

INTERNATIONAL LAW AND INTERNATIONAL RELATIONS

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INTERNATIONAL HUMANITARIAN COOPERATION WITHIN THE FRAMEWORK OF HYBRID THREATS TO THE INTERNATIONAL SECURITY SYSTEM

The article deals with the issues of transformation of international humanitarian cooperation in terms of new types of threats to the international security system. The features of the use of hybrid threats and their potential consequences for the security system of both individual states and the world as a whole are determined. Features of the hybrid war against Ukraine are outlined. The information dimension of the hybrid conflict is analyzed and it is shown that the information component is one of the priorities in aggression against Ukraine. It is found that hybrid threats contain significant challenges for international humanitarian law. It is proved that despite the fact that the new technologies of warfare are not specifically governed by international humanitarian law, their development and use in armed conflicts are in accordance with the existing norms which regulate the issue of warfare and the provision of humanitarian assistance to victims of wars and conflicts.

Keywords: international security system, international humanitarian cooperation, hybrid war, cyberwar, information and psychological operation, international humanitarian law, humanitarian intervention, PACE, Ukraine, Russian Federation

The deepening of the global humanitarian crisis and the growth of the conflicting nature of the international community are essential factors in the transformation of the international relations system. They cause the need to develop new political and legal mechanisms for cooperation between all actors. As experts point out, the increase in the quantity of conflicts is striking today, which is constantly emphasized by representatives of international institutions, in particular, the United Nations system. So, after a recession in the late 1990s and early 2000s, the number of large-scale civil wars increased from 4 in 2007 to 11 in 2014¹.

The root causes of each conflict are unique and complex, but the consequences are often the same. In one-third of modern civil wars, one or more parties of the conflict are supported by external actors. As a result of such internationalization, civil wars are becoming even more violent and prolonged. In countries affected by the conflict, especially in its urban areas, transnational crime is spreading, which destabilizes conflict-stricken countries, undermines state-building efforts and contributes to the continuation of violence. That is why the settlement of crisis phenomena and conflicts is an important part of humanitarian activity. Assisting in the settlement of the crisis allows reducing the number of victims of conflict escalation and forced migrants who are in need of assistance both locally and in countries where they are forced to move in search of a decent life. At the same time, preventive diplomacy is becoming a top priority in international cooperation, and as a result, experts emphasize, it is much easier to end the war before it begins or to prevent the escalation of the conflict and its transition to a phase of armed confrontation than to end the ongoing war².

¹ Единое человечество: общая ответственность. Доклад Генерального секретаря в связи со Всемирным саммитом по гуманитарным вопросам. <<https://www.agendaforhumanity.org/sites/default/files/A-70-709%20-%20SG%20Report%20for%20the%20WHS%20%28Russian%29.pdf>> (2018, September, 13).

² On the Front Line of Humanitarian Efforts Worldwide. *Institute of International Humanitarian Affairs*. <https://www.fordham.edu/info/23454/institute_of_international_humanitarian_affairs> (2018, September, 13).

As traditionally international humanitarian cooperation is combined with international humanitarian law, legal aspects are among the priorities of humanitarian activity. This issue is related to both the protection of fundamental human rights and freedoms, the rights of displaced persons and the security of humanitarian activities, that is, the provision of security for humanitarian aid programs in conflict zones, as well as work with local authorities to restore necessary management¹.

At the same time, the consequences of information development and scientific and technological progress were also contradictory. On the one hand, the modernization processes that have embraced developing countries are aimed at the comprehensive provision of human interests, the approach to human needs in all spheres of public life, the creation of conditions for the development of its potential and self-realization², and, on the other, the modernization processes lead to the emergence of new species of weapons and forms of warfare, which led to the inclusion in the agenda the issue of developing effective mechanisms of counteraction to current challenges and threats to the international peace and security system. There are contradictions in the field of political and legal regulation of issues of state sovereignty, inviolability of borders and non-interference in the internal affairs of the state. The disability of the system of international relations to maintain peace and security has led to the displacement of the international efforts to resolve conflicts to humanitarian activity.

The situation is complicated by the emergence of new trends typical for modern military conflicts, as a significant number of problems, including humanitarian issues, arise from the emergence of new forms and methods of struggle, the modern types of weapons that fall into the category of weapons of mass destruction and the strategies of confrontation. And in the context of accelerating the processes of globalization and spreading the achievements of science and technology in the world for the majority of actors in international relations, it is evident that the threat of turning any conflict between two or more states into a global war with massive devastating consequences³.

One of the challenges for the modern system of international peace and security is the hybrid war, which is a combined, integrated military-political and economic confrontation in the form of an endless conflict that can be hidden for a long time. In a military-political context, a hybrid war can combine a wide range of actions carried out by an enemy using military and irregular formations, simultaneously involving civilian components. This type of wars is characterized by a combination of traditional and modern methods of conducting military operations in an entire complex, as well as an additional role of the information component, which at different levels provides the functioning and creates conditions for the recognition of war as a fair by own population⁴. Thus, hybrid wars combine the "lethal nature of state conflicts with the fanatical and protracted fervor of the irregular war"⁵.

In today's conflicts, threats are considered to be hybrid if they combine at least two types of threats from four possible, namely, traditional, irregular, catastrophic and breakthrough. All four types are more likely to be archetypes which cannot be found in the pure form, and therefore hybrid variants are considered as the norm. Such threats are treated as shocking catalysts, changing the "rules of the game" in international interaction, as happened after the events of September 11, 2001, when a strategic coalition of states was formed for a short time in the fight against terrorist groups. Hybrid threats are considered to be defensive challenges that are difficult to identify and classify, since the main characteristics of the hybrid warfare are masking under non-military tools, as well as high level of uncertainty/unexpectedness⁶. Therefore, considering the problem in the context of international humanitarian cooperation, it is almost impossible to apply the rules of international humanitarian law to the parties to the conflict. According to experts, the hybrid war is intended to destroy the existing political, legal and ethical order and the corresponding

¹ On the Front Line of Humanitarian Efforts Worldwide. *Institute of International Humanitarian Affairs*.

² Проект Концепції гуманітарного розвитку України на період до 2020 року <http://old.niss.gov.ua/book/StrPryor/StPrior_12/3.pdf> (2018, September, 13).

³ Макаренко, Є.А. (2017). Інформаційне протиборство у сучасних міжнародних відносинах. *Міжнародні відносини. Серія «Політичні науки» (спецвипуск), № 17* <journals.iir.kiev.ua/index.php/pol_n/article/download/3316/2995> (2018, September, 13).

⁴ Макаренко, Є.А. (2017). Інформаційне протиборство у сучасних міжнародних відносинах. *Міжнародні відносини. Серія «Політичні науки» (спецвипуск), 17*.

⁵ Хоффман, Ф. (2013). Гибридные угрозы. *Альманах «Искусство Войны»*. <<http://navoine.info/hybrid-dange.html>> (2018, September, 13).

⁶ Freier, N. (2009). *The Defense Identity Crisis: It's a Hybrid World*. Parameters.

systems of thinking. Terminological alternatives such as war or peace, interstate or civil war, symmetrical or asymmetric warfare, combatants or non-combatants, do not categorize new realities of conflict. Using hybrid means of warfare, actors not only prevent the possibility of a direct accusation of aggression but also complicate the interpretation of such actions and the search for legitimate methods of resistance, which leads to contradictions in the political environment, society and among the military forces¹. For example, the methods of the hybrid war were used during the second Chechen war of 1999² and during the events in Lebanon in 2006³.

Together with the hybridization of means of warfare, there is a change in key political goals, since military actions are aimed primarily at destabilization of alliances and individual states. For this purpose, propaganda, imbalances, rebellion, frozen conflicts with "rapid warming", terrorism, civil wars, and other internal threats are used to intensify political conflicts and expand internal front lines to overcome the organizational capacities of the state and society and reduce the use of military forces.

It is about limiting the capacity of governments and parliaments both weak countries in crisis regions and stable democracies, to prevent humanitarian intervention or the imposition of sanctions from the Western powers. In this case, the common task of alliances, governments, civil society, and the military sector is to increase its own resilience to hybrid methods of war as prerequisites for domestic and foreign policy capabilities.

Ukrainian researchers are considering hybrid wars in the context of a systemic global security crisis as the latest type of global confrontation that requires the reform of international security institutions and the search for a balance of power in a new (hybrid) reality⁴. It is noted that Western media in the hybrid world become hostages of a new reality that does not correspond to its liberal-democratic ideological beliefs as media try to approach the informational and political space with "democratic standards" of peaceful and rational existence, the standards of "sensitivity, and pluralism of thoughts"⁵.

The main stages of the hybrid war are: innovative aggression (cyberwar, economic pressure, information and psychological attacks, etc.); the use of irregular armed groups or private armies (rebel, partisan movement, terrorism); official military actions or demonstration of force (identified uniform, weapons, official recognition of conflict). In the first phase of hybrid wars, aggression is innovative and of a hidden nature, it is difficult to identify: in particular, an economic attack can be disguised as a competition and a struggle for leadership between countries and multinational corporations in particular sectors or sectors of the economy. It is difficult to identify an act of aggression in promoting the national culture of one country in the other, or in promoting media that fight for target audiences and areas of influence that can spread to neighboring states and even individual continents. It is precisely at this stage the laying of concrete mass psychological installations takes place, which later, at the time of the transition of the conflict to the open phase, are used to weaken the party against which aggression is committed. Even if the fact of aggression can be tracked, it is difficult to justify and bring the charges and force the opponent to stop aggressive actions⁶.

At the second stage, hybrid wars acquire the character of certain openness, when the initiators of aggression are identified, the involvement of which is difficult to prove, because the opposing side does not reveal the final plans. At this stage, the main means of implementation of hybrid aggression are: the creation of an atmosphere with lack of spirituality, the invasion of conflict situations, the destruction of the authority of state power; destabilization of the political situation (conflicts, repression, terror); blocking information activities of central government and local self-government bodies; undermining

¹ Münkler, H. (2003). The wars of the 21st century. *International Review of the Red Cross March*. Vol.85, no 849. <https://www.pegc.us/archive/Journals/irrc_849_Munkler.pdf> (2018, September, 13).

² Nemeth, W.J. Future war and Chechnya: a case for hybrid warfare. <https://calhoun.nps.edu/bitstream/handle/10945/5865/02Jun_Nemeth.pdf> (2018, September, 13).

³ Hoffman, F. (2009). Hybrid vs. Compound War. *Small Wars Journal*. October. <<http://smallwarsjournal.com/documents/jfqhoffman.pdf>> (2018, September, 13).

⁴ Горбулін, В.П., Парахонський, Б.О., Розумний, М.М. та ін. (2017). *Світова гібридна війна: український фронт*. Київ: НІСД, 8-9.

⁵ Почепцов, Г. (2015). Роль інформації в гібридних війнах. <<https://psyfactor.org/psyops/hybridwar3.htm#Top>> (2018, September, 13).

⁶ Курбан, О. (2016). Сучасні інформаційні війни в соціальних онлайн-мережах. *Інформаційне суспільство*. Випуск 23, 85-90.

authority and discrediting public authorities at all levels; provoking social, political, national, religious confrontation to the resolution of the civil war; the initiation of mass protests and riots in the streets, pogroms of official institutions and public structures.

In the vast majority of cases, in the second stage, the aggressor is manifested through the official political support of separatist movements at the level of public statements or through defending the interests of insurgents in international institutions; providing material and technical assistance in the form of equipment, weapons, food, funds and other resources. Therefore, the characteristic feature of the second phase of the hybrid war is the use of irregular armed groups or private armies operating under the guise of partisan groups, insurgent associations or terrorist organizations. It is precisely at this stage that the aggressor state in the struggle against the opponent relies not on individual insiders and certain groups of influence within the country against which aggression is taking place, but begins to use its own camouflaged troops or private armies¹.

The third stage of the hybrid war is characterized by the fact that the struggle actually becomes an open form and can go into an official armed conflict. This is either in the form of an open intervention or under the guise of putting peacekeeping forces. In both cases, the main official pretext is the attempt to stop internal national conflicts or to stop the unlawful actions of the official authorities, which contradict the modern norms and principles of the protection of human rights, established and fixed in international agreements and declarations of the United Nations, UNICEF, the Council of Europe, etc. Complex for the official control forms of activity of private military corporations is used in the so-called humanitarian interventions, which is a typical feature of the hybrid war. Such interventions are defined as enforcement action of a special form used by the international community or individual states².

The most legitimate today for the implementation of peacekeeping operations or camouflage under them is the mandate of the UN Security Council, which allows the deployment of forces to prevent the conflict and its exit across borders; stabilization of the conflict situation after the ceasefire; creation of conditions for reaching an agreement on establishing lasting peace between the parties; ensuring the implementation of comprehensive peace agreements; assisting countries or territories in overcoming the transition period and creating a stable government based on democratic principles, good governance and economic development.

So, at the end of the 20th – the beginning of the 21st century the number of such humanitarian interventions has increased at times as a result of a number of factors, including the disappearance of the bipolar confrontation between the United States and the USSR, what complicated the work of the UN Security Council on the authorization of peacekeeping operations; a sharp increase of the United States geopolitical influence and their desire to establish dominance in the international arena; increasing pressure on developing countries with strategic resources (gas, oil, strategic minerals) or favorable geopolitical positions; the presence of countries with anti-democratic regimes and terrorist organizations of world scale, which must be fought; a change in the norms of international law as for the increasing attention to the problems of human rights protection³. Unlike the world-wide recognized mandate for peacekeeping operations, sometimes aggressor countries are trying to use quasi-mandates or local interstate agreements, under the guise of which there is the occupation of foreign territories. This is exactly the way Russia used its "peacekeepers" in Transnistria (1992), Abkhazia (1994), and South Ossetia (2008).

The specificity and peculiarities of the modern hybrid war stimulate the creation of new forms of military-political aggression that have all the necessary formalities or are provided with a thorough legal cover. This is exactly the case during the seizure of Crimea when the annexation of part of the Ukrainian territory was "legitimized" through a referendum, the will of which was controlled and secured by the forces of special operations of the Russian armed forces. In the course of the Russian aggression on the Donbas in 2014, the Kremlin leadership planned to apply the technology of a peacekeeping mission under

¹ Курбан, О. (2016). Сучасні інформаційні війни в соціальних онлайн-мережах. *Інформаційне суспільство. Випуск 23*, 85-90.

² Курбан, О. (2016). Сучасні інформаційні війни в соціальних онлайн-мережах. *Інформаційне суспільство. Випуск 23*, 85-90.

³ Макаренко, Є.А. (2017). Інформаційне протидорство у сучасних міжнародних відносинах. *Міжнародні відносини. Серія «Політичні науки» (спецвипуск), 17*. <journals.iir.kiev.ua/index.php/pol_n/article/download/3316/2995> (2018, September, 13).

the mandate of the Collective Security Treaty Organization (CSTO or the Tashkent agreement). However, the reaction of the world community and economic sanctions prevented the implementation of these plans, and Russia stopped on the option of open military aggression¹.

Among the features of the hybrid war that distinguishes it from the traditional, one can also note: non-standard, complex and multi-level confrontation, involving both states and non-state actors; a combination of conventional and unconventional means of warfare that is not used in the context of traditional warfare, in particular the use of irregular military tactics, guerrilla warfare, terrorist acts, the use of violence, information and psychological operations; mobility and a high level of flexibility, which involves quick adaptation to new conditions and circumstances; the use of the latest non-traditional weapons, which include widely available technologies – smartphones for communication, Internet for cyberattacks, conventional cars reinforced with armor coatings for terrorist attacks, underground tunnels for fast travel; the use of mass communication and propaganda, high technology and various methods of manipulating mass consciousness.

So, the further complication of military conflicts, the asymmetrical nature of the conducting of hostilities, the emergence of new forms and methods of warfare, the spread of practice of hybrid wars, modern types of weapons against the backdrop of globalization and the collapse of national systems, raise the issue of developing new international mechanisms for humanitarian cooperation. Such a situation leads to the non-compliance of the norms of international humanitarian law with contemporary realities concerning the right to war and the protection of fundamental civil rights and freedoms. Therefore, the issue of humanitarian assistance is substantially complicated.

Thus, in the widespread practice of hybrid wars it becomes difficult to apply the norms of international humanitarian law in determining the beginning and the end of the conflict, the range of its participants, the solution of the issue of occupation and humanitarian activity in conflict zones, the definition of the geographical boundaries of the application of international humanitarian law and the regulation of the use of different types of armaments. Despite the fact that the new technologies of warfare are not specifically governed by international humanitarian law, their development and use in armed conflicts is not in a legal vacuum, but in accordance with the existing rules governing the issue of warfare. At the same time, difficulties arise in the interpretation and application of existing norms of international humanitarian law due to the unique characteristics of modern types of weapons, the inability to predict their use and to predict the potential humanitarian consequences of their application².

In this context, the Resolution adopted by the PACE in April 2018 "Legal Issues Related to the Hybrid War and Human Rights Obligations" was important³. The document states, in particular, that nowadays states are often faced with the phenomenon of "hybrid warfare", which is based on a combination of military and non-military means, such as cyberattacks, mass misinformation campaigns, including the dissemination of fake news, as well as the impact on election processes through social media, violation of the work of communication systems and other networks, and other actions. Cyberattacks are especially dangerous, as they can affect the country's strategic infrastructure, such as the power grid, the air traffic control system or nuclear power plants. Therefore, a "hybrid war" can destabilize and undermine the life of the entire society, lead to numerous losses. The constant expansion of the use of such tactics, especially in combination with each other, raises concerns about the adequacy of existing legal rules.

The resolution also notes that there is no universally accepted definition of "hybrid warfare" and that there is no "law of hybrid wars". However, it is generally acknowledged that the main feature of this phenomenon is "legal asymmetry," as the parties of the hybrid warfare, as a rule, deny their responsibility for hybrid operations and try to avoid the legal consequences of their actions. They use the gaps and complexity of the legislation, act on the verge of law and in unregulated spaces, use legislative barriers and

¹ Курбан, О. (2016). Сучасні інформаційні війни в соціальних онлайн-мережах. *Інформаційне суспільство*. Випуск 23, 85-90.

² Международное гуманитарное право и вызовы современных вооруженных конфликтов. Доклад XXXII Международной конференции Красного Креста и Красного Полумесяца (Международный комитет Красного Креста). <<https://www.icrc.org/ru/document/mezhdunarodnoe-gumanitarnoe-pravo-i-vyzovy-sovremennyh-vooruzhennyh-konfliktov>> (2018, September, 13).

³ Resolution 2217 Legal challenges related to hybrid war and human rights obligations 2018 (Parliamentary Assembly. Council of Europe). <<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=24762&lang=en>> (2018, September, 13).

are ready to go for gross violation of legal norms, to create confusion and ambiguity in order to disguise their actions.

Despite the complexity of the hybrid war, the parties of the hybrid war act in accordance with national and international law, including international human rights law. If, during a hybrid war, any state makes use of force against another state, then the latter has the right to use the right to self-defense, and in this case, the rules of international humanitarian law will be applied. However, in practice, the parties of the hybrid warfare avoid open use of force, which would mean reaching the threshold limit needed for applying the abovementioned norms, resulting in a "gray" legal area¹.

Thus, the PACE asks states to refrain from resolving hybrid wars in international relations and to observe the provisions of international law, in particular the principles of sovereignty, territorial integrity and inviolability of borders, without abusing allegedly "loopholes" or uncertainties.

An important component of hybrid wars is the information confrontation, which involves the widespread use of various types of modern information weapons. Thus, cybernetic weapons, which involve the use of computers and computer systems to attack the enemy's information systems, processes, resources and other critical structures in order to undermine the political, economic, social system, massive psychological influence on the population, the destabilization of society and the state, as well as the compulsion of the state to make decisions in the interests of the aggressor state, can be combined with the methods of kinetic operations, which greatly complicates the application of humanitarian law and humanitarian assistance. The real and potential humanitarian consequences of the use of information threats are a source of concern for both individual states and the world community as a whole. In particular, attacks on critical civilian objects can be used to destabilize a society or cause large-scale humanitarian crises or catastrophes (including environmental ones) because of the failure of electricity and water supply systems, transport navigation systems, automated chemicals management systems of the chemical industry and nuclear energy².

The impressive scale of the humanitarian consequences of the use of methods of conducting a hybrid war against Ukraine has raised concern of the world community and led to the adoption of a series of documents. Thus, in January 2018, within the framework of the PACE, Resolution 2198 "Humanitarian Consequences of the War in Ukraine" and Recommendation 2119 "Humanitarian Consequences of the War in Ukraine Concerning Military Operations in Ukraine" were adopted. The documents specify, in particular, that as a result of RF aggression against Ukraine, occupation and attempts to annex the Crimea, more than 4 million people need humanitarian assistance, 1.6 million people are internally displaced, and about half a million people are seeking asylum in neighboring countries. The Assembly also expressed its concern about the humanitarian situation in the occupied territories of the Donetsk and Lugansk regions, which is aggravated by restrictions on the freedom of movement and humanitarian access introduced by illegal armed groups. The population involved in the conflict suffers from a lack of security, water and electricity problems, as well as access to social amenities and medical care. The resolution also condemns Russia's policy of changing the demographic situation of the illegally annexed Crimea by coercion of the Ukrainian population, and in particular the Crimean Tatars, to the abandonment of their homeland, which coincides with the increase in the migration of the Russian population to the peninsula, and calls on the Russian Federation to stop these repressions. The Assembly emphasizes that this policy of Russia should be regarded as a violation of Article 49 of the IV Geneva Convention³.

The adoption of such documents allows us to inform the world community about the idea of the inappropriate use of hybrid war methods and the potential consequences of the use of such methods of confrontation for an international system of maintaining peace and security. It is also important to emphasize the need to develop adequate mechanisms for cooperation among all interested in order and peace parties to overcome the negative effects of hybrid warfare and to review and modernize the existing rules of international humanitarian law in accordance with current realities.

¹ Resolution 2217 Legal challenges related to hybrid war and human rights obligations 2018.

² Дрёге, К. (2014). Слезай с моего облака: кибернетическая война, международное гуманитарное право и защита гражданских лиц. *Международный журнал Красного Креста. Том 94*. <https://www.icrc.org/rus/assets/files/review/2012/02_corduladroege_for_web.pdf> (2018, September, 13).

³ Resolution 2198 Humanitarian consequences of the war in Ukraine 2018 (Parliamentary Assembly. Council of Europe). <<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=24432&lang=en>> (2018, September, 13).

Thus, hybrid threats contain a significant potential for destabilization of the global peace and security system. The use of hybrid methods of confrontation significantly complicates the application of international humanitarian law in determining the beginning and end of the conflict, the range of its participants, the solution of the issue of occupation and humanitarian activity in conflict zones, the definition of the geographical boundaries of the application of international humanitarian law and the regulation of the use of various types of weapons. The combination of both military and non-military hostilities, in particular, propaganda campaigns, disinformation through social networks, cyberattacks substantially reduce the possibilities of humanitarian assistance, which leads to a deepening of the humanitarian crisis and substantially postpone humanitarian activities.

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