ԱՐԵՎԵԼԱԳԻՏՈՒԹՅԱՆ ՀԱՐՑԵՐ

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գիտական խորհրդի որոշմամբ

Խմբագրական խորհուրդ`

Մելքոնյան Ռուբեն պ.գ.դ., պրոֆեսոր (խմբագիր)
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Ահմադջան Ղուրոնբեկով բ.գ.դ., պրոֆեսոր (Ուզբեկստան)

ԲՈՎԱՆԴԱԿՈՒԹՅՈՒՆ

CONTENT

Iranian Studies

Hayk Kocharyan[1]
Mohammed Haj Ibrahim[2]

"PARADIGM OF TERRORISM IN THE 21ST CENTURY: A CRITICAL INVESTIGATION INTO THE DEFINITIONAL, THEORETICAL AND LEGAL FRAMEWORKS ASSOCIATED WITH TERRORISM" SURVEY (PART TWO)[3]

This article is the second part of the study the collection and derivation of findings from both quantitative and qualitative dimensions of research on the perception of the phenomenon of terrorism especially from the perspective of conceptual, theoretical, legal, and perceptual frameworks that can be associated with terrorism as inferred from the dimensions of field research or primary research that has been carried out by the authors during March - December 2020.

The Quantitative Research Derivatives (Q12 to Q15):

This section would examine primarily the appropriateness of the United States of America in declaring its war against terrorism as well as the justification of the United States for waging war and its continued operation in Afghanistan and Iraq.

From the investigative analysis of (Q12) regarding the justification of America's declaration of war on terrorism it can be found that mixed results were derived, while 48% of the respondents agreed, another 37% of the respondents expressed disagreement and dissatisfaction with the same. The point that becomes clear from the respondents perspective is that after the 9/11 attacks, there was some case of America for engaging and dealing with terrorism and terrorists who had reached the shores of America for channelling the mammoth destruction that followed, while some degree of

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[3] The first part of survey is published in the volume 19 pf this Journal. See: Kocharyan H., Mohammed Haj Ibrahim, "Paradigm of terrorism in the 21st century: a critical investigation into the definitional, theoretical and legal frameworks associated with terrorism" survey (part one), Journal of Oriental Studies, № 19, Yerevan, pp. 7-23.

justification was there for dealing with terrorism. It can be largely concluded that how such justification has been carried out and given final shape did not win the approval of the respondents.

From the investigation of (Q13) regarding the justification of the United States for attacking Afghanistan in its fight against terrorism, it could be observed that 48% of respondents agreed, while 32% of the respondents expressed disagreement. However analysis of (Q14) regarding America's operation in Iraq, it can be inferred that the clear majority of 85% of respondents expressed disagreement and dissatisfaction while only a minor fragment of 12% of respondents agreed.

It becomes apparent from the objective trends and patterns derived from the Quantitative dimension of research, that while there was a limited degree of justification of the United States for the operation in Afghanistan, especially in wake of the 9/11 attacks, there was no justification for the US operations in Iraq.

In a nutshell, the examination of these two questions brings to highlight that while there may be some border level justification for operation in Afghanistan in wake of 9/11, there was none whatsoever concerning the United States' actions in Iraq under the evil garb of the so-called war on terror.

Analysis of (Q15) regarding the overall fairness and transparency of the US agenda of dealing with terrorists and terrorism revealed that 78% of all respondents strongly felt that America's stance in this regard has been far from satisfactory, while only 15% expressed satisfaction with the level of justness shown by America in dealing with terrorists and terrorism. The clear derivation from these findings is that the perception of the US in dealing with terrorists, terrorism or the creation of its policies against terrorism is highly lopsided, tainted and unjust.

To begin with, it was observed that both from Quantitative research, as well as literature review, conducted that America has largely turned a blind eye to terrorism and ignored it as long terrorism did not affect the United States. The US can be seen as the main protagonist who had nurtured today's terror outfits such as Mujahideen during the Soviet occupation. The reflection from these findings amply suggests that the policy framework adopted by the USA in dealing with terrorism is highly individualistic and one that endorses unilateral action of the United States irrespective of the world opinion or what the global community feels.

The Secondary Research Reflections:
Having analysed the objective patterns and trends associated with

terrorism as highlighted from the relevant quantitative dimension of research, it would be appropriate at this stage to make the vital connections between findings derived so far with their conceptual foundations as highlighted through secondary research analysis.

From the secondary research perspective also, it can be deduced that America's so-called War on terror has very limited justification as it does not fulfil the basic tenets of justifying actions for going to war which is *Jus ad Bellum* (justice for war) and *Jus in Bello* (justice in war). It is argued that while *Jus ad Bellum* is concerned with the justness of the decision to go to war whereas *Jus in Bello* is concerned with the justness of actions within a war. Both these criteria need to be fulfilled in letter and spirit for the categorization of war as just or legal from an international perspective[4].

The Qualitative Research Derivatives:

It can be noted that similar findings were also highlighted through Qualitative research derivations that were made for the present research.

About similar questions relating to the justness of America for waging war on terrorism, its operations in Afghanistan and Iraq and the overall policy posture of the United States, the following observations were gauged.

According to Respondent (24) & (25) following observations could be made respectively:

"The USA has become the self-styled general against terrorism, It neither has moral authority nor any such sanction from global community".

"US policy on terrorism reflects an endorsement of running with the hare and hunting with the hound. On one hand, they say they want to fight terrorism, on the other hand by waging long prolonged wars and destabilising global polity they seem to only promote their interests and selfish ends".

In a similar fashion from the perspective of Respondent (26), Respondent (28) it was articulated respectively:

"While I agree that the USA had some justification in attacking Afghanistan in search of Osama, but there is no justification whatsoever for the US to continue to remain in Afghanistan or Iraq, Osama is dead and so the USA should find the nearest door for exiting".

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[4] See: Mohammed Haj Ibrahim, Implementation of Just War Theory frameworks on the global war on terrorism, Journal of Oriental Studies, № 19, Yerevan, pp. 52-65.

"US attack on Iraq was illogical; to find the elusive weapons of mass destruction or the small flies called terrorists USA has killed nearly a million innocent civilians for no fault of theirs. This reflects the policy of killing a bee with a bomb- unacceptable".

From all the above qualitative inferences gathered from the present research, it can be stated that the United States war on terrorism lacks appropriate justification.

The difference is that terrorism perpetrated by the United States in its unholy colonial expansionism framework is justified before the world community to make the world safe. Moreover, it can also be gauged that from respondents' interview sessions there was a high degree of disappointment and dissatisfaction expressed concerning the US operations in Afghanistan and Iraq.

The Quantitative Research Derivatives (Q16 to Q19):

This section would examine primarily the aspect of rhetoric and propaganda that has been reported in the ongoing war on terrorism as well as the linkages that might have been created in the process between terrorism, terrorists and Islam.

Examination of (Q16) reveals that the majority of the respondents almost 60% of the total felt that the global war on terror was a framework for furthering propaganda of western nations for unfairly meddling in international affairs to serve their interests, goals and aspirations.

From previous findings also it can be inferred that the declaration of the global war on terror could not be seen as the prerogative of the US, because terrorism affects all nations of the globe in an equal manner. Therefore, just on the pretext of 9/11, the US did not have any moral, social authority for waging a unilateral war on terror.

It has also been found from research that with the end of the so-called era of the Cold War, the US needed to prop up another bugbear for creating panic and frenzy in the mind of the global community, and in this regard, the menace of terrorism was conveniently hijacked by the United States for serving its interests.

Analysis of related (Q17), (Q18) and (Q19) all underline the fact that America's so-called war on terrorism has resulted in the creation of connections between terrorism, terrorists and Islamic religion, a feature that is strongly unwarranted and unsubstantiated.

By chasing terrorists and meddling in affairs of the Middle Eastern and Arab nations, the US has been to some extent successful in portraying

terrorism and terrorists as if they are linked to a particular region and particular religion of the global fraternity.

In response to (Q17) regarding the creation of linkages between terrorism and Islam, it could be inferred that almost 65% of respondents felt that the global war on terror had led to the creation of such unwarranted and unfortunate connection between terrorism and Islam.

Moreover, from the study of (Q18), it could be revealed that again the majority of the respondents felt that Islam is a religion that stands for peace and rhetorical tools adopted by western nations led by the United States has led to castigation and unfair segregation of Muslim people as propagators of terrorists and abettors of terrorism.

As can be derived from the findings associated with (Q19) nearly 75% of the respondents felt strongly that the propaganda of the war on terrorism has led to unfair castigation of Islam and Muslim people.

The Qualitative Research Derivatives:

It can be noted that similar findings were also highlighted through Qualitative research derivations that were made for the present research. About similar questions related to the effects of the global war on terror, in castigating Islam and Muslims, the following observations were gauged consistently in numerous interview sessions.

According to Respondent (27) & (29) & (31) following inferences were drawn from their respective perspectives:

"Declaration of Global War on Terror and the way it was projected in context of Invasion of Islamic nations under the pretext of terrorism sounded to me more like redeclaration of holy crusades"

"Terrorism is a universal problem, but the way Mr. Bush had depicted it seemed to be as if it were a homegrown phenomenon of the Arab World, where Arabs & Muslims are the main protagonists of terrorism"

"Islam does not teach us hatred, it is a religion that stands for universal brotherhood, so what is the point to be achieved by criticising such a great religion, Islam does not mean terrorism "

All these qualitative assertions were clear indications that somewhere along the line, the war on global terror seems to have been hijacked by Western nations under the leadership of the United States of America to portray it as a holy war waged by Christians against Muslims or Islam.

It can also be deduced from the dimension of the interview session

with numerous respondents that they felt that Islam and Muslims are being unfairly targeted in the war of terror because it focuses on invasion only in Islamic and Muslim countries. Moreover, such partisan behaviour of the United States in its war against terrorism has led to the creation of an impression that terrorism is a localized phenomenon found only in the Arab world.

The Quantitative Research Derivatives and the Secondary Research Reflections (Q20 to Q22):

From the examination of (Q20) regarding satisfaction with the role displayed by the United Nations in dealing or tackling terrorism, it can be noted from the Quantitative findings that a mixed record can be gauged, with 36% of respondents expressing satisfaction, and 37% expressing dissatisfaction.

It has become evident from previous research as well as the present objective patterns derived that the UN can only be touted to have a mixed degree of success in tackling the menace of terrorism. What seems evident is that while the UN has become increasingly aware that terrorism threatens the dignity and security of human beings everywhere, nevertheless, practical all-encompassing measures from the UN have not yet been developed in tackling terrorism. Most of the efforts of the UN have been implemented in a piecemeal fashion because so far it is surprising that United Nations has not been able to define or quantify exactly what is terrorism.

However, the awareness about terrorism is one thing, the creation of tangible and practical frameworks which can realise cooperation of all participating nations is quite the other.

Nevertheless, it can be noted that since 1963, the international community has elaborated 13 universal legal instruments and three amendments to prevent terrorist acts, re- underlining the strong emphasis and impetus that is provided on terrorism by the global international community.

The UN on its part has been party to 12 international, and nine regional, conventions or protocols relating to terrorism. However, these conventions and protocols have a cosmetic ring tone as a mere condemnation of acts of terrorism is not enough, a concentrated effort is required for tackling terrorism.

From the examination of (Q21) regarding the sense of urgency shown by the UN in its fight against terrorism after 9/11, it can be gauged that almost 60% of respondents agreed, while only 25% of respondents expressed disagreement. This seems to be a clear indication of an increased sense of urgency displayed by the United Nations in its fight against terrorism.

It can be noted that such a sense of urgency is warranted and appreciated but it should not only be created for serving the global superpowers, rather it should serve as a supportive platform for all nations in their fights against terrorism. Nevertheless, the speed with which the UN wanted to throw its weight in the fight against terrorism especially after the attack on the USA is noteworthy.

The euphoria that was created after the 9/11 attacks in dealing with terrorism also had led to creating a quick response framework in United Nations to sit up and take full note of the menace of terrorism and in this regard strengthen the legal and political frameworks that it has in fighting terrorism.

After the immediate aftermath of the September 11, 2001 attacks, the Security Council adopted and passed two major resolutions: U.N. Security Council Resolution 1368[5] and U.N. Security Council Resolution 1373[6]. In March 2004, the Security Council also approved Resolution 1535[7], which sought to revitalize and provide additional resources for Counter-Terrorism Committee (CTC), while Resolution 1540[8], which was subsequently approved afterwards, sought to expand and enlarge the UN counter-terrorism program.

Moreover, the UN adopted Counter-Terrorism Committee to be created from the cooperation of all fifteen member states of the Security Council to give greater importance to the global fight against terrorism.

Examination of a related (Q22) regarding the efficacy and potency of legal frameworks present for dealing with terrorism showed that while 68% of total respondents expressed dissatisfaction with the potency of such frameworks, a small minority of 32% of respondents felt that the present legal frameworks are capable of delivering the goods in the fight against terrorism. The objective trend derived from present research seems to be

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[5] Resolution 1368 (2001) https://digitallibrary.un.org/record/448051?ln=en
[6] Resolution 1373 (2001) https://www.unodc.org/pdf/crime/terrorism/res_1373_english.pdf
[7] Resolution 1535 (2004) https://digitallibrary.un.org/record/518306?ln=en
[8] Resolution 1540 (2004)
https://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1540%20(2004)

indicative that whilst new regional protocols, multilateral instruments and regional and international conventions have been passed against terrorism, still their effectiveness remains in question.

Most of the literature review analysed as well as the primary investigation data gathered points to the lack of effectiveness of present legal frameworks, as these tend to be viewed as rather cosmetic or piecemeal frameworks that sound good on paper but tend to lack the bite in tackling terrorism or terror operatives.

The Qualitative Research Derivatives:

It can be noted that similar findings were also highlighted through Qualitative research derivations that were made for the present research. About similar questions related to the effectiveness of the United Nations in dealing with terrorism, the potency of present legal frameworks in tackling terrorism.

The following observations were gauged consistently in numerous interview sessions conducted with respondents from the public, private and voluntary sectors.

According to Respondent (33), (35) and (37) following inferences were drawn from their respective perspectives:

"UN does not seem to be very serious about terrorism, if they were then I think issues of terrorism could have logically been resolved by now after all UN is more than 60 years in operation".

"While UN has shown increasing awareness about terrorism and more so after 9/11 yet the focus of UN resolutions and instruments is mostly protective rather than preventive. We need solutions for tackling the terrorism problem not just verbal assertions about intent and seriousness"

"If terrorism has to be tackled then the UN has to play a greater and more concrete role in the battle against terrorism. UN has the moral authority to act in this regard, it would be better if UN attacked rather than behaved as mouthpiece powerful western nations perspectives "

All these qualitative assertions were a clear indication that the UN can be credited with largely a mixed success record of accomplishment in dealing with terrorism. The assertions project that it is not lack of intent that the UN has demonstrated in dealing with terrorism issues but lack of ongoing commitment for tackling terror.

It seems that by and large the power and authority of the UN has

resonated through the passing of resolutions and regional and international convention ratification, that provide a good supportive framework for tackling terrorism but fall short of creating the preventive measures that can root out terrorism and its associated main causes.

There seems to be a clear indication that after 9/11 the UN did wake up under the pressure of the United States to transfer the greater powers of the Security Council for dealing with issues on terrorism, passed various security council resolutions Resolution such as 1368 and U.N. Security Council Resolution 1373. In March 2004, the Security Council also approved Resolution 1535, which sought to revitalize and provide additional resources for CTC. While Resolution 1540, which was subsequently approved afterwards sought to expand and enlarge the UN counter-terrorism program. The Counter-Terrorism Committee was also formed to give greater infrastructural support to international nations for waging the fight against terror.

The Quantitative Research Derivatives and the Secondary Research Reflections (Q23 to Q24):

From the examination of (Q23) regarding whether the solution of Arab Israeli conflict holds a high degree of relevance for solving the new wave of religious terrorism, it can be noted that 80% of the total respondents agreed, while only a small number of respondents expressed disagreement.

It has become evident from similar research from the literature review that terror operatives often try to link their actions to some ideological basis. While terrorists are not freedom fighters, they want to prey and further build up on pressing issues in the psyche of common public perception so that they can be successful in garnering greater public sympathy. In this regard, it becomes evident that Arab Israel conflict has remained a main bone of contention for the continued destabilization of the Middle Eastern region and the Arab world in general.

Moreover, from analysis of a related (Q24) regarding genuine keenness on part of the US for resolving the Arab Israeli conflict, it can be noted that 65% of the respondents representing the majority of the selected sample felt that America had adopted double standards in its fight against terrorism that prevented a proper amicable settlement of Arab Israeli conflict.

The censoring by the United Nations of Israel many times over and over, the passage of innumerable resolutions against Israel have always fallen on deaf ears of the United States that prides itself on being a great financial and political benefactor of the Jewish Nation.

The Qualitative Research Findings

It can be noted that similar findings were also highlighted through Qualitative research derivations as reflected by the following observations from numerous interview sessions conducted with respondents from the public, private and voluntary sectors.

According to Respondent (39) & (41) & (43) following inferences could be drawn as expressed in the own words of the respondents':

"…Arab Israeli Conflict needs an amicable settlement, otherwise it would always remain as a festering wound for facilitating discontent and religious hatred in the region".

"…The destabilization of the Middle East region is primarily because of occupation of Palestine by Israel, if Israel provides Palestinian people with genuine liberty and democracy that they are craving for then the Middle East can become an Oasis of peace and progress".

"…American blatant support of Israel is an eyesore in the Arab world as far as credibility and integrity of US is concerned. No amount of lip service can change the stereotype associated with the name of America of being fond of double standards, yet behaving as a universal preacher of global peace, security and harmony. Contradiction is the name of the game for the US, they speak of WMD in Iraq when it is not present, but defend their usage of Nuclear Bomb in Japan".

All these qualitative assertions were a clear indication that the fight against terrorism can find new meaning if a genuine and lasting solution is found for the Arab Israeli conflict. The oppression and tyrannical policies that have been adopted by Israel in suppressing the voice of Arab people and Palestinians have acted as fuel to fire in enhancing the reach and spread of violence.

Terrorists on their part have been quick to leverage this festering discontent and showcase it in their ideology for gaining public sympathy.

To strike at the ideological bases associated with a new wave of religious terrorism, the UN and the global community at large must find a genuine solution to the Arab Israeli conflict so that the Middle Eastern region can become a much safer and balanced region. In addition, all the Arab states can participate with equal enthusiasm for curbing the menace of international terrorism.

It also seemed evident from the perspective of interviewees, that the US was not keen to find a permanent solution to the ills of terrorism because the war on terror has given the US a convenient framework to

meddle in the affairs of oil-rich nations of the Middle East and Gulf.

In conclusion, this research has helped us to investigate carefully the data collected for primary research from both dimensions of Quantitative and Qualitative research. It may also be recalled that the present chapter on data analysis helped to analyse and investigate the findings from a three-tier level of investigation where the level of Quantitative research findings was linked with the level of secondary research reflections, that in turn were also linked up with a qualitative dimension of research sequentially and iteratively.

The analysis of the data shows light on the definitional, theoretical, conceptual, perceptual and legal dimensions that are associated with terrorism. In addition, the research has also highlighted the changing role of the UN and the degree of newfound urgency that the UN has begun to impart on the development of a comprehensive framework for tackling global terrorism.

It could be concluded that modern frameworks such as the highly espoused global war on terrorism have unfortunately served as a framework for propaganda battle.

It has been seen from the secondary research that unfair castigation of Islam and Muslims under the garb of terrorism is untenable because terrorists do not have any religion and do not belong to a particular religion.

By deliberately linking Islam and terrorism, the global community attention shifted from the core issues of terrorism to making terrorism a regional or religious issue.

It can be concluded from research findings that the UN at the best can be touted as having a mixed record of success for tackling terrorism. While the UN has taken cognizance of terrorism and realized the fact that it is against the basic right of human beings to survive and their interests, none the less UN has still not been able to define a universal definition associated with terrorism one that can bring all nations across the globe on a united platform. With generic definitions of terrorism as a calculated use of force against civilians by non-government entities such as terrorists, terrorism issues are never properly dealt with. Moreover, it has also become evident from secondary research that the UN can only be touted to have a mixed degree of success in tackling the menace of terrorism. Most of the efforts that the UN has put forward have been implemented in a piecemeal fashion. Nevertheless, it can be noted that since 1963, the international community has elaborated 13 universal legal instruments and three amendments to prevent terrorist acts, re-underlining the strong emphasis

and impetus that is provided on terrorism by the global international community. The UN on its part has been party to 12 international, and nine regional, conventions or protocols relating to terrorism. However, these conventions and protocols have a cosmetic ring tone.

«ԱՀԱԲԵԿՉՈՒԹՅԱՆ ՀԱՅԵՑԱԿԱՐԳԸ 21-ՐԴ ԴԱՐՈՒՄ. ԱՀԱԲԵԿՉՈՒԹՅԱՆ ՍԱՀՄԱՆՄԱՆ, ՏԵՍԱԿԱՆ ՈՒ ԻՐԱՎԱԿԱՆ ՉԵՎԱԿԵՐՊՄԱՆ ԽՆԴԻՐՆԵՐԸ» ՀԵՏԱԶՈՏՈՒԹՅՈՒՆ (ՄԱՍ Բ)

Հայկ Քոչարյան
Մոհամմեդ Հաջ Իբրահիմ
(Ամփոփագիր)

Սույն հետազոտության մեջ ներկայացվում է 2020 թվականի մարտից դեկտեմբեր ընկած ժամանակահատվածում անցկացված քանակական և որակական հետազոտությունների արդյունքների երկրորդ մասը: Հարցում արվել է թիրախավորված, նախապես մշակված չափորոշիչների հիման վրա, մոտավորապես 300 մասնակիցների ներգրավմամբ, իսկ խորքային հարցազրույցները կատարվել են 50 մասնակիցների հետ:

Հետազոտության նպատակներ է հասկանալ «ահաբեկչության» վերաբերյալ պատկերացումները տարբեր տարիքային խմբերի և կրթվածության մարդկաց շրջանակում: