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The question of national sovereignty and
asymmetric warfare



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Introduction

Sovereignty is a vital right that any nation deserves to have. It is agreed upon that no member state of the United Nations should violate the territorial integrity of another member state. However, non-state actors have found ways to counteract this principle, and provide a departure from the traditional Westphalian sovereignty system. Asymmetric warfare complicates the concept of national sovereignty, because the non-state actors can operate and attack in small, secretive groups, with no officially recognized territory or population to defend. They violate customary international law and disregard human rights, yet they don't face the retaliation that a member state could face after committing the same acts.

Asymmetric warfare poses many threats to all nations involved in a conflict. As warfare tactics, strategies and weaponry become more unconventional, conflicts escalate and it becomes more difficult for nations to predict their opponents' next actions. As mentioned above, violent non-state actors have long favoured unconventional war tactics that pose a dangerous threat to the global community. They look to intimidate the adversary psychologically by directly or indirectly inflicting fear and terror in order to achieve their political agendas. Asymmetric warfare has progressed alongside technological advancements, and violent non-state actors now asymmetrically threaten global security through cyber attacks. Sovereignty is greatly threatened by the use of asymmetric warfare tactics, and violent non-state actors continue to recklessly defy human rights and commit acts of terrorism.

Definition of Key Terms

National Sovereignty (Westphalian Sovereignty)

Sovereignty can be defined as the full right and power of a governing body to govern itself without any interference from outside sources or bodies. Sovereignty was originally seen as a way to achieve peace, but today there is debate surrounding the concept of national sovereignty. According to the Westphalian model, “External powers should not interfere in another country’s domestic affairs. Each state, no matter how large or small, has equal rights to sovereignty (Croxtton 596).” The principle underlies the modern international system of sovereign states.

Customary international law

According to the American Law Institute, “customary international law results from a general and consistent practice of states followed by them from a sense of legal obligation (American Law Institute 102). The International Court of Justice of the United Nations recognizes the existence of customary international law. The ICJ notes that for a customary international law to be discerned, there must be a consensus among states exhibited both by widespread conduct and a noticeable sense of obligation (“Customary International Law”).

Terrorism

Terrorism can be defined as the unlawful use of violence and intimidation, especially against civilians, in the pursuit of political aims (“Definition of Terrorism”). An example of a past terrorist event would be 9/11.

Asymmetric warfare

Asymmetric warfare can be described as warfare in which opposing groups or nations have unequal military resources, and the weaker opponent uses unconventional weapons and tactics, as terrorism, to exploit the vulnerabilities of the enemy (“Asymmetric Warfare”).

Violent Non-State Actors (VNSA)

Refers to an existing constellation of terrorist, insurgent, guerrilla, extremist political or religious, resistance, and organized crime structural units (such as quasi-states, movements, organizations, parties, groups, even the empowered individuals), operating worldwide.

General Overview

Asymmetric warfare refers to conflicts between groups or nations that have very different strategies and capabilities (RAND Corporation 1999). This is directly opposed to symmetric warfare, where both forces are matched in terms of military strength, technological capabilities and economic backing. According to Andrew Mack, who proposed the theory on asymmetric conflict, the following principles exist in an asymmetric relationship in warfare (Singh 2011):

1. Power asymmetry determines interest asymmetry, i.e. higher power equals low interest (e.g. U.S, a strong power, had low interest in Vietnam)
2. Low interest is inversely proportional to political vulnerability, i.e. low interest implies high vulnerability (e.g. U.S. vulnerability in Afghanistan where little public interest and adverse public opinion affected Obama's ratings)
3. High vulnerability varies inversely with the outcome of battle, i.e. high vulnerability implies a low probability of victory (e.g. strong actors look for a "face-saving" option like the Soviet Union's withdrawal from Afghanistan)

Asymmetric warfare will usually include the use of non-traditional tactics, weapons, or technology across all levels of military operations. It may be possible to use these tactics as a means of harassment without violating the laws of war (Dixit 2010). Asymmetric tactics are primarily used to weaken opposition, and the developments of these tactics are constantly being re-evaluated to ensure success. An example of asymmetric warfare is the Vietnam war (1955-1975), where the US was a major superpower and greatly advantaged compared to

the Vietnamese soldiers. Other examples will be outlined in the timeline of events section of the report.

Asymmetric warfare in itself is quite broad, though different groups will use asymmetric warfare tactics with similar goals in mind. Aside from the obvious aim to surprise and weaken opposition, asymmetric warfare can be used with the aim to damage the long term progress of a nation. While engaging in asymmetric warfare, violent non-state actors and terrorist organizations will aim to cause even greater loss of human life and to inflict non-military and economic damage, perhaps through the use of prohibited devices, such as biological and chemical weapons. Asymmetric tactics may also be used for financial gain in funding a terrorist organization's operational requirements. An example being the terrorist organization Boko Haram using kidnapping as a finance- and concession-generating mechanism. Hostages have been used as a means of garnering significant ransom payments which could be used to purchase weapons and other supplies. Furthermore, hostages have been used to bargain the release of high-ranking Boko Haram commanders detained by security forces (Cummings 2014).

Based on past conflicts, our understanding of asymmetric warfare strategies has developed. Though asymmetric warfare was once most commonly associated with guerilla movements, for example those of the Vietnam War, now terrorist groups are increasingly using asymmetric warfare strategies to target major powers. Unlike classic guerrilla movements, terrorist organizations don't tactically depend on the population's support, because many of their acts are carried out with the utmost secrecy in the adversary's hinterland (Pfanner 2005). This secrecy proves it to be difficult for countries and the United Nations to predict when terrorist attacks will occur or how exactly asymmetric warfare will be utilized.

Proxy warfare is commonly used as a part of asymmetric warfare. This refers to an independent non-state actor carrying out warfare, while they are connected to a particular nation. They can receive military equipment, financial aid or training from the nation they are

associated with. Some would argue that proxies are dangerous and contribute to the erosion of state sovereignty. Accountability of states for their proxies is extremely important to ensure sovereign control. In order to control proxies there must be strict adherence to customary international law.

There is a strong connection between asymmetric warfare and terrorism today, as many would consider individual acts of terrorism to be connected with asymmetric warfare. Individual acts of terrorism, similar to the traditional definition of asymmetric warfare, often will use unconventional and strategic means to attack stronger forces. More attention has been directed towards violent non-State actors, as they manage to damage their opposition greatly in their respective conflicts. There are great advantages for terrorist organizations in using asymmetric tactics and strategies. These range from the element of surprise and unpredictability to attracting international attention. Violent non-state actors challenge the nations sovereignty, armed under the rebellion forces, they use the “internal sovereignty” of the state for their propaganda and exploit it using false information, in an effort to establish control over the designated regions (Mishra 2017). This is a growing problem that continues to impact the concept of national sovereignty and poses a threat to global security.

Major Parties Involved

The United States of America

The US has been involved in multiple conflicts where asymmetric warfare has been used. The US can be considered one of the most powerful countries in the world, with a strong military. Therefore, it is unsurprising that this State has become a major part of this issue. The US continues to develop technology that can be used in combat. There is also a Asymmetric Warfare Group as a part of the United States Army, designed to provide operational advisory support and develop rapid operational solutions to the Army and Joint Forces to defeat current and emerging threats, enhance combat effectiveness, and inform Army future requirements. The most notable conflicts that the US has been a part of, both

directly and otherwise aiding countries involved, where asymmetric warfare has been used are: the War in Afghanistan, Syrian Civil War, and the Israel-Palestine conflict.

Russian Federation

The Russian Federation has played a major role in the Syrian Civil War in supplying weapons to the Syrian government. The most significant development in recent years has been the Gerasimov Doctrine, which outlines Russia's military strategy. In the doctrine, Russia's approach is described as guerrilla, and waged on all fronts with a range of actors and tools- including conventional asymmetric military means. The doctrine declares asymmetric warfare superior to the use of force (McKew 2017). The Soviet Union (which is now known as the Russian Federation) previously used asymmetric warfare in conflicts against Germany in World War II.

Israel

Israel has been a victim of asymmetrical warfare used by terrorist groups, such as Hamas, as a part of the Israel-Palestine war, and specifically the conflict in Gaza. Israel is very technologically advanced with a powerful army, but their enemies have conducted media warfare with the purpose to deprive the Israel Defence Forces of its legitimacy to operate at its full potential (Vankin-Gill 2017). These terrorist groups have also utilized other asymmetric tactics such as small gunfights, cross border sniping and suicide bombings in order to conduct operations. This is a prime example of the link between asymmetric warfare and terrorism, and the global security threat that asymmetric warfare has evolved into.

Pakistan

The conflict between Pakistan and India over the Kashmir and Jammu regions has been longstanding, and there has been great bloodshed over the territory. In the conflict, Pakistan has resorted to using asymmetric warfare tactics, such as guerrilla warfare, due to the obvious power imbalance between the two nations. Not only is India's population far greater than Pakistan's, but also their conventional defence capability is superior to Pakistan's. Aside

from resorting to asymmetric warfare, Pakistan has received military assistance from outside powers such as China and the US. Violent non-state actors and terrorist groups such as Al-Qaeda have taken part in the conflict, with the violence arising primarily due to religious tensions between India and Pakistan (Moorthy et.al 2015) .The conflict continues as both nations start to use another unconventional form of asymmetric warfare: cyber-vandalism.

Afghanistan

Violent non-state actors from the terrorist group Al-Qaeda instigated the September 11th attacks on the US, thus bringing to concept of violent non-state actors to international attention. During the War in Afghanistan, the Taliban used asymmetric strategies and tactics to target US forces. Despite the US being a major power with a strong military force, American military strategists soon realised that the key to defeating the opposition is to employ similar asymmetric strategies. Tensions between the Afghan government and Taliban forces have also resulted in violent non-state actors committing dangerous acts impacting civilian life. A number of particularly deadly suicide attacks in urban areas, some claimed by Islamic State Khorasan Province, killed and wounded more than 2,000 people across the country.

Timeline of Key Events

Timeline of events in reverse chronological order leading up to present day.

Date	Description of Event
1775-1783	<p><i>American Revolutionary War</i></p> <p>Rebel forces used asymmetric warfare against the British, who were the stronger power. Asymmetric sea warfare was also used, as Americans captured or sank British merchant ships.</p>
1861-1865	<p><i>American Civil War</i></p> <p>Asymmetric warfare was used against states who did not join the Confederacy but also did not withdraw from the Union.</p>

1899-1902

Philippine American War

Filipino forces had a lack of weapons and ammunition against the US, primitive weapons were mainly used against US firepower. Filipino forces finally resulted to using guerrilla warfare, but the US countered this by forcing thousands of civilians into concentration camps.

1914-1918

World War I

Germany was a stronger power than Belgium when they invaded; Ottomans were a stronger power than the Arabs; Austria-Hungary was stronger when they invaded Serbia.

1939-1945

World War II

Warsaw uprising against German occupying forces; Soviet partisans resistance movement against the Axis powers in German occupied areas of the Soviet Union; Philippines resistance movement engaged in guerrilla warfare and underground activity against Japanese forces.

1955-1975

Vietnam War

Communist forces in Vietnam used asymmetrical guerrilla warfare against the French and later the US.

1964-Present

Israel-Palestine War

The Military of Israel is supported by USA and superior to Hamas forces.

1947-Present

Kashmir conflict

Pakistan has engaged in proxy wars in Kashmir, India on multiple occasions. This can be considered asymmetric warfare as well as an attack on national sovereignty.

2003-2011

Iraq War

Iraqi forces primarily used guerrilla warfare tactics against the US-led coalition forces, who were far superior in technology and

training.

2012-Present

Syrian Civil War

Forces opposed to the Syrian government have resorted to asymmetric tactics such as suicide bombings and targeted assassinations. While foreign powers such as the US and Russia have engaged in asymmetric warfare in Syria as well, further disrupting the balance.

Previous Attempts to Resolve the Issue

Declaration on Measures to Eliminate International Terrorism (A/RES/49/60)

This resolution was implemented by the General Assembly on December 9th, 1994, A/RES/49/60 describes measures to eliminate international terrorism. It moves establishes the foreground for implementation of future measures. For example, clause (1) approves the “Declaration on Measures to Eliminate International”, which calls upon states to establish a more proactive attitude towards terrorism and asymmetrical warfare, and clause (2) and (3) urges different observers such as the Secretary-General to ensure states follow through with clause (1).

Measures to Eliminate International Terrorism (A/RES/50/53)

This resolution was implemented by the General Assembly on December 11th, 1995. A/RES/50/53 looks to further the influence and the efforts of A/RES/49/60 and specifically the Declaration on Measures to Eliminate International Terrorism. The major difference between the two resolutions is that A/RES/50/53 has a zero-tolerance stance and explicit criminalization of terrorist behaviours under any circumstances. For example, clause (2) states how, “any criminal acts intended to provoke a state of terror in the general public.... in any circumstance [is] unjustifiable”. Explicit criminalization and zero-tolerance stance hopes to generate political will and mass support to punish these organizations.

Different nations have found different ways to combat asymmetric warfare threats to protect their sovereignty. The US, for example, created a strategy entitled the Revolution in Military Affairs that incorporated modern technology in its weapons, in order to offset the numerical superiority of the Soviet Union's military forces during the Cold War (Carter & White 121).

Possible Solutions

Combatting VNSAs

Violent non-state actors are arguably the most dangerous aspect of this issue, as more terrorist attacks continue to plague nations, leaving communities damaged beyond repair. Cooperation between respective countries involved is key in order to prevent the further violation of customary international law. Delegates should consider communication measures that should be implemented between countries to ensure the capture of VNSAs and decide who has the right to deal with these foreign bodies while still respecting national sovereignty. This issue may require more developed member states to aid developing countries vulnerable to VNSAs and asymmetric war with newer technology and general financial aid to counteract these attacks.

Revision of National Sovereignty

National sovereignty has been one of the biggest obstacles to US intervention in the Syrian Civil War, and has generally been a challenge for the international community. Today, our definition of national sovereignty has changed greatly from the Westphalian definition, and it is worth considering if this definition is out of date for our constantly shifting world. Delegates should consider how national sovereignty applies to cases of asymmetric warfare, especially in regions where conflict has turned national borders blurry. Cooperation between all member states in the General Assembly while creating resolutions is crucial to combatting this issue.

Bibliography

Croxtan, Derek. "The Peace of Westphalia of 1648 and the Origins of Sovereignty." *The International History Review*, vol. 21, no. 3, 1999, pp. 569–591., doi:10.1080/07075332.1999.9640869.

American Law Institute. *Restatement of the Law, Third, the Foreign Relations Law of the United States*. St. Paul, Minn.: American Law Institute Publishers, 1987. §102(2).

US Legal, Inc. "Customary International Law." *USLegal*, USLegal, internationallaw.uslegal.com/sources-of-international-law/customary-international-law/.

"Definition of Terrorism." *Oxford Dictionaries | English*, Oxford Dictionaries, en.oxforddictionaries.com/definition/terrorism.

"Asymmetric Warfare." *Dictionary.com*, Dictionary.com, www.dictionary.com/browse/asymmetric-warfare.

"Asymmetric Warfare." *RAND Corporation*, 1999. www.rand.org/topics/asymmetric-warfare.html.

Singh, Mandip. "Asymmetric Wars In The Indian Context." *Institute for Defence Studies and Analyses*, 13 Oct. 2011, idsa.in/idsacomments/AsymmetricWarsintheIndianContext_msingh_131011.

Dixit, K C. "The Challenges of Asymmetric Warfare." *IDSA*, 9 Mar. 2010, idsa.in/idsacomments/TheChallengesofAsymmetricWarfare_kcdixit_090310.

Cummings, Ryan. "Boko Haram and the Symmetry of Asymmetric Warfare." *IPI Global Observatory*, 10 Dec. 2014, theglobalobservatory.org/2014/12/boko-haram-asymmetrical-warfare/.

Pfanner, Toni. "Asymmetrical Warfare from the Perspective of Humanitarian Law and Humanitarian Action." *International Review of the Red Cross*, vol. 87, no. 857, 2005, p. 149., doi:10.1017/s1816383100181238.

Mishra, Anant. "The Rise of Global 'Warlords': Violent Non-State Actors and Threat to Global Order." *Indian Defence Review*, 17 Aug. 2017, www.indiandefencereview.com/news/the-rise-of-global-warlords-violent-non-state-actors-and-threat-to-global-order/.

MCKEW, MOLLY K. "The Gerasimov Doctrine." *About Us*, POLITICO, Oct. 2017, www.politico.com/magazine/story/2017/09/05/gerasimov-doctrine-russia-foreign-policy-215538.

VAKNIN-GILL, SIMA. "Asymmetrical Warfare: The Battlefield for Israel's Legitimacy." *The Jerusalem Post*, 5 Dec. 2017, www.jpost.com/Diplomatic-Conference/Asymmetrical-warfare-The-battlefield-for-Israels-legitimacy-515607.

Moorthy, Ravichandran, et al. "Power Asymmetry and Nuclear Option in India-Pakistan Security Relations." *Asian Journal of Scientific Research*, vol. 8, no. 1, 2015, pp. 80–94., doi:10.3923/ajsr.2015.80.94.

Carter, Ashton B., and John P. White. *Keeping the Edge: Managing Defense for the Future*. John F. Kennedy School of Government, Harvard University, 2000. p.121

Appendices

Appendix 1

Asymmetric Warfare and Challenges for International Humanitarian Law by Frida Lindström. Chapters 4, 7 and 8 are most relevant to the question. Available here: <http://www.diva-portal.org/smash/get/diva2:575506/FULLTEXT01.pdf>

Appendix 2

Journal article called *The United Nations and State Sovereignty: Mechanism for Managing International Security* by Samuel M. Makinda published in the Australian Journal of Political Science. Available here: <https://www.tandfonline.com/doi/pdf/10.1080/10361149850750>

