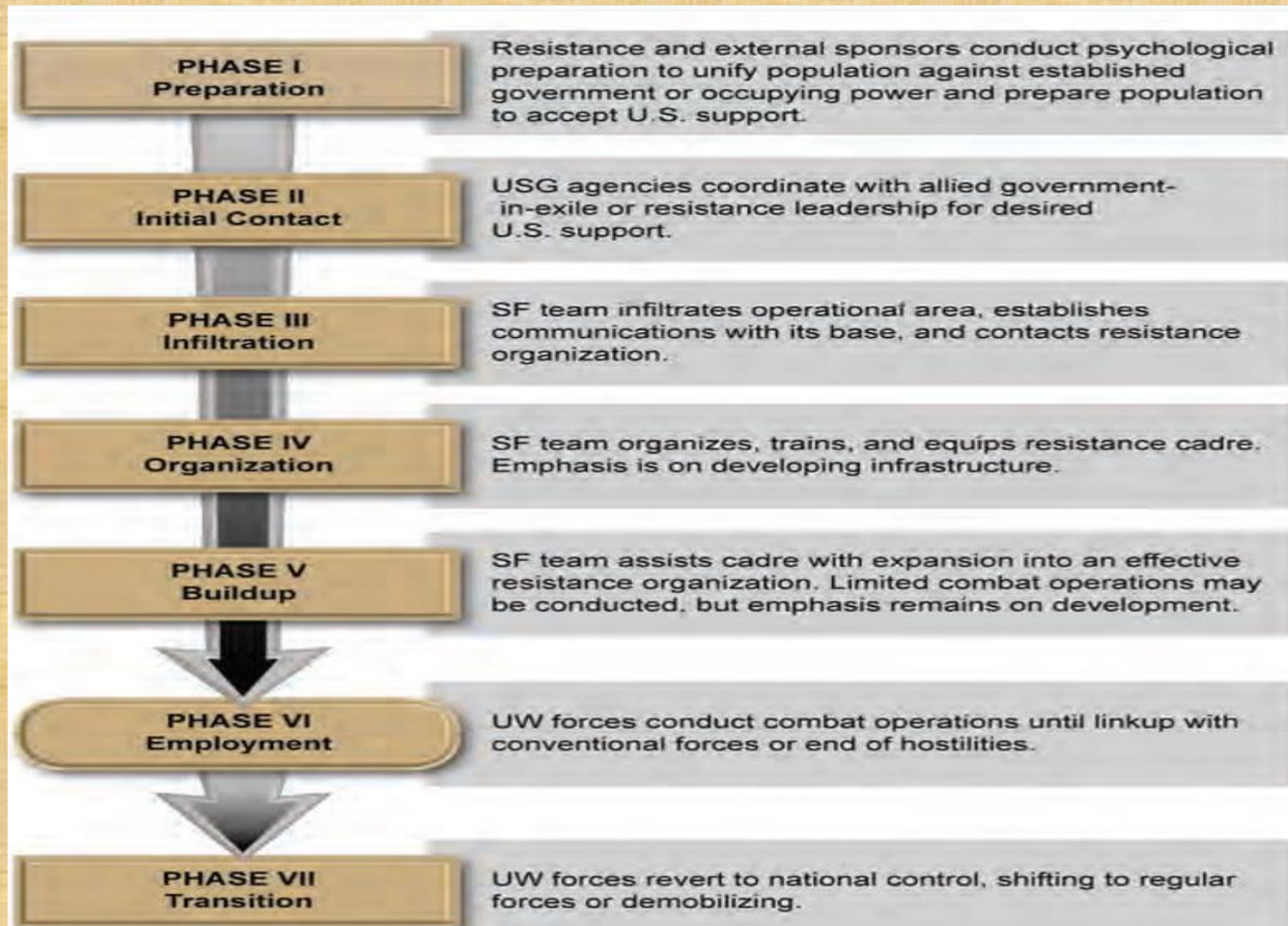
Zero Intensity Of Violence



Planning and phases of Unconventional warfare

Any use of unconventional warfare is unique or distinct, especially when applied against non-state actors. However, unconventional efforts explained by the United Nations law regulations and chapters, generally go through the following seven phases:

- Preparation
- Initial contact
- Infiltration
- Organization
- Building
- Application
- Transition



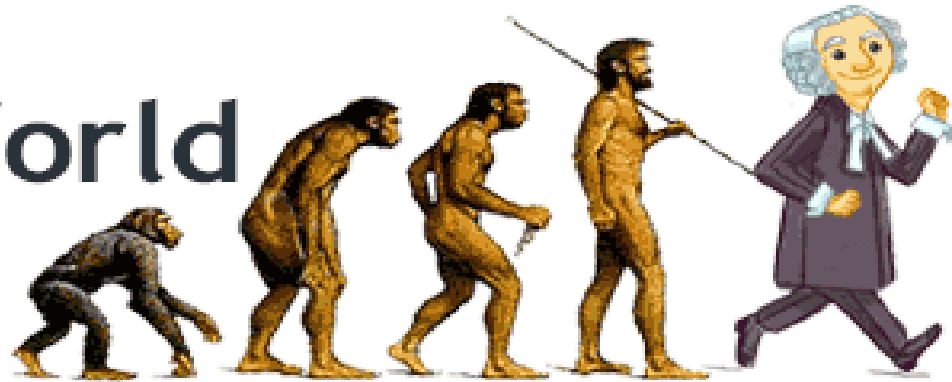
Ladies and Gentlemen thank you for your attention!

QUESTIONS!



Duhaime's

Timetable of World Legal History



HYBRID WARFARE TROUGH THE PRISM OF UKRAINIAN CRISIS

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in Military academy "Gen. Mihailo Apostolski"- Skopje, R. Macedonia

During 2007 the famous Professor Frank G. Hoffman, defined the "hybrid warfare" as a "Modern war", which in its base incorporates a comprehensive spectrum of different models of warfare, including: conventional capabilities and capacities, irregular tactics and formations, terrorist methods of violence, discrimination, cohesion and criminal activities that are manifested and implemented by non-state actors. The combination of conventional and irregular methods of modern warfare have been contributed to more efficient development of hybrid warfare of his previous historical forms. In the past, conventional and irregular modern military operations were applied separately in the terms of what they practically today are used in integrated way. When the military campaigns are conducting the irregular way of warfare is an additional component of conventional warfare.

Frank G. Hoffman, *Conflict in the 21st Century: The Rise of Hybrid Wars*, Arlington, 2007.




Modes of “hybrid war”

- 
- guerilla warfare
 - terrorism
 - illicit arms supplies
 - targeted killings

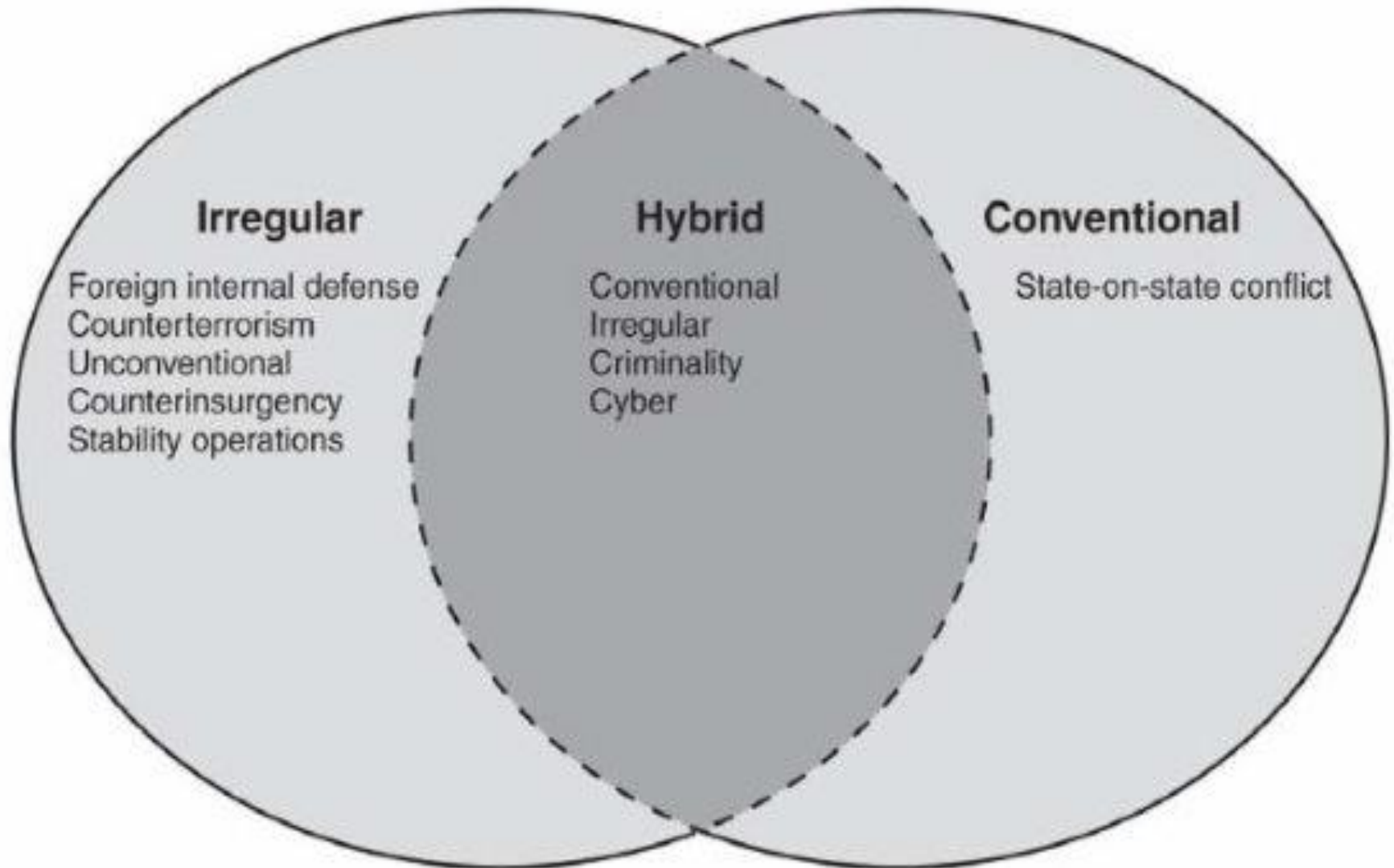
- 
- forced displacement
 - humanitarian suffering

- criminal networks

- 
- political subversion
 - information operations
 - espionage

- 
- EW and cyberwar
 - OSINT

The concept of Hybrid warfare



During the Ukrainian crisis in 2014 and further the concept of hybrid warfare has constant development. Numerous are the Western European professors, which the word "hybrid", describes as a tools and methods of using operational and tactical elements of the Russian Federation during the annexation of Crimea and support of Russian separatists in Eastern Ukraine.

The Russia achieve the dominance in Crimea with advanced military technology and with involving a combination of conventional and irregular military operations, but also the support of political protests, economic support of Russian separatists and Protestants through numerous non-governmental organizations, cyber operations and constant media propaganda campaign.

"Hybrid policy"

Measures of "hybrid policy"

This is a geopolitical category, aimed at subordinating domestic and foreign policy of another state with the help of a wide range of measures

Political

Diplomatical

Trade and economic

Information-propaganda

Unconventional, "asymmetric"

Components of today's Russia's "hybrid policy"

Plans for the possible use of nuclear weapons

Spreading information that the United States has "given away" Ukraine to Moscow in exchange for Russia's support of Syria

Plans for implementation of all sorts of projects like "Novorossia" ("New Russia") and others

Propagation of the ideas of federalization of Ukraine or "freezing" the conflict

Plans for a large-scale military operation against Ukraine

Preparations for a "hybrid war" against the Baltic countries, etc.

Recognition of the legitimacy of the Crimea's belonging to Russia in exchange for ending the war

Plans for building a gas pipeline to Europe bypassing Ukraine, or to China and Japan

Resuscitation of the ideas of the "Second Yalta" and the "Second Potsdam"

Existence of a direct NATO/USA's "threat" to the Russian Federation

All this is done in the form of threats, intimidations, fakes, rumors, "information bombs"

In an interview in July 2014, former NATO Secretary General Anders Fogh Rasmussen, the Russian strategy of warfare in Ukraine describes as a "methods of hybrid warfare," which he defined as "A combination of military action, covert operations and aggressive media propaganda".

The Scientific Military journal Balance in his issue of 2015, provides a complete and comprehensive definition of "hybrid warfare", which explains the hybrid warfare as a: "use of military and non-military methods in integrated military campaign, designed to achieve surprise, increased initiative in the theater of operations and achieving psychological advantages to the opponent through diplomatic propaganda.



THE MILITARY BALANCE

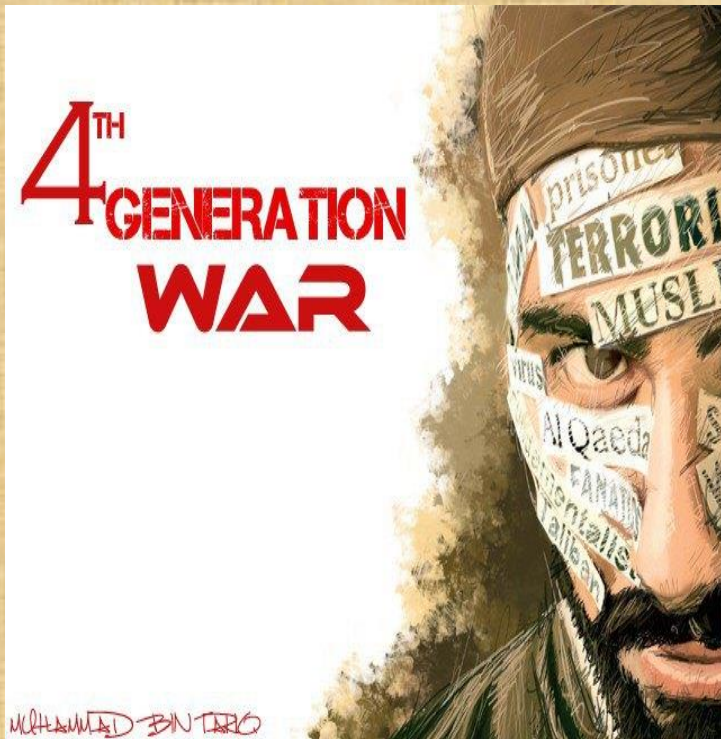
THE ANNUAL ASSESSMENT OF GLOBAL MILITARY CAPABILITIES AND DEFENCE ECONOMICS

2017



In the scientific discussions, the elements which has been identified in the hybrid warfare, reminiscent to the fourth generation of warfare, which has been developed their operating elements during the 1990s.

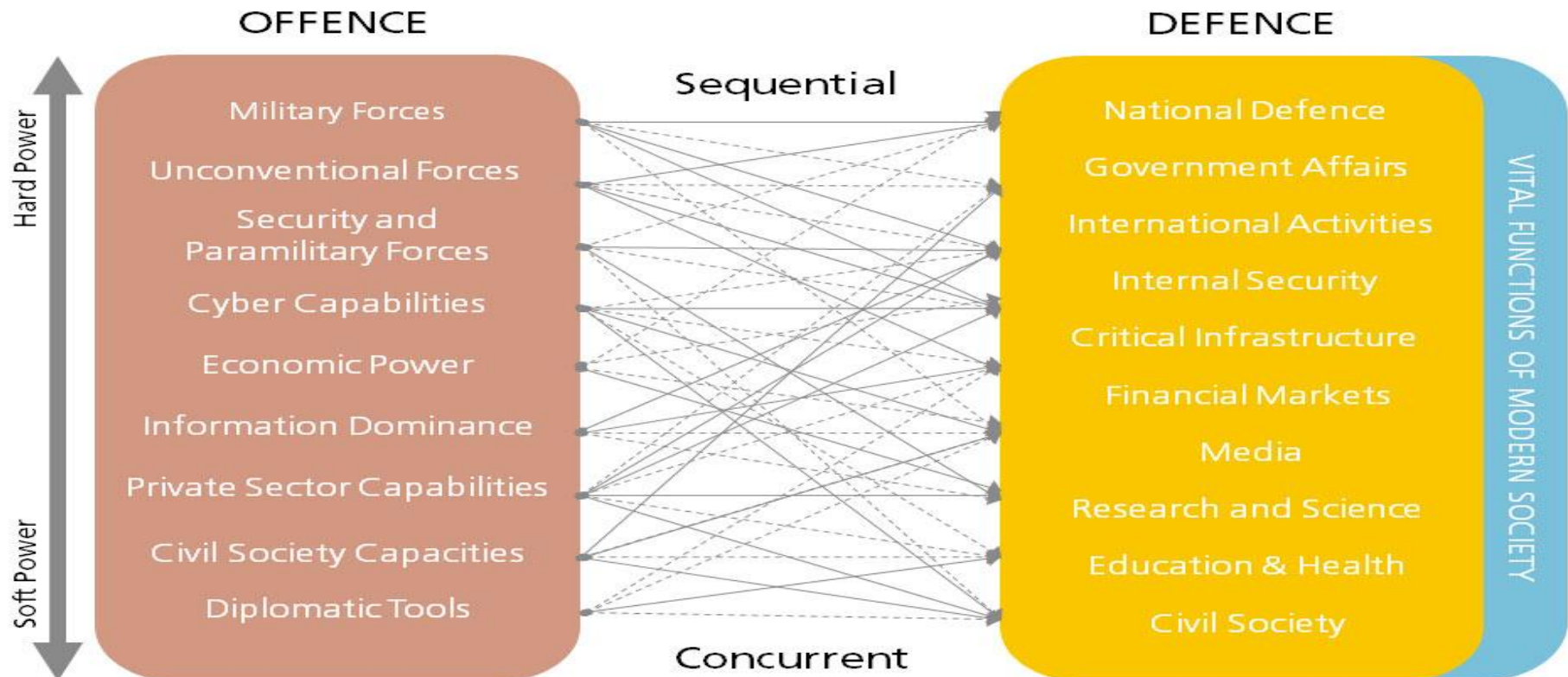
The Chinese military strategy, describes the "hybrid warfare" as a development of combat elements and methods of warfare which has been depended from the dominance of firepower of opposing parties, which often has been used the weaker side whether it is legitimate national armed forces or non-state actors. Even Chinese generals said that "hybrid warfare", represents a war without restrictive measures and rules in which, nothing is "forbidden or restricted.



Analysis of the differences between the Hybrid and Unconventional warfare

According to world famous military analysts and professors, hybrid warfare is characterized as a range of: conventional, irregular and cyber warfare activities. On the other hand, the unconventional warfare in accordance with the military doctrine of the US which has been generally accepted in the military doctrine of NATO was defined as: special combat operations, urban and non-urban guerrilla operations in a certain area.

HYBRID OPERATIONS



Analysis of the differences between the Hybrid and Unconventional warfare

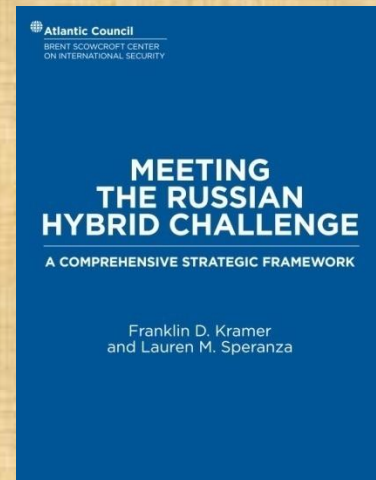
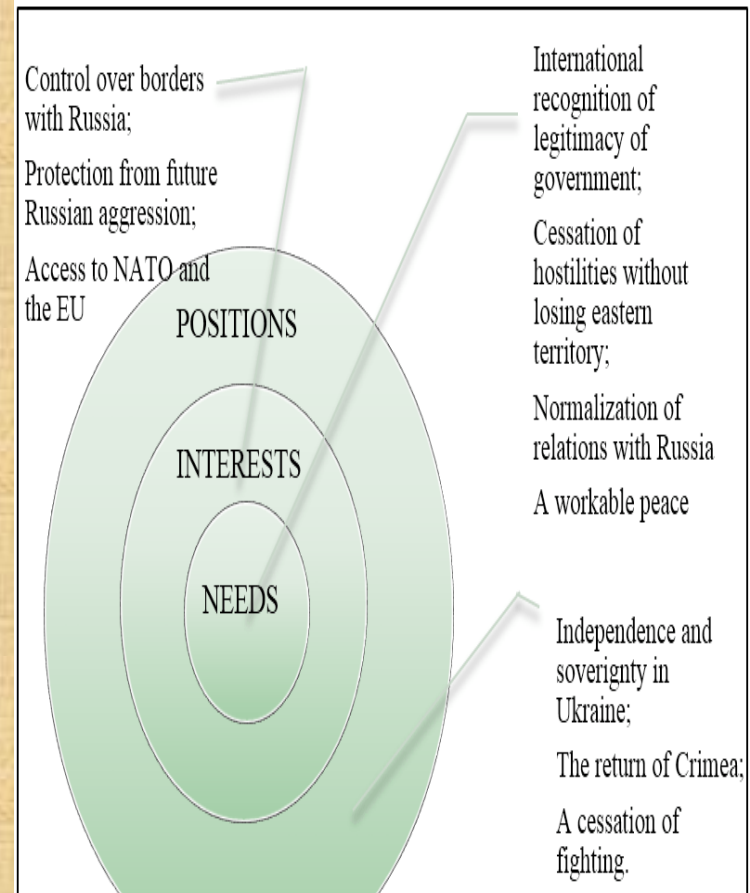
Furthermore, the space theater of military operations can be unlimited and unpredictable. With the development of the military technology, the hybrid warfare will receive its primacy of warfare, which will be really hard for the future NATO military operations to take certain preventive measures for protecting from cyber attacks. Unlike, the unconventional warfare which by definition includes a combating guerrilla warfare in certain theater of hostilities actually space, hybrid warfare doesn't include a space or don't have the front line and will increasingly use unknown space which will be very difficult to identify the enemies.



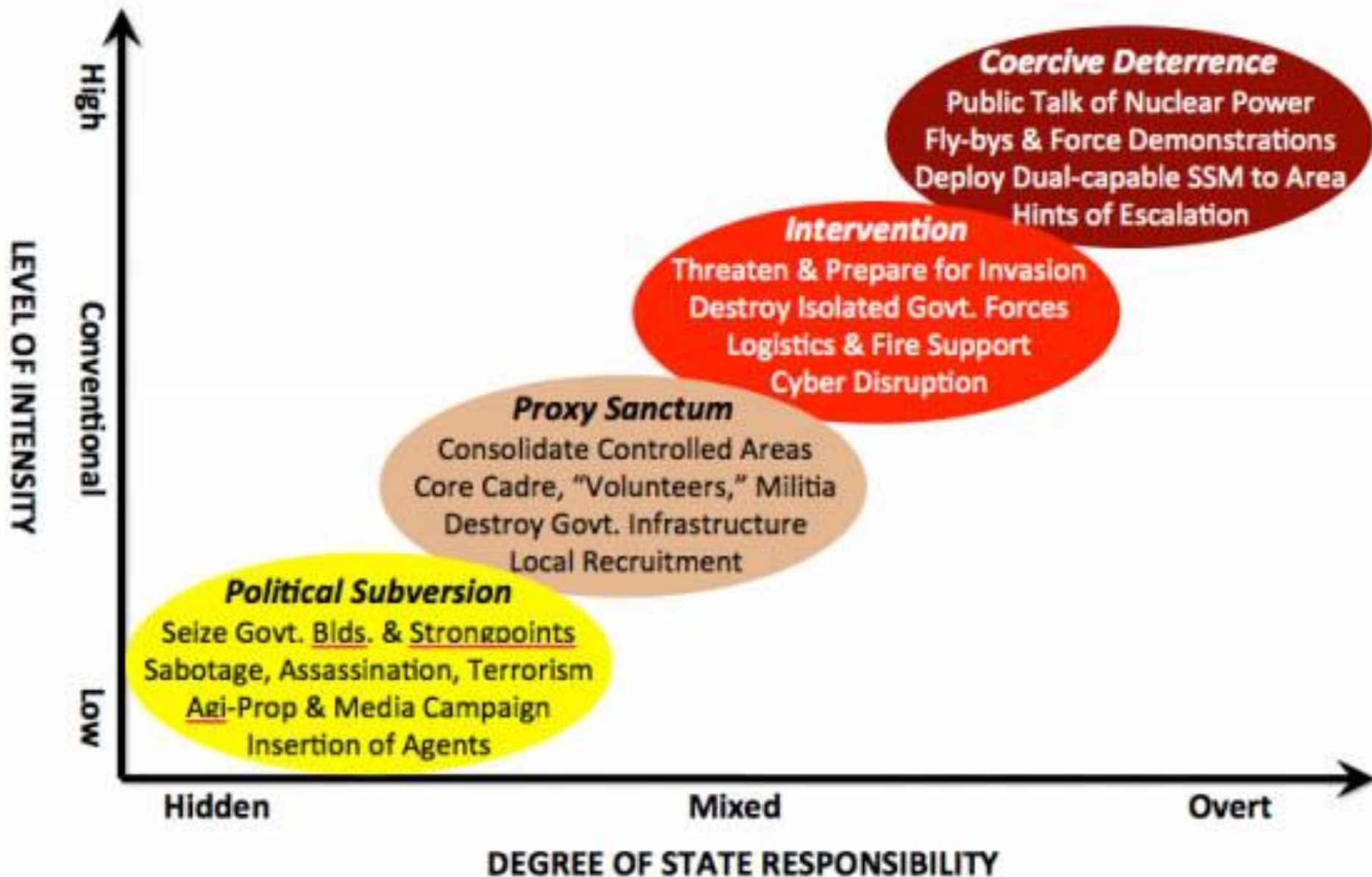
Operational phases of hybrid warfare in Ukraine

The preparation phase includes these activities:

- Strategic preparation, exploring vulnerability points in the state administration, economy and armed forces;
- Establishing loyal NGOs and media channels in the territory of the target country.
- Establishing diplomatic and media positions in order to influence the international audience.
- Political preparation, encouraging dissatisfaction in the target country by using political, diplomatic and media tools.
- Strengthening local separatist movements and fuelling ethnic, religious, and social tensions.
- Establishing contacts with local business people; making them dependent on the attacking country via profitable contracts.
- Establishing contacts with local organized crime groups.
- Operational preparation with coordinated political pressure, mobilizing officials and local criminal groups, mobilizing the Russian armed forces under the pretext of military exercises.



Russian Style *Hybrid Warfare* in Ukraine



Offensive phase of Hybrid warfare in Ukraine

The offensive phase of the hybrid war is divided on this activities:

- Organizing massive anti-government protests and riots in the attacked country, infiltrating special forces, local civilians, sabotage attacks, capture the first administrative buildings in the targeted regions.
- The media of the attacking country launches a strong disinformation campaign.
- Disabling the central power by capturing administrative buildings in the targeted region.
- Blocking the central power's media, establishing communication and information monopoly.
- Establishing alternative political power with declaring an alternative political centre, based on the captured administrative buildings, by referring to real or fabricated traditions of separatism.
- Replacing administrative organs of the central power with newly established political bodies.
- Media of the attacking country strengthens the legitimacy of the new political bodies.



HYBRID WARFARE

1 Motivation / Political Leadership / Goal Setting / Mandate

OFFENSIVE HYBRID OPERATIONS

3 Target Selection / Capability Selection / Timing / Operations Execution / Follow-up



2 Vulnerability Identification

Creation of the List of Targets

Management
of government
affairs

International
activities and
cooperation

National
defence
capabilities

Internal
security

Functioning
economy and
infrastructure

Population's
income and
wellbeing

Psychological
crisis
resilience

6 **HYBRID DEFENCE**

Comprehensive Security Approach

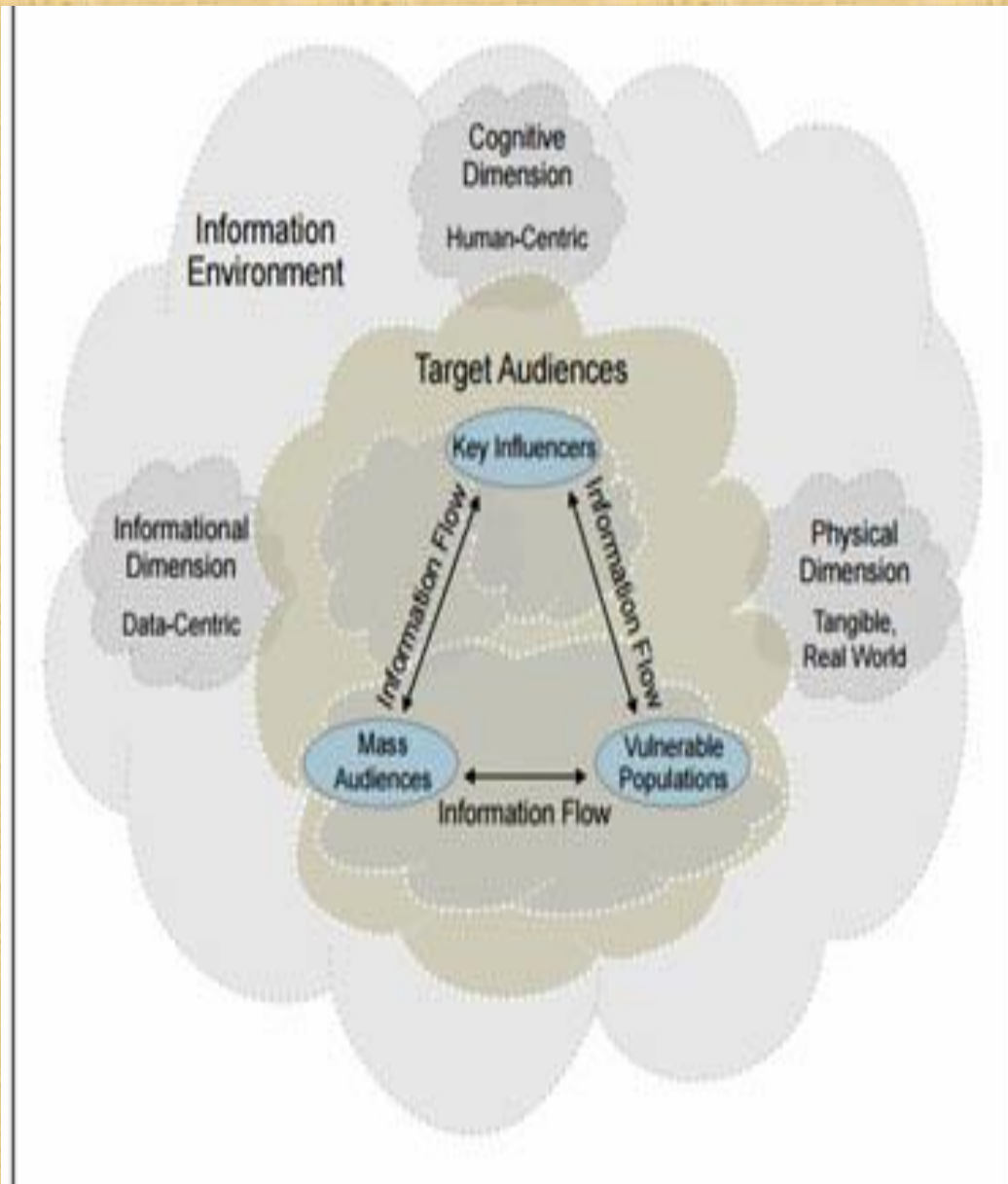
5 Needed: Intelligence → Situational Awareness → Prevention
Risk Assessment → Preparedness → Resilience
Political Leadership → Planning → Training

4 National Defence and Security Policy – Security Concept

Consolidation phase of Hybrid warfare in Ukraine

The consolidation phase can be described in detail in this sections as follows:

- Political stabilization of the outcome, organizing a ‘referendum’ and decision about independence with the strong diplomatic and media support of the attacking country.
- The new ‘state’ asks for help from the attacking country.
- Separation of the captured territory from the target country, annexes the captured territory (Crimea) or establishes open or covert military presence there.
- Lasting limitation of the strategic freedom of movement, loss of territory (economy, population, infrastructure, etc.)
- Enable full control over its territory, the attacked country is unable to join any political or military alliance.



Ladies and Gentlemen thank you for your attention!

QUESTIONS!

