QUESTIONS IMPORTANT NOW LIKE NEVER BEFORE. ASYMMETRY OF WAR OR OF WARFARE?

Keywords: war, asymmetric warfare, armed forces, state, symmetry, military strategy, factors of asymmetry, soldier, time, terrain, terrorists

ABSTRACT: Asymmetry of warfare, or more often asymmetric warfare, is an issue often referred to in descriptions of contemporary political and military relations affecting the state. It is even presented as an entity threatened by these hostilities. Meanwhile, these acts are a form of an armed conflict in which opposing sides have different military potentials. One of the potentials is the power of the state. We must wonder then how the state uses it. Is it not an entity who uses it in a way disproportionate to the situation of conflict? The paper argues that a contemporary state is not without sin and it is not just that it is not able to protect its interests from asymmetric threats. Warfare still is, which many forget, the basis for hostilities (war). In the author’s understanding (erroneous perhaps?) asymmetry does not only occur at the level of war, but it also happens in its key dimension – warfare. It has emerged not only through the change in the status of the fighting party, but also through the time of warfare and using the warfare terrain.

INTRODUCTION

The principle of symmetry in terms of military action (symmetry of military strategies) up until not long ago had made it possible to have security (cer-

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tainty) of the assessment of the power relation of individual states – from the size of their armed forces, to armament, to the size of the military budget. It had allowed its comparison with one's own potential and making sure that the potential opponent did not gain military advantage by creating appropriate coalitions in time. The armed forces within Europe were in principle similar, this is why it was possible to compare them applying simple counting.

In the conditions of symmetric wars, shaping the face of modern era Europe, the rationality of sovereign rulers and their executive bodies was specified though symmetry. Positioning of armies, making alliances, as well as all measures to prepare for or prevent future wars took into account primarily the power of the actual or potential opponent. Due to the fact that the armament of both of the parties was similar, it was possible, comparing the number of soldiers and weapons, to calculate the state of balance or, by adequate rearmament, to achieve a stable setup. Equality has predominated since the 17th century in Europe of sovereign countries, which has consisted in the fact that every authority recognized as sovereign had the right to declare war (*ius ad bellum*).

Political and military conditions, which in Europe led to the emergence of state wars as a dominant and then the only form of conducting a war, were shaped by symmetric relations. An interstate war represents the highest form of a symmetric conduct of war, exhaustively institutionalized by legal rules. A classic state war, at least up until the beginnings of strategic bombing and dropping the first atomic bomb, had been conducted as warfare of the armed forces of both sides, subordinate to the principles of symmetry. Actually, equal opponents recognized each other in their equality and this mutual recognition was the basis of their political rationality which led either to an arms race or to agreements on the restriction of armament or even to partial disarmament. The international law of war, still in force today, was also based on this recognition.

Naturally, symmetry led to an arms race, however, more often to stable constellations of armament policy. For each party the opponent’s efforts were the measure of their own military efforts. The armament was carried out not against an imaginary enemy, but against a real opponent. It had the value of allowing one to ascertain relatively easily – and adjust accordingly – the state of advantage or lack thereof.

After the end of the Cold War, many researchers and military men believed that the threat of an outbreak of a global conflict faded away together with the
collapse of the Soviet superpower. Yet not may could see that in place of a bi-
polar symmetry asymmetric threats occurred. They do not come down only to a military aspect. Beside a *strict* military plane, asymmetry is expressed in various phenomena, i.a. ecological, IT, demographical or economic ones (Liedel, Piasecka, Aleksandrowicz, 2011; Madej, 2012, pp. 82–83).

**AROUND THINKING ABOUT ASYMMETRY OF WAR**

Asymmetry is a dominant factor allowing a description of contemporary relations concerning military issues on two levels: acts of war and armament. Both of these issues are interrelated. However, yet another aspect is interesting. There is no doubt that asymmetry of armament involves participation of states. Whereas the majority of those who speak on the matter associate the asymmetry acts of war with non-state actors. Are they really the only ones responsible for this mechanism? The issue of the role of contemporary state(s) in asymmetry is interesting. R. Kuźniar’s theses in the subchapter *Siła i słabość w nowym środowisku bezpieczeństwa* [Strength and weakness in the new security environment] in the study titled *Polityka i siła* [Politics and power] are incredibly curious (Kuźniar, 2006).

Asymmetry of acts of war, and more often asymmetric warfare, is an issue referred to frequently in descriptions of contemporary political and military relations affecting a state. It is actually presented as an entity threatened by these acts. Meanwhile, these acts are a form of an armed conflict in which opposing sides have different military potentials. One of those is the state’s power. One must wonder how the state uses it. Is it not an entity that uses it in a way disproportionate to the situation of conflict? In consequence it seems that the weaker party – not being able to afford the hope for success in a classic military confrontation – must resort to unconventional methods and measures of carrying out warfare or effectively uses a specified weakness of the stronger enemy. Many include in those measures the capacity, e.g. for acts using biological or chemical weapons, and in the future perhaps atomic ones. The issues of methods of asymmetric acts are also often addressed, in which K. Pawłowski included guerilla warfare and terrorism (Pawłowski, 2006, pp. 352–363; Kościelniak, Piątek, 2014, pp. 85–97). According to Münkler, asymmetry results from the
possibility of a relatively easy conduct of armed activities. There are no front-lines any more, therefore skirmishes rarely happen, and great battles almost never do, which means that the military power of both sides does not get used up. Adversaries spare each other, at the expense of the fact that all violence is directed against the civilian population. Therefore, asymmetrization means certain forms of application of violence, which until now have constituted subordinate tactical elements of the military strategy, which are now gaining significant strategic importance also for the state (Münkler, 2004, pp. 13–47).

We have said before that contemporary asymmetry in the political and military dimension also refers to the issue of armaments. No state in the world, nor even any coalition of states today, is able to stand up to the United States in terms of the military – from aviation and aircraft carriers, to satellite intelligence and laser-guided bombs, to nuclear weapons and missile systems. In 2007 the US defense layouts were 4.5 percent GDP, which gave a defense budget of USD 481.4 billion and an additional USD 141.7 billion for the so-called global war on terror. In 2017 the state provided for expenses in the general sum of USD 634.2 billion in the budget plan while in 2018 USD 700 billion was reserved for military expenses (USA z budżetem..., 2017). The consequences of armaments include formulating new requirements set for warfare measures, the effects of which will only be observed in further decades of the 21st century. These programmes are to, i.a., allow the possibility of developing a new generation of warfare systems providing the military with opportunities that were given by heavy forces while maintaining the operational mobility of light forces and an appropriate level of being familiar with the military operations. Armaments made in USA mean an extraordinary development in the sphere of military technology, armaments and military potentials, related to general civilization, IT and technological progress which leads to significant changes in the way armed combat is conducted, methods of planning it, equipment, training methods and organization of the armed forces (Balcerowicz, 2012, p. 69). This aspect escapes clear assessments. As a result of an analysis of results coming from the course of combat, some innovative projects, such as Future Combat Systems had to be abandoned.

Nowadays, Beijing is consistently taking care of the image of China as an equal partner of the United States and it is carrying out an anti-hegemonic rhetoric directed against the United States. The PRC’s officially announced
military budget data must be alarming. China acquires new equipment and technologies using various markets, also from potential opponents. Since 1992 the Russian arms industry has been earning a fortune on re-arming the Far East partner. Thus, the Chinese can gradually modernize their national armed forces (Piątek, 2015, pp.155–168). The newest generation of Chinese strategic missiles, including Dong Feng-31 (DF-31), reduced the difference between China, USA and Russia in the category of ballistic missiles. The Chinese system uses a permanent drive, with a mobile three-stage rocket with a range of 8,000 km and a one-megaton Warhead missile weighing 700 kg. Thus, the DF-31 type rockets give China the opportunity to make a second strike and the ability to respond to a nuclear attack, including a powerful retaliatory nuclear strike.

What will happen if the USA starts using its dominant position not only to “spread and defend the ideas of democracy”? What if e.g. terrorist organizations or other non-state actors start using these methods? This is what threatens asymmetric constellations. Armaments are directed against an imaginary threat and not in relation to a real enemy (Soros, 2004, p. 46). The asymmetrization of war expressed in the transfer of the warfare sphere, the redefinition of means of warfare and using new resources, is an outcome of the emergence of world politics asymmetry as a result of US economic, technological and military advantage (and also its dominance in the field of mass culture). In asymmetric relations the aim of the weaker actor is to make it difficult or impossible for the stronger side to use its potential, which at the same time is to lead to the opponent’s failure. One may ask what was first, action (e.g. terrorism) or reaction (war on terrorism)?

The progressive disproportion between actors in terms of having the potential for violence has led to increasing inequality and instability in the world. The adoption of strategies adapted to it, with time defined as the asymmetrization strategy, was supposed to be a response to that asymmetry. Such strategies include guerilla warfare or terrorism, but also strategies of states which assume the success of expeditionary warfare. The asymmetries that arose in the span of the last decades of the 20th century were not limited in any way to military strategies, but also affected the political irrationality and international law, legitimizing war and preparations for war.
FACTORS OF ASYMMETRY OF WARFARE: SOLDIER, TIME, TERRAIN

A fight, remains – which many forget – the basis for hostilities (war). Lexical names related to understanding a fight include an encounter of armed groups or divisions, or organized action of the armed forces in order to defeat the opponent. A fight also entails a struggle of individual opponents. We may also understand as fighting actions aimed at eliminating something or a clash of conflicting interests or views. According to one of specialist dictionaries, a fight means all actions, involving at least two actors (assuming that a team may also be this actor) where one actor counteracts the other (Słownik..., 2002, p. 151).

Analyzing a fight as an action one needs to point to different factors which to my mind are significant not only to its success, but also cause its asymmetry. In the author’s understanding (erroneous perhaps?) asymmetry does not only occur at the level of war, but it also happens in its key dimension – warfare. It has emerged not only through the change in the status of the fighting party, but also through the time of warfare or using the warfare terrain.

The unclear status of conflict results in controversies regarding the treatment of persons fighting in it. The key issue here is to answer the question: who is the soldier? A state army soldier, a fighter, a rebel, a guerilla, a male or female terrorist (distinction made on purpose) – all are participant in a struggle.

It seems that regular soldiers remain most important, almost the same as always, yet different. R. Smith talks about a war amongst the people. The rank achieved by soldiers of special operations or specialized units reflects the true scale of the importance of their tasks. They take full responsibility for the effects of their decisions, sometimes even for a man’s death. As a consequence, preventing and counteracting the ability to fight will become more important in the field of a security and defense policy. Therefore, the weight of a soldier’s capability to act under new circumstances will increase (Kaldor, 2006, p. 76). Thanks to night vision goggles, the difference between the conditions of fight during the day and at night has decreased significantly. Thanks to portable “fire and forget” bullets and individual rapid-firing weapons, one can effectively respond with fire to an attack of a poorly visible enemy. Instant contact with long-range weapons – field artillery, combat helicopters, close air support – allows
focusing heavy fire quickly and accurately on any part of the battlefield. These conditions will force every sub-unit to develop the formation as much spread out as possible in order to avoid the concentration of soldiers in the target, so each soldier will be more than ever reliant on himself. The modern battlefield is like this today already, and in the future soldiers will have to face a continuous, very intense fight, requiring one to make life and death decisions in every second under extreme stress.

Often, in order for a soldier to participate in warfare he must be appropriately prepared for it. Vietnamese tunnels forced the training and use of the so-called tunnel rats. They were soldiers carrying only a knife, sometimes a gun, who searched tunnels and eliminated guerillas in them (Gordon, 2006). Such forces were formed not only by Americans, but also Australians or New Zealanders. Later, similar teams were used by the Soviet Army in Afghanistan. Today, however, snipers play a dubious role in the fight (Irving, Brozek, 2016). Their presence among soldiers is unquestionable today, though it has not always been this way (Piątek, 2008, pp. 155–156). Asymmetrization of warfare forces the need to adjust soldiers’ operations to this combat environment. One of the basic documents developed for each operation run by the UN is the Rules of Engagement (ROE). They provide, in a restricted way and in strictly defined situations, established rules as to the use of force (Cole, Drew, McLaughlin, 2009). It is not killing itself, but arousing fear of a sudden and brutal death that is becoming the aim of contemporary warfare. The very act of deprivation of life is not always necessary to evoke such a fear. The procedures for soldiers’ use of force while carrying out mandated tasks is one of the most difficult issues soldiers face since they have to feel the delicate line between whether they may or must not use force in a given situation. It needs to be remembered that the side of asymmetry of war does not only include soldiers of a regular army. Its dimension is affected by persons, who – similar to soldiers – apply force and are in no way military men.

A soldier may ask against whom he is fighting. Are militia soldiers? According to the Annex to the Hague Convention of 1899, Article 2. Chapter I, Chapter “The Qualifications of Belligerents” militia should be treated the same as soldiers, provided that they carry a fixed distinctive emblem recognizable at a distance. A uniform would create symmetry around a soldier. Meanwhile, the attribute of asymmetric warfare achieved by the militia is the fact that they resign from the role or appearance of soldiers, do not take part in the war
QUESTIONS IMPORTANT NOW LIKE NEVER BEFORE

continuously, but from time to time return to their relatives, professions and daily activities. The essence of asymmetric warfare is also determined by its other participants who use violence that is not necessarily armed. They include computer maniacs (White, 1998, pp. 6–10), completely immersed in their binary world. These players of remote violence, conducting deep strike wars, are people who invent new software and roam the Internet: often young men and women, completely engrossed in the world of computer algorithms, programmes and web, are becoming soldiers in this asymmetric warfare. Though it is not armed violence, it still is violence. Through access to information and a place of work not only can they easily disrupt the work of banks or power stations, but they can also easily threaten military systems, including those of strategic importance which today may still seem resistant to their activities. It is them who fill up the environment of fight in cyberspace, an asymmetric environment in its nature. There have always been “madmen” among those applying violence, insofar if we refer like this to individuals who act in a way contrary to main principles and attitudes prevailing in a given society. These players, who many believe belong to most possibly marginal groups, using extreme force, more or less prepared to sacrifice their life, have never been main actors on a large scale in a classic (symmetrical) war.

Who are the terrorist men and women in an asymmetric warfare? The literature addressing the phenomenon of terrorism defines this term non-uniformly. Due to the broad range of terrorism, its genres have been singled out in order to specify what exact phenomena the society is dealing with: ecological terrorism, criminal terrorism, narcoterrorism, cyberterrorism or fundamental terrorism. These definitions, however, have a colloquial or journalistic nature. Terminological ambiguity, dynamism and different tactics in the analysis of this issue result in a constant need to adapt in anti-terrorist actions. Terrorism has an asymmetric nature, which means that each group, or even each terrorist, has a different way of reasoning, action or organization. This difference results from civilization, military and social factors. Asymmetry and difference is a big obstacle, this is why terrorism and its actors are one of the threats and cause an enormous challenge for security services (Żebrowski, 2017, p. 12).

Without a doubt a terrorist is a person who remains anonymous in the entire incident, concealing their identity on purpose. Because of the desire to achieve their goal most effectively they try not to stand out. A perpetrator of
a terrorist attack is ruthless. K. Liedel points out that a terrorist as a person is a cautious and calm individual, which allows them to get immune to stress and to acting under pressure (Liedel, 2010, pp. 20–21). Terrorists are often religious or ideological maniacs. Motivated by religious arguments, they are convinced that their deeds are a response to the aggression of others. Due to their fundamentalism they are inclined to apply very cruel methods of action, which results in the capability for grave sacrifices for the cause. Therefore, it cannot be surprising that their most important goal is to destroy people who negate their faith. Murders, suicide bombings and other destructive actions are for such people a life task, and carrying it out gives them psychological solace (Białek, 2005, p. 132). They do not treat their acts as crimes, and often believe to be heroes. As a consequence it is so difficult to negotiate and explain that their actions are erroneous. A fighter considers himself to be someone responsible for fulfilling a very important mission in which he may break all restrictions, even if it concerns people who do not directly take part in the dispute. People who feel that the situations occurring in their lives were unjust, and thus feel the desire to take revenge, are very much desirable for the groupings. Vengeance is also very important for a terrorist, especially when ideologically motivated (Górak-Sosnowska, Cegielski, 2016, p. 54). In consequence, it is very often the individual’s personality and emotional reasons that are key elements for the decision to take up a fight, which is fundamentally different at a mental level from the characteristics of a state forces soldier. It is the lack of restrictions, resulting from the aforementioned reasons, that causes the readiness to apply methods of asymmetric warfare. A fighter not restricted by any law, regulations or ROE kills with ease because it is the easiest way for him to achieve the target. This is why terrorist fight techniques become asymmetric so easily – contrary to soldiers, terrorists can afford them. Moreover, each terrorist form has different, characteristic features (Zajda, 2014, p. 74). A terrorist remains an individualist to a large extent, does not assimilate with the society, is excluded from its operations, however, often by acting in a terrorist group has a high self-esteem (Kozak, Mancarz, 2010, pp. 260–261). Training an armed forces soldier consists in creating in him readiness to fight in a group. Preparing him for team work, as a consequence shaped by his personal features, serves this purpose. It is by those abilities or lack of them that we can position participants in the fight against asymmetrization of force and violence.
Using violence in a fight of a terrorist nature has evolved greatly over the last years. Up until not long ago a view had prevailed that using force and applying violence was the domain and privilege of men (Zięba, 2015, pp. 220–221). When we hear the name Al-Kaida, Islamic State or Hamas, our unambiguous association is an armed bearded man. As shown by an analysis of contemporary terrorist incidents, increasingly not only male terrorist participate in them. Today women also decide to join various kinds of organizations of a terrorist nature and increasingly become voluntary, conscious perpetrators of terrorist attacks. Many of them have become infamous as icons of terrorism. Let us point here to those who earned this name. Leila Khaled, who in 1969 together with Palestinian fighters hijacked an Israeli airlines plane. Another one, Muriel Degauque, a 28-year old Belgian woman, in 2005 in Iraq carried out a suicide attack causing an explosion of a car located in front of a police station. Colleen R. LaRose described as a petite, inconspicuous, blue-eyed blonde, a housewife living in a suburb in Pennsylvania. No one expected that she had converted to Islam and joined a Jihadist plot via the Internet. Samantha Lewthwaite, so-called “white widow” or Ulrike Meinhof took part in bomb attacks and assaults, crossing the boundaries of violence. These are only the most famous female terrorists, but experts estimate that women can account for nearly 15–20 percent of members of all terrorist organizations in the world (Natorski, 2016). In a world dominated by men, women wanting to take the role of fighters are becoming increasingly ruthless and cruel (Bolechów, 2010, pp. 197–202). Female terrorists excellently fit the mechanism of asymmetrization of warfare. Many of them gained ill-fame for applying non-standard methods of action (Zulczyk, 2015, pp. 156–157). The shahidkas, Chechen female terrorists and suicide bombers who were hailed as “miraculous weapon” by jihadists became notorious. They were later called “black widows” in the press and literature. They and other female terrorists were most often perceived in the role of mothers, carers or guardians of the family. A woman is the one that gives life and not one that takes it away, she is a civilian, a community member traditionally protected from war together with her children. That is why it is so frightening and preposterous for a soldier who must consider her as one bringing death, as an opponent. As a person who must be able to fight and who threatens him. He must take a female terrorist out of the canon of civilizational thinking. In his readiness to asymmetric warfare, a soldier must see her as a hostile entity,
unrecognizable, military trained, prepared for a brutal, fanatic, cunning, unscrupulous fight, boundlessly devoted to the idea and unerringly trained. She is no longer a passive member of a terrorist grouping who blindly follows instructions from a male leader, but an aware and rational individual wanting to take part in violence-involving activities as well as in initiating them.

Time is undoubtedly a factor that must be taken into account in armed combat. It is used to overcome the weakness that is a result of classically understood asymmetry of warfare. Time is the result of a situation deepening the process that runs in an unsure manner. It is time (we return to Clausewitz here) that rationalizes warfare. Almost all warfare organizers have always stressed that prolonged warfare is ineffective. Each soldier is trained to organize the fight well. It is important not to waste time in the dimension of its preparation and conduct. Lack of understanding for time comprehended as a component of success means consent to the loss of the possibility of conducting an effective fight. Soldiers cannot afford any operational breaks. It has a tactical significance for them.

For asymmetric actors time is a tactical as well as a strategic category. Both interact with each other. Leaders of the Vietnamese guerillas, similar to the leader of the Islamic State, announced that prolonging war is the key to victory. What had been achieved in the tactical scale had to be adequately used to extend the potential, training or only for reinforcement. The time of a prolonged fight was the time of success. Today, time is excellently managed with the use of social networks. Even the most trivial incidents – often neglected by anti-guerilla forces – are publicized on the Internet, often creating an inadequate dimension of struggles, as evidenced by events in Iraq, Afghanistan or Syria (Harris, 2017). When analyzing the role of time it must be remembered that most fights with the participation of asymmetric actors have little chance for a quick resolution (Parnella, Bruning, Platoon, 2012). Guerilla fights in the northern part of Sri Lanka carried out by the Tamil Tigers (Liberation Tigers of Tamil Eelam, LTTE) only ended in 2009 while the Eelam Organization was formed in 1976.

The understanding of the terrain on which operations are carried out, along with other factors, is significant in asymmetrization of warfare. Having knowledge of the terrain one can impose their own warfare conditions, one can chose where and when to strike. Most often the best conditions are offered by mountainous, semi-arid regions, jungle – or forest-covered, swampy
areas, river basins – that is regions that are difficult to access. Areas of this type require special equipment and are most of all difficult for the enemy’s heavy technical equipment. Most often a poorly developed road network means that it is impossible to freely fight down asymmetric actors. This is essential as gaining advantage in a controlled area (terrain) is significant for the freedom in using time (Koziej, Łaski, Sznajder, 1980, pp. 7–57). Even if the troops fighting with the guerillas are transferred by helicopters they must ultimately act on foot, which is difficult for a soldier today. It should be emphasized that the guerillas or rebels, by combining light weapons with the knowledge of the terrain, can balance the disproportions in the field of technology, organization or military training. Terrain with a difficult access to it, due to its relatively easy protection against surprise and limitations of conducting a fight by small troops, allows setting up bases in which the guerrillas can organize, train, rest and recreate combat capability. Naturally, terrain must be analysed due to even more specific features. For instance, in Laos, numerous caves and caverns were easily adapted to the purposes of guerrillas’ stay therein where they found shelter, especially from aviation. A similar role was played by the Tora Bora caves in the guerilla war during the USSR’s intervention as well as afterwards (Berntsen, 2005). This is why fights in such regions required particular caution, were carried out mostly at night, by small groups and with the masking of all movements. The opposing side has the possibility of relatively free movement, in particular of small teams and individual persons carrying our special tasks. The Russians learnt how important and dangerous an urban terrain can be during fights in Grozny in 1994, where their columns of tanks and armoured vehicles were destroyed in the thicket of buildings. Ten years later American soldiers found themselves in a similar situation in Fallujah (Keegan, 2010, pp. 123–150). Contemporary struggles in Aleppo and other Syrian cities provide further arguments to supporters of asymmetrization of warfare, and more specifically, to the use of terrain in it (Phillip, 2016). The forces-terrain ratio still remains an important issue in the asymmetric approach to the warfare terrain as it affects the nature of methods of warfare themselves and the former’s duration. Colonel T.E. Lawrence emphasized this relationship already during the Arab uprising against Turkey (1916–1918); knowing the size of the war zone, he calculated that Turkey, wanting to suppress revolutionary moods across Transjordan, would need six hundred thousand troops, which was ten
times more than its potential (Lawrence, 1920, p. 60). Many Soviet and later US commanders pointed to the lack of sufficient forces that could control the space of the country taken over by the guerillas as the crown argument of an ineffective fight against the guerillas. Their enemies benefitted from this. Today we are searching for a solution to this problem by means of modern technologies. The results of using e.g. drones are still open to discussion, many believe they deepen the warfare asymmetry (Annual reports, pp. 8–10). A key factor influencing the negative social reception of selective elimination includes the so-called side losses (Kopeć, 2015, pp. 70–71). It is important here that they cause the deepening of the asymmetry of warfare.

CONCLUSION

During the war in Vietnam the United States learned for the first time how helpless military machines can be against asymmetric strategies (though many are inclined to see this aspect only in the case of the attack on the WTC). Whoever claims the right to conduct a just war in today’s world, by default assumes the asymmetric legal situation of both sides. One of the sides has the entire law on their side, while the other one has the entire lawlessness and is perceived as a criminal that needs to be disarmed even by means of preventive action. The other side of an asymmetric conflict also presents the opponent as the embodiment of evil that needs to be destroyed and eradicated. Such representations are seen predominantly where religious fundamentalism affects politics. The holy war is a mirror reflection of a just war. They somewhat form symmetry of asymmetry. We are dealing with asymmetrization, that is a clash of fundamentally different military and political strategies, which in spite of all intensified efforts taken (especially recently) cannot be restricted or regulated by means of international law.

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