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NEWS SUMMARY:

- China has announced a breakthrough in its high-power microwave weapon program, claiming the system survived firing thousands of intense pulses in a recent test.
- The U.S. Center for Countermeasures has released new details on the testing of the High Energy Laser with Integrated Optical Dazzler and Surveillance (HELIOS) system.
- Denver will pay \$980,000 to settle a lawsuit that alleges police used tear gas, rubber bullets and flash-bang grenades and severely injured eight individuals during the George Floyd protests in 2020.
- Turkish police intervened with brute force and tear gas to disperse the crowd gathered in support of the investigated Istanbul mayor.
- The Israel Defense Forces will be the first military to widely deploy a high-energy laser weapon, the Iron Beam, later this year.
- Rioters stormed embassies and started fires in Democratic Republic of Congo's capital Kinshasa drawing tear gas from police, in an eruption of protests over a Rwandan-backed rebel offensive in the east.

- Opinion: The UK government’s current mixed messages and delaying tactics are at odds with the troubling global security picture that many are painting.
- Opinion: Instead of seeing hybrid warfare, hybrid threats and grey zone conflict as distractions from established legal definitions of armed conflict, we should consider them as insights into how warfare is evolving and what that means for international law.

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GRAY ZONE COMPETITION:

China Says New Microwave Weapon Fired Thousands of Pulses, Survived

(The Defense Post, January 27)

China has announced a significant breakthrough in its secretive high-power microwave weapon program, claiming the system survived firing thousands of intense pulses in a recent test.

Named the Hurricane-3000, the microwave weapon is reportedly capable of generating electromagnetic pulses of up to 80,000 volts, comparable to the force of a nuclear explosion.

This immense power would disrupt or destroy electronic components in enemy weapon systems, including large swarms of drones.

During the test, the Hurricane-3000 allegedly fired more than 5,000 full-power pulses and endured the blasts without any sign of malfunction.

According to a team of Chinese scientists, the weapon's waveform remained unchanged despite the intense firing, marking a major milestone in its development.

If confirmed, this achievement could indicate that Beijing has overcome a significant technical challenge in creating a powerful directed energy weapon.

No Definite Timeline

The Hurricane-3000 was developed by China's North Industries Group Corporation (NORINCO) to counter the growing threat posed by drone swarms.

It was first revealed at the Zhuhai Airshow in November 2024.

The weapon utilizes phased-array transmission technology to precisely focus energy emissions, extending its range and amplifying its damage effects.

This technology also enables the system to target multiple threats simultaneously.

Surviving multiple firings has been a critical hurdle for the Hurricane-3000, as the intense pulses it generates could potentially damage or destroy the weapon itself.

Despite the reported success, developers have stated that the weapon is not yet ready for immediate deployment and will undergo further testing.

Race With US

China and the US are currently engaged in a race to develop advanced microwave weapons, each aiming to gain a strategic advantage in modern warfare.

In 2023, the US Army received a prototype of a high-powered microwave weapon from Epirus for evaluation and testing.

Washington and Tokyo have also announced plans to collaborate on developing a new microwave weapon designed to defend against hostile drones.

Last year, the US Navy revealed that it plans to conduct live-fire tests of its own microwave weapon system on one of its vessels by 2026.

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DEPARTMENT OF DEFENSE:

US Navy evaluates laser weapon aboard destroyer

(Defense Blog, February 1)

The U.S. Center for Countermeasures (CCM) has released new details on the testing of the High Energy Laser with Integrated Optical Dazzler and Surveillance (HELIOS) system, a directed energy (DE) weapon installed on the Arleigh Burke-class destroyer USS Preble (DDG 88).

The annual report, published in January 2025, outlines the Navy's demonstration of HELIOS aboard USS Preble, verifying its functionality, performance, and capability in engaging an unmanned aerial vehicle (UAV) target.

According to the report: "CCM supported the Navy's demonstration on USS Preble (DDG 88) to verify and validate the functionality, performance, and capability of the HEL with Integrated Optical Dazzler and Surveillance system against an unmanned aerial vehicle target. CCM collected imagery of the engagements to support the evaluation of system performance."

The USS Preble is the first U.S. Navy vessel equipped with HELIOS, a 60-kilowatt-class directed energy laser weapon developed by Lockheed Martin. It is also the first laser weapon integrated with the Aegis combat system, a key feature that enhances the ship's ability to track, engage, and neutralize threats.

HELIOS represents a major step forward in naval warfare, providing a cost-effective countermeasure against drones, small boats, and other asymmetric threats. The U.S. Navy has been expanding its directed energy arsenal, and the HELIOS-equipped USS Preble joins a growing number of Navy ships fielding high-energy laser weapons.

The successful testing of HELIOS underscores the U.S. Navy's commitment to integrating laser weapons into its fleet to counter evolving threats. Unlike conventional missile-based defense systems, directed energy weapons like HELIOS offer a virtually unlimited magazine, rapid engagement capabilities, and lower per-engagement costs.

As the Navy continues to refine directed energy technology, the deployment of HELIOS on USS Preble marks a significant milestone in the advancement of laser-based ship defense systems. Future iterations of HELIOS and similar systems are expected to play an increasingly important role in protecting U.S. naval assets in contested environments.

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DOMESTIC:

Denver will pay nearly \$1 million to protesters for police actions during 2020 George Floyd demonstrations

(The Denver Post, January 31)

Denver will pay \$980,000 to settle a lawsuit filed on behalf of eight people who were seriously injured by police during the George Floyd protests in 2020 under several settlements approved Monday by the City Council.

The joint lawsuit, filed in 2021, was one of two filed on the same day. Both alleged that police officers used excessive force against the plaintiffs as they peacefully protested in the wake of the murder of Floyd by Minneapolis police.

“Each of the plaintiffs was injured in some way after being targeted, shot at, gassed and/or fired upon,” according to the complaint. The police officers’ “unconstitutional actions” and their “customs, policies, practices and lack of proper training” caused the injuries.

The plaintiffs’ payouts will range from \$60,000 to \$300,000 per person. The lawsuit was one of several filed against the city regarding the protests. So far, the settlements have amounted to roughly \$12 million.

“I want to be clear to everyone watching that we are paying attention,” Councilwoman Shontel Lewis said during Monday’s meeting. The new set of settlements was later approved as part of a block vote.

The plaintiffs — all Coloradans — are Alexandra Barbour, Brianna Barber, Jessica Beverage, Robert Harr, Christopher Holland, Nalina Infante, Cody Schmitt and Alex Wolfson.

The largest payout went to Wolfson, who was riding his skateboard near the protests when police officers fired “a hard projectile” at him, hitting his eye, according to the complaint. His eye was badly damaged and required surgery. Wolfson still struggled to see clearly, according to the complaint.

Other plaintiffs said they were protesting peacefully when police officers used tear gas, rubber bullets and flash-bang grenades on them even as some attempted to disperse.

Baumgartner Law and the Beem & Isley law firms filed the lawsuit.

Following the council’s approval, attorney Danielle Beem said the plaintiffs had succeeded in holding the city accountable.

She said the lawsuit’s outcome will “serve as a catalyst for both the City and the Denver Police Department to implement more effective policies and practices, ensuring that future peaceful protesters will not endure the pain and fear that so many experienced during the George Floyd protests.”

The other lawsuit filed the same day by the same firms included 42 others who were either arrested or subjected to tear gas and pepper spray. That case was settled earlier.

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OTHER FOREIGN COUNTRIES:

Thousands Gather in Support of Investigated Istanbul Mayor, Police Use Tear Gas
(Bulgarian News Agency, January 31)

Thousands of people, including the Ankara Mayor, supported the investigated Istanbul Mayor, Ekrem Imamoglu, who was summoned to appear in court Friday to testify. Since the early hours of the day, people have been gathering outside the Istanbul Courthouse with banners in their hands in support of the Mayor. The crowd chanted "We want justice, law, legality" and "We are [Republic of Turkiye's founding father Mustafa Kemal] Ataturk's soldiers".

Imamoglu, member of the main opposition Republican People's Party, was summoned to court today to testify in two investigations against him.

One is in relation to a statement he made against Istanbul Chief Public Prosecutor Akin Gurlek. "Your mind is rotten and we will rip the mind that governs you out of the consciousness of this nation to save even your children," Turkish media quoted Mayor Imamoglu as saying.

The other investigation is in relation to a statement made on a television programme about the fire at the Kartalkaya Ski Resort in which 78 people died. Imamoglu accused the authorities of trying to cover up those responsible for the tragedy by replacing the expert witness. For these statements, Imamoglu was indicted on charges of "intimidation" and "targeting people who are fighting terrorism."

The city-based organization of Turkiye's main opposition party, the Republican People's Party, called on supporters and associates to defend Imamoglu.

Ankara Mayor Mansur Yavas has also arrived for the occasion and was among the crowd, the Haberler website reported. "We all hope that the days will come when the separation of powers will function fully and truly and according to the laws. That is why we are here today," Yavas was quoted as saying by the media outlet.

Imamoglu arrived at the courthouse accompanied by his wife and three lawyers.

According to the correspondent of the opposition TV channel Halk TV, Ismail Saymaz, the Mayor has submitted his testimony in writing to the investigating prosecutor.

After the conclusion of the testimony procedure, police intervened with brute force and tear gas to disperse the crowd gathered outside the courthouse. According to the opposition newspaper Sozcu, there were injuries and dozens of people arrested.

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Israel's Iron Beam Set For Historic Deployment

(National Defense Magazine, January 29)

If all goes as planned later this year, the Israel Defense Forces will be the first military to widely deploy a high-energy laser weapon: the Iron Beam air defense system.

It could prove to be a watershed moment in the history of military technology.

Directed energy weapons have been the subject of speculation, research, development and testing for decades, with numerous technological dead ends and cancelled programs.

Smaller lasers weapons that can shoot down small drones close by a vehicle have been used or are close to a high technology readiness level. But so far, there have been no large orders forthcoming from the U.S. military or others.

Consequentially, as the report, “Directed Energy Weapon Supply Chains” published by the National Defense Industrial Association’s Emerging Technologies Institute in January 2024 pointed out, the United States has no established laser weapon industrial base to speak of — no supply chain, no factories, no cadre of workers. The U.S. military has fewer than 20 laser weapon systems, all of them built in laboratories, according to a list provided by the Pentagon’s Joint Directed Energy Transition Office.

In a briefing with reporters in early December at the headquarters of Rafael Advanced Defense Systems, company chairman Yuval Steinitz did little to mask his pride, calling the Iron Beam a scientific and technological breakthrough and emphasizing that Israel had accomplished what so many others could not.

The crux of the problem in the past was the atmosphere, he explained. Lasers do fine when they are small and are used for applications such as performing eye surgery, but once they are weaponized, the air density begins to disperse their energy, making them ineffective. The larger the beam, the more atmospheric interference.

“We had to find a way to bypass the atmosphere and keep the lasers as strong as when they were” fired, he said.

Israel has an immediate and pressing need for a directed energy weapon. It has been under attack since Oct. 7, 2023, and since then has used its Iron Dome system to ward off ballistic missile and drone attacks from Hezbollah in Lebanon, Houthi rebels in Yemen and Hamas in the Gaza Strip, as well as two major direct attacks from Iran.

The Iron Dome detects threats, then fires Tamir missiles to intercept and destroy missiles and drones before they reach their targets.

The Iron Beam will be integrated into the already proven system to make it even more effective, Steinitz said.

The technological breakthrough was choosing to shoot hundreds of small, coin-sized beams at a target, rather than just one large beam, he said. The small beams do not get dispersed in the atmosphere; however, they are not powerful enough to destroy a target by themselves.

Once a potential threat is detected, Iron Beam shoots hundreds of the small beams in its direction. Just one of them may hit the target, he said.

When that one beam is detected through a telescopic reflection striking the target, more beams are redirected its way. Every time one hits the target it stays locked, and more energy is concentrated on the target, he explained.

It's not sufficient to hit anywhere on a missile or drone. The beams must concentrate on a vulnerable spot in order to disable it. This is precisely the problem confounding the U.S. Navy as it has tried to deploy high-energy lasers on ships at sea.

As Vice Adm. George Wikoff, commander of U.S. Naval Forces Central Command, Fifth Fleet and Combined Maritime Forces, explained during a conference in Bahrain recently, the rocking of the ships has prevented experimental lasers from hitting the sweet spots on their targets.

"It's a technology piece that we've been working through for years," he said.

After locking onto a target, Iron Dome's powerful algorithms take over in a continuous feedback loop taking place at the speed of light, Steinitz said. Soon, enough of the small beams' energy lands on that sweet spot and disables the target, he said.

The system will automatically decide which is the better interceptor — the small missile or the laser weapon. Iron Dome already has a 95 percent success rate, he said. That could be higher after the Iron Beam is integrated. He predicted that most of the time the system would choose the laser.

Iron Beam has been tested at "tens of kilometers" and will continue to improve its range, he said.

What Israel managed to do — a feat the U.S. military and industry so far have failed to accomplish — may nevertheless end up as a boon to Israel's closest friend and ally. In

December 2022, Rafael entered into an agreement with U.S. defense contracting giant Lockheed Martin to develop a version for the U.S. market.

Steinitz declined to say how many Iron Beam systems the Israeli government intends to acquire initially. However, there are 10 Iron Dome batteries spread throughout the nation, according to published reports.

The company aspires to expand the system's market beyond Israel. Rafael continues to bring variations of Iron Beam to trade shows in the United States and Singapore, as well as the IDEX conference in the United Arab Emirates. Versions shown include a mobile, standalone system and a maritime version.

Ultimately, it will be up to the Israeli government to decide to which nations Rafael can sell it, a company spokesperson said.

"If the Israeli ministry of defense deems it is acceptable to share this technology with our friends and partners in the world, then it's something that we will likely get a lot of interest in," the spokesperson said in an interview.

"As with any new defense technology, we should keep in mind that this is still a plan and could face delays and then still must prove itself under operational conditions," Sascha Bruchmann, a Bahrain-based visiting fellow for the International Institute for Strategic Studies-Middle East, noted.

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Congo protesters storm Kinshasa embassies over conflict in east

(Reuters, January 28)

Rioters stormed embassies and started fires in Democratic Republic of Congo's capital Kinshasa on Tuesday, drawing tear gas from police, in an eruption of protests over a Rwandan-backed rebel offensive in the east.

The demonstrators targeted Western and African countries they accuse of complicity in Kigali's support of M23 rebels, who have overrun the eastern provincial capital Goma.

Missions belonging to France, Belgium, the Netherlands, the United States, Rwanda, Uganda, Kenya and the United Nations were all assaulted, European diplomats told Reuters.

Several embassy gates were set on fire.

At the French compound, men chipped at letters in cement, some people scaled the wall, and a tyre burned from railings.

"All of this is because of Rwanda. What Rwanda is doing is in complicity with France, Belgium, the United States and others," one protester Joseph Ngoy told Reuters.

"The people of Congo are tired. How many times should we die?" he added, referring to the cycle of conflicts.

Congo accuses Rwanda of aiding the M23 rebels and sending soldiers to join them, but Kigali says Kinshasa has scuppered peace efforts and is failing to stop eastern militia from threatening its security.

A Reuters reporter in Kinshasa saw the Ugandan embassy being ransacked.

"Chairs, desks, tables have been looted. The curtains have also been pulled out," said Okello Oryem, Uganda's state minister for foreign affairs.

"People are living under fear because there are marauding youths who are going from place to place burning embassies," he added in comments on NTV Uganda's X social media platform.

Belgian and French officials confirmed that fires were started at their compounds. Belgian foreign ministry spokesperson David Jordens said the gate was set on fire but quickly brought back under control, after which extra security was requested from Congolese authorities.

Police with tear gas pushed demonstrators back in places.

But security personnel did not stop protesters who attacked the Kenyan embassy, one witness said. "The people looted and then left. It is almost as if they have been given instructions to do it and then leave quickly," the witness said.

Congo's Communications Minister Patrick Muyaya urged protesters to stop and later said the situation had been brought under control.

"We have every right... to express our anger, but let's do it peacefully," he told local TV. "Let's not attack the consular infrastructures of countries accredited in Congo."

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COMMENTARY:

The uneasy nature of the Grey Zone and the dangers of mixed messages on defence

(Conservative Home, January 31, Sarah Ingham)

"This is a Russian spy ship used for gathering intelligence and mapping the UK's critical underwater infrastructure."

Last week, Defence Secretary John Healey could not have been clearer about why the Royal Navy was tracking the Yantar as the Kaliningrad-built vessel sailed through the English Channel. The Rules of Engagement were changed to allow the Navy's ships to sail far closer to their target.

The previous day the former chief of the Secret Intelligence Service (MI6) warned that Russia thinks "that they are at war with us and we do not think we are at war with them." Sir Alex Younger was giving evidence to the Defence Select Committee as part of its investigation into the Grey Zone, that uneasy area between peace and war.

In September, Younger's successor Richard Moore and CIA director Bill Burns wrote in the Financial Times that the international world order "is under threat in a way we haven't seen since the Cold War." They argued the rise of China is the principal intelligence and geopolitical challenge of the 21st century". In addition, Russia is waging a "reckless campaign of sabotage across Europe". This is highlighted by a spate of cable-cutting across the Baltic Sea in recent months.

The Starmer government seems intensely relaxed about this steady ratcheting up of international tension. Its unnecessary Defence Review, which should force the government into some choices about the level of investment in Britain's security, is not set to report until the Spring – whenever that is.

Echoing around the Ministry of Defence Main Building is the sound of can-kicking. Despite being led by the distinguished former Labour Defence Secretary and NATO Secretary-General Lord (George) Robertson, the new Review will be the third in five years. How much has the defence and security landscape changed since March 2023 when the Sunak government updated the 2021 Integrated Review?

In its manifesto, Labour matched the Conservative pledge to increase annual spending on defence to (a measly) 2.5 per cent GDP. Despite state-on-state conflict in Europe, an unstable Middle East and grey zone disruption, earlier this week the media reported that even this small rise for Britain's Armed Forces might not be delivered until 2032.

Perhaps far more intimidating for the government than the Yantar ("amber" in Russian) is the often orange-hued 47th President of the United States. Giving a masterclass in the exercise of power and purpose since his inauguration, Donald Trump's focus has been on the US homeland – with a side order of Greenland.

Before long the President's gaze, like the Eye of Sauron, will fall on NATO. While he probably won't rescind US membership of the alliance, he will expect NATO members to stop freeloading off the American taxpayer and start paying more for their own security: 5 per cent GDP has been mentioned. Opening gambit? Full and final offer?

A buying-some-time Defence Review. The co-option of policies already set in motion by Conservative ministers (e.g. buying back 36,000 military homes from Annington). Paying Beijing-friendly Mauritius billions to hand them the Chagos Islands. Defence needs more than defer, retread and strategic incoherence from No.10.

About to be re-heated is extending the law in relation to the Armed Forces Covenant. The affable Defence Secretary should simply ensure its overarching principle – the nation's support in exchange for military service – is upheld. This means delivering welfare policies affecting Armed Forces personnel, their families and veterans: these can include housing, children's education and healthcare. Alas, that delivery often relies on an imperfect public sector: NHS Trusts, GP surgeries and local authorities.

The government's laudable talk of support for the Armed Forces community is at odds with its actions. Labour's ideological imposition of VAT on school fees has hit Forces' families. With US military personnel exempt from the spiteful levy, what message of support does the government think it is sending to Britain's troops?

The unhappy history of the Northern Ireland Troubles is chronicled in statistics compiled by Ulster University's CAIN archive. The number of shootings, bombings, incendiary attacks and kilograms of explosives are all there, along with the tally of deaths and injuries, whether of civilians, Police officers or soldiers.

The 2023 Northern Ireland Troubles (Legacy and Reconciliation) Act aimed to introduce a statute of limitations as well as halting the "vexatious prosecutions" of former soldiers, argued Boris Johnson. In repealing the Act, the Starmer government might well end up paying compensation to Sinn Fein's Gerry Adams, a former client of Attorney General Lord Hermer KC. Will hounding veterans in connection with events 50 years ago encourage recruitment and retention in Britain's chronically undermanned Armed Forces?

The Bank of England is alert to geopolitical risks, as the Treasury Committee heard on Wednesday. Defence spending is among the "structural headwinds" facing the public finances, said Governor Andrew Bailey.

At RUSI's Land Warfare Conference in July, the Army's Chief, General Sir Roly Walker said the Army should double its lethality by 2027 and triple it by 2030, not least because of the urgency of the geopolitical threat from the "axis of upheaval".

The government's current mixed messages and delaying tactics are at odds with the troubling global security picture that many are painting. In the defence context, this suggests it's at sea – unlike Britain's fault-prone aircraft carriers.

Sarah Ingham is the author of [The Military Covenant](#) (Routledge).

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Metaphors, Rules and War: Making Sense of Hybrid Threats and Grey Zone Conflict

(EJIL: Talk, January 31, Aurel Sari)

About a decade ago, hybrid warfare made its big breakthrough. The concept had been around for a number of years, but few people knew what it meant and even fewer seemed to care. In 2014, Russia launched the opening act of its ongoing war of aggression against Ukraine, taking control of the Crimean Peninsula. It did so through a combination of different means, including military force, disinformation, economic pressure, nuclear blackmail and obfuscation. Moscow's synergistic use of a diverse range of instruments seemed like a perfect illustration of hybridity. All of a sudden, talk about hybrid warfare and hybrid threats became the rage.

Dismissed as an academic fad by some and as an obstacle to clear strategic thinking by others, the initial appeal of hybridity has faded somewhat since 2014. However, the idea remains alive in public discourse. Just in course of the last few days, Finnish President Alexander Stubb described recent incidents in the Baltic Sea as a form of 'hybrid influence'; the leaders of eight European nations tasked former NATO Secretary General Jens Stoltenberg with preparing a report on advancing Nordic-Baltic security and defence cooperation, including to counter 'hybrid acts and operations'; and European Commissioner for Equality, Preparedness and Crisis Management Hadja Lahbib spoke about 'hybrid threats' in the context of misinformation.

Many lawyers, myself included, were puzzled when the term first rose to prominence. Hybridity is not a legal concept, that much was clear. State officials and others were talking about it, so it seemed to be a thing. But what were its legal implications, if any? What areas of law were even relevant here? Did it raise any proper legal issues or was it just hot air?

A fair amount of effort has gone into answering these questions and to explore the legal aspects of hybrid threats. The International Committee of the Red Cross (ICRC) has added its voice to these debates in its 2024 Report on International Humanitarian Law and the Challenges of Contemporary Armed Conflicts. An excerpt from that Report was published on this blog to other day in a post by Samit D'Cunha, Tristan Ferraro and Tilman Rodenhäuser.

In their post, D'Cunha, Ferraro and Rodenhäuser make a simple, but very important point: the political narratives surrounding hybridity and related concepts such as grey zone conflict must

not obscure the question of conflict classification and displace the application of the law of armed conflict. They are exactly right. Whether or not an armed conflict exists must be determined with reference to the rules of the law of armed conflict. Notions such as hybrid warfare and grey zone conflict are not helpful or even relevant in this respect. More generally, D’Cunha, Ferraro and Rodenhäuser also suggest that describing situations as war or warfare ‘when they do not, in fact, amount to armed conflict risks adding fuel to the fire’. On this point, they do not quite hit the nail on its head, as there is a bit more going on here. To explain, it is helpful to offer a brief conceptual overview of hybridity and grey zone conflict, before highlighting some of the legal and strategic dynamics involved.

Framings of Hybridity and Grey Zone Conflict

As there is no consensus definition of hybridity in the field of international security, it is useful to distinguish between three main framings of the notion. In 2005, James Mattis and Frank Hoffman, both of the United States Marine Corps, coined the phrase ‘hybrid war’ to describe the shape of future warfare. According to Mattis and Hoffman, future adversaries were likely to combine distinct forms of violence, including conventional warfighting, terrorism, insurgency, guerrilla tactics and organized criminality, to offset the superior conventional capabilities of the United States. Mattis and Hoffman described this blend of different modalities of violence as ‘hybrid war’.

In subsequent years, NATO embraced the idea of hybridity, but did so by focusing on hybrid threats posed by adversaries ‘with the ability to simultaneously employ conventional and non-conventional means adaptively in pursuit of their objectives’ (NATO, Bi-SC Input, 2010). This extended the notion of hybridity beyond actual warfighting to cover situations of potential violence and those involving the combined use of military and civilian instruments. In response to Russia’s annexation of Crimea, NATO leaders thus signaled their readiness to ‘address the specific challenges posed by hybrid warfare threats, where a wide range of overt and covert military, paramilitary, and civilian measures are employed in a highly integrated design’.

The third framing of hybridity as ‘hybrid threats’ is concerned with the synergistic use of mostly non-violent means below the threshold of open hostilities. Since most foreign policy is ‘hybrid’ in the sense that all actors aspire to use the different instruments at their disposal in a complementary manner, the hybrid threat construct relies heavily on its ‘threat’ element to distinguish Statecraft as practiced by Western nations from that of their rivals. Accordingly, in recent years, the term hybrid threats has been used primarily as a pejorative label to describe the activities undertaken by autocratic regimes to undermine or otherwise harm democratic nations, in particular by targeting their vulnerabilities and influencing their decision-making process within the wider context of geopolitical competition.

The different framings of hybridity overlap to some extent with the concept of grey zone conflict. Whereas hybridity is concerned mostly with the diverse instruments and tactics that hostile actors employ, the grey zone concept focuses primarily on the space where competitive interactions with such actors take place. The grey zone is often described as a space between war and peace that is distinct from both. The notion thus divides international relations into three spheres: war at the top end, peace at the lower end, with the grey zone in the middle. This

tripartite division rests on the idea that war and peace are separated by a distinct zone characterized by confrontations that are more aggressive than 'normal' peacetime competition, but which fall short of open hostilities as seen in war. This grey zone exists because geopolitical rivals carefully calibrate their action on the international stage to achieve the greatest strategic impact without, however, handing their adversaries a *casus belli*, so as to avoid escalation into open military confrontation.

Speaking politics to law

The different framings of hybridity and the notion of grey zone conflict are best understood as heuristic devices that shine a spotlight on certain features and manifestations of contemporary conflict and geopolitical rivalry. They are not, however, full-blown theories of international relations, strategy, war or anything else. Keeping this in mind helps a lot.

Nor are they legal terms of art, as already noted. Take grey zone conflict, for example. Proponents of the concept often suggest that it illustrates how the dividing line between war and peace has become increasingly blurred. To most international lawyers, this sounds ahistorical and archaic in about equal measure.

As is well known, before the era of the United Nations Charter, international law drew a sharp and formal distinction between the state of war and the state of peace. However, this seemingly clean normative framework masked the fact that States and international lawyers were unable to reach agreement on how these two legal conditions, war and peace, should be distinguished from one another. Moreover, whatever international law said on the subject, the world was an unruly place, bursting at the seams with 'limited war', 'imperial policing', gunboat diplomacy, 'frontier wars' and other uses of force that did not fit neatly into the black and white categories of war and peace, at least as commonly experienced and understood. In any event, international law has left these debates behind in 1945. Today, the operative legal thresholds are no longer those of war and peace, but the 'use of force', 'armed attack', 'self-defence' and the existence of an international or non-international armed conflict. This matters, because the preoccupation with the supposedly blurred line between war and peace obscures the fact that international law draws the relevant thresholds in a different place. This not only overlooks the fact that the applicable rules are more flexible than is often assumed, but it also fuels a misguided perception that the law itself is badly outdated.

Against this background, we may read D'Cunha, Ferraro and Rodenhäuser's post as a welcome reminder—presumably most useful to those who are not legal experts—not to fall into the trap of assuming, without proper legal analysis, that cases of hybrid warfare, hybrid threats and grey zone conflict amount to an armed conflict. However, this is not the only lesson here.

There is much loose talk these days about various forms of warfare, such as information warfare, political warfare, financial warfare, media warfare, energy warfare and legal warfare. None of these involve combat operations, which inspired by Clausewitz we may take to be the essence of 'real' war. Instead, in all of these cases, the warfare label is purely metaphorical. But why so? The obvious explanation is that the label is intended to underline the intensity of the antagonism involved. It reflects, in other words, the idea that information, finance, energy and

even the law may be weaponized and used as instruments of strategic confrontation. Even though these forms of metaphorical warfare do not involve combat, they may still inflict significant harm on those targeted by them. Moving beyond metaphorical warfare, hostile actors may also cause significant harm through acts of violence other than combat. One example is the recent concern over the sabotage of critical infrastructure.

While none of the cases just mentioned are likely to amount to an armed conflict, we should not forget that the law of armed conflict is not the only relevant regime of international law in this context. Regard must also be had to the rules governing the use of force. In fact, in situations that involve violence other than combat between opposing armed forces, those rules are likely to be more relevant than the law of armed conflict. Thus, it is reasonable to ask whether a State engaged in a campaign to deliberately damage the maritime infrastructure of another State is using force within the meaning of the United Nations Charter. And if so, at what point does that use of force give rise to the right to respond with counterforce?

On closer inspection, much of what comes under the heading of hybrid warfare, hybrid threats and grey zone conflict turns out to raise quite significant legal questions. These include threshold questions: for instance, do certain activities amount to the use of force? China's grey zone actions in the South China Sea are a prime example. They include questions of scope: what forms of misinformation are caught by the principle of non-intervention? They involve questions about legal gaps: what legal authorities may coastal States rely on to protect submarine communication cables in their exclusive economic zones and beyond?

Conclusion

The point to take away is that the relationship between hybrid warfare, hybrid threats and grey zone conflict on the one side and the law on the other is not a one-way street.

This should be obvious, but it is worth repeating that not everything that is labelled as warfare actually amounts to an armed conflict in a legal sense. Nor should we get carried away with metaphorical forms of warfare more generally: being a mighty information warrior on social media is not the same as defending a trench against an advancing enemy formation. The dividing line between participants and bystanders in modern warfare may be under pressure, but it has not dissolved into thin air. Conversely, not describing the use of military force as war, or calling it by another name, does not prevent it from qualifying as an armed conflict, should it meet the relevant criteria under the law of armed conflict, as set out with admirable clarity by D'Cunha, Ferraro and Rodenhäuser.

At the same time, we cannot hide behind the existing legal categories and cross our fingers that something is not war or warfare unless and until the law of armed conflict says so. The growing importance of non-kinetic forms of harm casts doubt on the traditional view that physical violence is the essence of war, while the diffusion of real warfare across time, space and various functional domains undermines the classic duality of war and peace. This challenges our understanding of what war, in a colloquial sense, is and what it is not, which in turn puts pressure on the relevant legal thresholds and categories of international law. This is not to suggest that we should adapt the rules to reflect a more unruly world; perhaps our efforts need

to focus on making that unruly world conform to the ideals reflected in our rules. At any rate, rather than looking at hybrid warfare, hybrid threats and grey zone conflict as notions that distract from the well-established legal criteria for determining the existence of an armed conflict, as D’Cunha, Ferraro and Rodenhäuser seem to imply, we may also take them as an invitation to reflect on what they tell us about the changing character of war and its implications for international law.

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