

Turkish-Armenian Relations and the Issue of the Recognition of the claims of the Armenian genocide

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Abstract: *This article examines the Turkish-Armenian relations, its development throughout the history and the situation between those two countries since Recep Tayyip Erdogan became the prime minister of Turkey in 2003 resulting in the change of the Turkish foreign policy. The main focus is on the problems between Turkey and Armenia stemming out from the different view on the happenings in 1915 and the recognition of the so called Armenian genocide. The article analyzes the decision-making of the individuals, the international organizations and the states when it comes to the question of the so called Armenian genocide and the reasons of the decisions made by individuals and states. These decisions are subjected to criticism on the basis of the reality image theory by Ibrahim Canbolat (1993) and the Thomas theorem (1928) as well as other criteria. States are the most important actors in the article because they form the foreign policy and the influence of this particular problem of the decisions of states influences the relations between Turkey and the EU as well as other world powers. Turkey's importance and image are still worsened due to these reasons and unfortunately, it seems that states have no interest in finding the truth.*

Keywords: Turkey, Armenia, genocide, decision-making, foreign policy

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Introduction

Turkey and Armenia are two neighboring countries which are distinguished by their size, strategic and regional importance, religion and culture. What binds them is the common history. The mutual killings of 1915 became the most discussed historical event by politicians and the public, which causes problems between those two countries. The biggest problem occurred when the term *genocide* was invented and Armenia decided to convince the international arena of the necessity of the applicability of this term to the “massacres of Armenians” in the Ottoman Empire. There have been many studies made and books written on this topic, whether historical or sociological. Some of them support the Armenian interpretation (Dadrian, Jones, Kuper, Akçam, Charny, Fein, Midlarsky, Levene) and some defend Turkey (Lewy, Lewis, McCarthy, Feigl, Ataöv, Karlsson). While many authors recognized the Armenian genocide, only the minority of the states did so. However, many of those which recognized the Armenian genocide are the world economic and political powers (many EU member states, Canada, Russia). Nevertheless, the most important international organization, the United Nations, which provided the implementation of this term into the international law, avoids the defining of these killings as genocide.¹ Despite the low number of states recognizing the so called Armenian genocide, Turkey feels pushed aside; as the European Union signals that the recognition of the so called genocide by Turkey is something like a pre-condition of the successful accession negotiations. Even though it is not so this indirect pressure worsens the relations between Turkey and the countries of the EU as well as other states all around the world. And yet, Turkey, which is a regional power in the Middle East and within the Turkic countries, still has enough power and possibilities to influence the development of world politics. These facts led me to explore how do the individuals, states and organizations decide whether the killings of the Armenians at the beginning of the twentieth century were genocide or not. The killings of the nineteenth and the beginning of the twentieth century in Anatolia, Caucasus and the Balkans caused a great loss of lives. The events of 1915 led to a conflict between Turkey and Azerbaijan on one side and Armenia on the other, and gradually this conflict grew into an international conflict.

During my two-year stay in Turkey I heard two opinions on this topic. One of them is voiced mainly by Armenians or foreigners who say that the killings in 1915 were genocide enacted upon Armenians. The other is voiced by Turks or people who incline toward Turkey, and is that the killings were not genocide. However, before decision-making it is necessary to subject the term genocide to criticism as well as to study the history of the Ottoman Empire and of Armenians. But how is the decision-making process of the individuals, organizations and states about Armenian massacres really formulated?

In three years, in 2015, the world will commemorate the one hundredth anniversary of the Armenian genocide. This event will be once again politicized and the relations between Turkey and Armenia might worsen. I believe that in this time, more countries, more organizations and more people will recognize the events of 1915 as genocide.

Turkish-Armenian relations

In its history, Turkey and Armenia never had ideal relations. The establishment of Armenia was one of the results of the dissolution of the Ottoman Empire and the relations were characterized by recent developments between the two nations. The Turkish Republic led by Mustafa Kemal Atatürk went through a period of reformations, Turkification and secularization. Armenia, which fell under the dominance of the Soviet Union, could not develop politically but the supporters of the banned Dashnak party remained faithful to the plan of a Great Armenia and socialism. While fighting over the history, Turkey and Armenia focused on the solution of their common problems for their own stability. Unfortunately, every attempt to consolidate the relations fails on the precondition of Armenia for Turkey to recognize so called genocide of Armenians in 1915, which is for Turkey unacceptable.

Turkey and Armenia before and after the Cold War

Since the establishment of the Armenian Republic in 1918 by Treaty of Brest-Litovsk, extension of its territories by Treaty of Sevres in 1920 and its recognition by Treaty of Lausanne in 1923 Turkish-Armenian relations remained at the freezing point. It was not only the result of the latest development but also by the annexation of Armenia to the Soviet Union. Armenia also refused to recognize the mutual borders stated in the Treaty of Kars in 1921. Turkey and the Soviet Union stayed neutral and land borders were closed except Kars-Leninakan railway. Until 1991, Turkey and Armenia had no chance to work on the improvements of their relations.

In the meantime, an Armenian Secret Army for Liberation of Armenia (ASALA) started operating, worsening an already bad atmosphere between the countries. This terrorist organization was responsible for deaths of many Turkish diplomats, their family members and other people all around the world between 1975 and 1991. Their aim was to force Turkey to recognize the happenings of 1915 as genocide, to pay the reparations and to extend the Armenian territories according to the Great Armenia map: Eastern Turkey and northern Iran.²

After the fall of the Soviet Union, Turkey decided to tighten its relations with the neighboring countries and in 1991 Turkey recognized the independent Armenia as well as other republics which emerged from the former Soviet Union. On the other hand, Armenian views on this issue seemed different as it clearly stated that Armenia does not recognize Treaty of Kars signed in 1921 which set Turkish-Armenian border as it is nowadays.³ Though Turkey and Armenia did not establish diplomatic ties for Armenian claims on Turkish territory, the borders were opened. Turkey, in 1992, founded the Black Sea Economic Cooperation (BSEC) but together with Armenia and Azerbaijan, Turkey was not successful in this project. In spite of conflict between Armenia and Azerbaijan over the territory of Nakhchivan, Turkey, influenced by the US, tried to handle the situation with Armenia. In the same year, an effort was also developed on the international level, particularly by Organization for Security and Cooperation in Europe (OSCE); under which auspices was established the so called Minsk Group to settle the problem over Nagorno-Karabakh. The situation was worsened by the occupation of Azerbaijani region of Nagorno-Karabakh by Armenia in 1993 and its ignorance of the UN resolutions (822, 853, 874, 884) and international law. In Khojaly, an Azerbaijani city of Nagorno-Karabakh, the Armenian and Russian military forces killed off the entire village. Turkey ethnically connected to Azerbaijan was affected by this act which aroused anger. Trying to push Armenia into a corner, Turkish President Süleyman Demirel enacted the closure of the borders with Armenia which brought many problems for the economy and trade as well as families. Armenia became completely dependant on Russia. Turkey's plan appears to be successful, Armenian economy is getting worse because of „geographic isolation“, together with „a narrow export base and pervasive monopolies in important business sectors [that] have made Armenia particularly vulnerable to the sharp deterioration in the global economy and the economic downturn in Russia“.⁴ The effects of the closed border and bad economic situation also decrease Armenian population in Armenia caused by mass emigration to wealthier countries. Another effort to improve relations, this time more successful, was the establishment of Turkish – Armenian Business Development Council in 1997 in Istanbul, which tries to bring the two nations together through the economy.

In 2001 the establishment of The Turkish-Armenian Reconciliation Commission (TACR) in Geneva comprised of both Turks and Armenians gave a new impetus to the solution. TACR focused on improving the relations and bringing new ideas for the solutions. The dispute over genocide resulted in the report by International Center for Transitional Justice which confirmed that „retroactive applicability of the Convention on Genocide is impossible in terms of international law,“ and “the events would concord with the definition of genocide if the retroactive applicability of the Convention was possible”.⁵ This result, though not important on the international level, caused another deadlock of the talks between the two countries because of Armenian demands and in 2004 the TACR fell apart. Another big step towards improving the relations with Armenia was initiated by opening Turkish archives decided by the Turkish Council of Ministers in 2002.⁶ The archives became accessible for

researchers and individuals from all around the world. However, any attempt to convince Armenia to open their archives was unsuccessful, which is decreasing its credibility.

Turkish policy towards Armenia after the elections in 2004

Turkey was in 2004 marked by the change of its government which meant also shifting the foreign policy. AK Party which formed a new government with the Prime Minister Recep Tayyip Erdogan became very open to improvements of relations with all countries, Armenia too. In 2005, Erdogan's initiation resulted in a letter to Armenian President Kocharian, asking for an open discussion on the happenings in 1915. He stated that

We (Turkey) are extending an invitation to your country to establish a joint group consisting of historians and other experts from our two countries to study the developments and events of 1915 not only in the archives of Turkey and Armenia but also in the archives of all relevant third countries and to share their findings with the international community.⁷

However, the response was expectedly negative:

Your suggestion to address the past cannot be effective if it deflects from addressing the present and the future. In order to engage in a useful dialog, we need to create the appropriate and conducive political environment. It is the responsibility of governments to develop bilateral relations and we do not have the right to delegate that responsibility to historians.⁸

Turkish efforts to solve the problem once for all was rejected by Armenia and caused stagnation of the situation for some time. One of the sad events was the assassination of an Armenian journalist in Istanbul in 2007, Hrant Dink, by a young Turk which was widely publicized abroad and caused other problems. In September 2008, Turkish President Abdullah Gül as a first president of Turkey visited Armenia during the Turkey-Armenia Football Cup and shook hands with the Armenian President Serzh Sargsyan which led to positive reactions on both sides. In 2009, President Sargsyan visited Turkey.⁹ In the same year, new Turkish minister of foreign affairs, Ahmet Davutoglu, was inspired by the motto of Atatürk saying: Peace at home, peace in the world. Davutoglu promoted a so called zero problem policy which gave a hope to Turkey as well as to its neighbors and allies. Until now, the most important date for Turkey and Armenia is 31 August 2009 when they agreed to establish diplomatic relations. The foreign ministers of the two countries, Ahmet Davutoglu and Edward Nalbandian, signed a protocol in Zurich, Switzerland in October of the same year. In this document, by which inter alia Armenia and Turkey recognized mutual borders, they “agree to establish diplomatic relations ... and to exchange Diplomatic Missions”, and also “agree to open the common border within 2 months after the entry into force of this Protocol”. Unfortunately, up to now, the borders remained closed and the countries did not change their diplomats because both Turkey and Armenia still did not ratify the Protocol. Turkish postponing might be caused by the resistance of Azerbaijan towards the Protocol and Erdogan's commitment to appeal on solving the Nagorno-Karabakh issue before ratification.¹⁰ The reasons of the Armenian suspension of the ratification might be the Protocol's request to provide “scientific examination of the historical records and archives to define existing problems and formulate recommendations,” as well as Armenia's refusal to recognize the borders set by the Treaty of Kars, which was stated by the Armenian Constitutional Court.¹¹ Moreover, we find the opposition to the reconciliation process on both sides. In Turkey it is the Republican People's Party (CHP) and the Nationalist Movement Party (MHP). It seems, though, that Armenia's opposition towards the protocol

is much stronger; not just the Dashnak party and the Armenian National Congress but especially the Armenian diaspora all around the world is strongly against the reconciliation.¹² While the Armenian importance in the world affairs is small; its numerous diaspora in America and France gives the country a chance to influence their policy towards Turkey. Thus solving of the Turkish-Armenian issue, which grew through into an international problem, has to deal with a big gap between the plan and the reality.

Recognition of the so called Armenian genocide and its relevancy

The term genocide is nowadays a well-know term used regularly by scholars as well as general public. Labeling killings of Armenians as genocide is demanded by Armenia and countries which have already adopted resolutions on Armenian genocide. And even though the recognition is not included in the Copenhagen criteria for the accession to the European Union, the European Parliament made it clear that they expect Turkey to do so.¹³ This unprecedented situation creates tensions between Armenia and Turkey as well as on the international level. Armenia is far from its dream that all countries recognize their so called genocide but the public opinion is definitely on their side.

Recognition by individuals

The notion that the killings of Armenians are genocide is widespread all around the world. When typing the term genocide on the Internet the search engines find many web pages mentioning the "Armenian genocide". People discuss the genocide on blogs; and they can buy from a wide choice of books on the "Armenian genocide". The common opinion is formed by available literature and its amount. In this case, the public is on the Armenian side. The amount of available literature on this topic is huge, as well as the propaganda. Unlike Armenia, Turkey is in a bad position. The amount of literature writing about the killings of Muslims and Turks is wide though very limited from the linguistic point of view because the books are not translated and also the Christian affiliation in Europe and America makes objective judgments harder. Very strongly persuasive and influential is the fact that Raphael Lemkin, the inventor of the term genocide and the fighter for the adoption of the Convention on Genocide, himself recognized the killings of Armenians as genocide.

In 1993, Ibrahim Canbolat introduced his reality-image theory.¹⁴ He explains that image is a picture of reality which can be misused by politicians. The main problem is that they use the camouflage of those pictures for their own interests. If the camouflage image comes into our consciousness we mix it with reality. That means that reality becomes distorted and people tend to have a picture of something which is far from reality but for them it is real. Reality image is based on the similar basis as the Thomas' theorem, which says: "If men define situations as real, they are real in their consequences".¹⁵ It means that the definition of a situation of an actor causes real consequences even if the objective situation is different and this causes the distortion of reality. Reality image theory and Thomas' theorem can explain the behavior of individuals, organizations and states when it comes to the decision about the question whether the Armenian killings were genocide or not. The so called Armenian genocide is known all around the world from books, articles and discussions; and these are the sources for the decision-making of the individuals, organizations and the states. Whether the facts alleged by Armenia about the massacres at the beginning of the nineteenth century in the Ottoman Empire are real or not, the consequences which resulted from these assertions are real. The consequences of Armenian efforts to get the genocide recognized by states and international organizations are the resolutions adopted by some states and organizations and also the public belief that the genocide happened.

Of course we cannot deny the cruelty of the killings. Even though the supporters of so called provocation thesis claim that Turkish massacres were incited by the Armenians, Guenter Lewy writes that: "to take note of the tactical designs of the Armenian revolutionaries does not mean to ignore or

excuse the malevolent intentions and deeds of the Turkish authorities”.¹⁶ However, though it is necessary to be objective and follow every aspect in the research, many books written on the Armenian genocide are normative. We must accept that the objectivity is already disrupted by the fact that the most important archives for this topic, Armenian and French, are not accessible to the public. Moreover, the authors sometimes use documents, which are proved to be forgeries or infirm evidences (Andonian telegrams, Lepsius' documents). The idea of an academic work is to research independently and unemotionally; and that is in the topic of killings of Armenians difficult to achieve. **Edward Said** put it like this:

Nevertheless the determining impingement on most knowledge produced in contemporary West (and here I speak mainly about the United States) is that it be nonpolitical, that is, scholarly, academic, impartial, above partisan or small-minded doctrinal belief. One can have no quarrel with such an ambition in theory, perhaps, but in practice the reality is much more problematic. No one has ever devised a method for detaching the scholar from the circumstances of life, from the fact of his involvement (conscious or unconscious) with a class, a set of beliefs, a social position, or from the mere activity of being a member of a society. These continue to bear on what he does professionally, even though naturally enough his research and its fruits do attempt for each a level of relative freedom from the inhibitions and the restrictions of brute, everyday reality. For there is such a thing as knowledge that is less, rather than more, partial than the individual (with his entangling and distracting life circumstances) who produces it. Yet this knowledge is not therefore automatically nonpolitical.¹⁷

Sometimes it also seems that many researchers know the result before engaging in the actual research, which is in many cases based on their emotions. Moreover, the scholars tend to use a kind of language or information, which mislead the reader. **Lewy** who writes on this issue also mentions that “even pro-Armenian authors such as **James H. Tashjian** and **Yves Ternon** acknowledge that Bishop Naslian's work has numerous errors”.¹⁸ Vahakn Dadrian, an Armenian scholar, in his book's *The History of the Armenian Genocide* introduction wrote a quote by **Victor Hugo**, which is a sign of subjectivism: “If a man is killed in Paris, it is a murder; the throats of fifty thousand people are cut in the East, and it is a question”.¹⁹ Dadrian cited this sentence from an article written by Theodore Peterson in *The Catholic World* from 1895.²⁰ Peterson wrote about killings of Armenians quoting only numbers of dead Christian minorities ignoring the dead Muslims. This quote might be used for the East, however, not for the Armenians but for the killings of Muslims which were in Europe, unlike the killings of Armenians, unknown. Moreover, the death of Armenians is not at all a question, because of the publicity of the topic the world knew and knows about these murders and everyone believes that they happened. What Dadrian wants to point out is that the question is whether the massacres were genocide or not, however, the quote does not refer to this question. Some people even cite Adolf Hitler, who in 1939 in one of his speeches might have said: “who remembers the Armenians”?²¹ There is no direct source which proves that Hitler ever said this sentence.²² Besides, Hitler was neither historian nor lawyer and I must say that it is a big irony that academics quote a person who also said that Germans are the master race and the Jews are not human beings. Can we consider Hitler as a source of the truth?

Before writing about the recognition of the so called Armenian genocide by states let me talk about the way politicians make this decision for them. While discussing the need for recognition of the Armenian genocide in the National Council of the Slovak Republic, Tibor Mikuš, leader of New Democracy, central party, noted that

“I think I belong to people who know a lot about genocide on Armenians. First time I chanced upon it when I was about twelve years old and I read one book from the library of my parents... It is a book from Franz Werfel *The Forty Days of Musa Dagh*.

Then I did not understand but eleven years ago I visited Yerevan and from my friends I learnt a lot about genocide".²³

This is an example of what Said calls a "textual attitude"; Werfel's book is certainly a great piece of literature, a novel, nevertheless, "...to apply what one learns out of a book literally to reality is to risk folly or ruin" and to use it as a historical source is not appropriate.²⁴ Mikuš calls himself an expert on the Armenian genocide but his knowledge was gained from a novel and he talked only to the Armenians, he never studied any historical facts or Turkish sources. This is a one-sided view and he is far from being an expert. Unfortunately, these kinds of people decide in the national parliaments what genocide was. Mr. Mikuš is not the only one quoting Franz Werfel's *Musa Dagh*. William Schabas, a Canadian historian and lawyer, writes in an edited book by Adam Jones what influenced him in a decision about the Armenian massacres. He states that

"Franz Werfel's *The Forty Days of Musa Dagh* was probably the book that first provoked my interest in genocide... It tells a true story, but through fiction, describing the defense of Musa Dagh's *Damlayik*, where Armenians had gathered in a last-ditch struggle for survival... Perhaps the most important aspect of the book was its unintended message that there were other victims of genocide than the Jews".²⁵

Schabas later on explains that he had opportunity to give a speech in Armenia at the conference and went to the memorial of the Armenians who died in the massacres. It is questionable whether he engaged in the same effort to study the history of this time also from the Turkish perspective and Turkish sources.

History is certainly one of the most important factors in understanding genocides, holocaust or massacres, but not every academic thinks this way. Benjamin Lieberman complains about his consultant about Armenian genocide, Bernard Lewis, an American historian. Lieberman states that "the overall impression I gained was of a terrible war in the east between Turks and Armenians, rather than of a genocide comparable in intent, organization, and planning to the Jewish Holocaust".²⁶ Obviously, history is not sufficient for him to believe what he wants to believe and that is why he "read Ambassador Morgenthau's *Story*, by the then-US ambassador in Constantinople; and from there I turned to the German documents collected by Johannes Lepsius".²⁷ The action of Lieberman is comparable to what Edward Said wrote: "...; rarely were Orientalists interested in anything except proving the validity of these musty 'truth'..."²⁸

Recognition by international organizations

International organizations have a great power in influencing the public as well as politics on the international level. Whether bigger or smaller they are always able to influence some amount of people, political groups and political parties. Their strength consists in right use of tools on the interested groups. Armenian emigration to Europe and America in the nineteenth and twentieth century caused by wars resulted in a serious decline of the Armenian population in Armenia and increase of Armenian diaspora in the world. These diaspora started to gather themselves in organizations in order to promote their interests. One of the biggest interests of the diasporal organizations is the recognition of genocide.

The United States is a great haven for Armenian diasporal development. One of the biggest organizations providing the propaganda for recognition of genocide of Armenians is Armenian National Committee of America (ANCA) which gathers the numerous Armenian diaspora in the United States. This organization, which was founded soon after World War I, operates through lobbying and coordination and networking with American offices and organizations all around the

world. One of its activities is campaigning for the recognition of the so called Armenian genocide and particular insistence on forcing Turkey to recognize the genocide. In the US has its importance the Armenian Assembly of America (AAA), which also supports the interests of Armenia and via its sub-organization the Armenian National Institute (ANI) it affirms the so called Armenian genocide and supplies the public with research and studies on the so called Armenian genocide. Due to a large minority in the US, Armenians are able to influence the political arena as well as the public. ANCA has its offshoot also in Australia, the so-called Armenian National Committee of Australia, which has the same program as ANCA as well as campaigning for the recognition of the so called Armenian genocide. This organization gathers many smaller organizations, some media and clubs. It also provides a special fund for helping the victims of the genocide. Another Armenian National Committee is in Canada (ANCC). ANCC organizes a Genocide Education Project in order to educate people about Armenian genocide. Armenian National Committee of France (CDCA) “is the largest French-Armenian grassroots political organization. Working in coordination with a network of offices, chapters and supporters throughout the European Union and sister-organizations around the world, the CDCA actively advances the concerns of the Armenian community in France and in the E.U. on a broad range of issues”.²⁹ French Armenians are the most successful group as they were able to promote the recognition of genocide by France and its incorporation into the legal system. Another committee of Armenians is in the Middle East with the aim to influence the international arena on recognition of genocide. In Europe, Armenians established a NGO called European Armenian Federation for Justice and Democracy headquartered in Brussels, which “launches petitions and campaigns in order to make the Union’s decision-makers aware that the European citizens do not compromise on their values to the profit of lobbies, often obscure, sometimes strange”.³⁰ Their main target is the recognition of Armenian genocide. Armenians have a wide network of organizations which enables them to act quickly.

While the United Nations as such, neither the General Assembly nor the Security Council, to date did not recognize the killings of Armenians as genocide due to non-retrospective character of the international law rooted in Vienna Convention on the Law of Treaties from 1969 (Art. 28), its then Subcommission on Prevention of Discrimination and Protection issued a Revised and updated report on the question of the prevention and punishment of the crime of genocide in July 1985 prepared by Benjamin Whitaker on the request of the UN Economic and Social Council.³¹ The result of the report is an in-depth study of the term genocide and its way to the United Nations and international law. In the report, Whitaker states that “genocide is the ultimate crime and the gravest violation of human rights it is possible to commit,” and he claims that “the Nazi aberration has unfortunately not been the only case of genocide in the twentieth century. Among other examples which can be cited as qualifying are the German massacre of Hereros in 1904, the Ottoman massacres of Armenians in 1915-1916”.³²

Even though the United Nations have not recognized the so called Armenian genocide there have been some organizations doing so. The Council of Europe is considered by Armenians one of the most important organizations recognizing genocide.³³ There was a declaration signed on 14 May 2001 shortly after Armenia's accession in January the same year. Nevertheless, on the webpage of the Council of Europe, above the document it is written that: “This written declaration commits only the members who have signed it”.³⁴ The answers for the email with a question addressed to the Council, how did the Council of Europe decide upon recognition of genocide, is as follows:

Concerning the Council of Europe the only texts on the question of the Armenian genocide are documents of the Parliamentary Assembly: a written declaration on the commemoration of the Armenian genocide of 1915 which was tabled by Mme Roudy, France. This text does not reflect a position of the Assembly as a whole and commits only the members who have signed it; and a written question to the Committee of Ministers on the need for recognition of the Armenian genocide by Turkey of November 2006 tabled by Mr. Rustamyan, Armenia but to date there has not been a reply to this question.³⁵

This answer states that the Council of Europe as such is not responsible for the decisions of the individuals who signed the declaration and the Council does not recognize the Armenian genocide.

Turks and Armenians together established the Turkish Armenian Reconciliation Committee in 2001 in order to solve their problems. This short-lived commission got a legal analysis concerning the applicability of the Convention on Genocide on the given case prepared in 2003 by International Center for Transitional Justice (ICTJ). While pointing out that it “is a legal, not a factual or historical, analysis,” and it states that even though “the Genocide Convention does not give rise to individual criminal or state responsibility for events which occurred during the early twentieth century or at any time prior to 12 January 1951,” the ICTJ:

believe[s] that the most reasonable conclusion to draw from the various accounts referred to above of the Events is that, notwithstanding the efforts of large numbers of “righteous Turks” who intervened on behalf of the Armenians, at least some of the perpetrators of the Events knew that the consequence of their actions would be the destruction, in whole or in part, of the Armenians of eastern Anatolia, as such, or acted purposively towards this goal, and, therefore, possessed the requisite genocidal intent. Because the other three elements identified above have been definitively established, the Events, viewed collectively, can thus be said to include all of the elements of the crime of genocide as defined in the Convention, and legal scholars as well as historians, politicians, journalists and other people would be justified in continuing to so describe them.³⁶

In spite of the fact that the Malta tribunals between 1919 and 1921, which from the legal point of view proved that there is no evidence on Turkish guiltiness, ICTJ gave an answer which contradicts with this decision, however, it is hard to imagine that the ICTJ would nowadays get the evidence proving Turks guilty.³⁷ Moreover, the verdict is final and no one can be prosecuted twice for the same thing. The acquittal was from the legal way final.

Recognition by states and the parliaments

Countries started to be aware of Armenian killings especially after 1965, when Armenia commemorated the fiftieth anniversary of this terrible event. As the first country to respond, Uruguay expressed its support to Armenia by a parliamentary resolution. Since then many states followed Uruguay and altogether twenty states, whether by parliamentary decision or individual decisions of the parliamentary organs, recognized genocide or are claimed recognizing genocide: Argentina, Belgium, Canada, Chile, Cyprus, France, Germany, Greece, Italy, Lithuania, Lebanon, the Netherlands, Poland, Russia, Slovakia, Sweden, Switzerland, Uruguay, Vatican and Venezuela; and also the European Union.³⁸ Armenians, who constitute only ten millions, have most of its population abroad living in diaspora. While Armenia has less than three million people, there are big groups living in Europe and America. Russia has the biggest Armenian minority: 1,130,491 and then follows the US with 484,840 Armenians.³⁹⁴⁰ Armenian minority in Australia constitutes 15,789 Armenians, in Canada live 50,500 Armenians.⁴¹⁴² France, Lebanon, Argentina, Iran and also Turkey have a significant Armenian minority. With these numbers, Armenians have lots of possibilities to influence political scenes of particular countries and their parliaments, also thank to the political need of votes.

For analyzing the decision-making of the states it is necessary to know on what basis the parliaments of the states or states itself decided that the massacres of Armenians were genocide. In order to find this information, I wrote an email to all embassies in Slovakia of which countries recognized the so called Armenian genocide as well as the senates, assemblies and parliaments of these states. I asked these questions:

1. On what was the decision of the country that the happenings of 1915 were genocide based?
2. Which independent and neutral historians and scientists were appointed for giving the details about the case?
3. Did the country appoint a special commission responsible for the research?
4. Were representatives of Armenia and Turkey also present?

Some embassies directed me to the home pages of their states' parliaments which provided me with the information (Switzerland, Germany and Netherlands). Some answered directly (Italy, Slovakia). Some never answered (Uruguay, France, Belgium, Cyprus, Russia, Greece, Lebanon, Sweden, Vatican, Poland, Venezuela, Chile, and Lithuania) or did not give sufficient answers (Australia, Argentina, Austria).

Though Slovakia does not have a significant Armenian minority, the relations of Slovakia and Armenia are good. The Slovak Republic recognized Armenian genocide by the Resolution of the National Council of Slovak Republic No. 1341 on 30 November 2004 during the third election period on thirty third meeting of the council and the subject of negotiations was starting the accession negotiations of the European Union with the Republic of Turkey. The Resolution reads as follows: "The National Council of Slovak Republic recognizes genocide of Armenians in 1915 in which hundreds of thousands of Armenians living in the Ottoman Empire died and it considers this act as a crime against humanity".⁴³ The National Council, at that time headed by Ivan Hrušovský, was asked to prepare the draft opinion on this topic. While discussing the accession of Turkey to the EU, František Mikloško, then parliamentarian for Christian Democratic Movement (KDH), suggested the council adopt a resolution by which Slovakia recognizes Armenian genocide. His comments included the explanation of the events of 1915, and his speech was marked by the spirit of complete ignorance of the killings of Muslims or the meaning of the term genocide. This one-sided comment was opposed by Jozef Banáš, then a parliamentarian for Slovak Democratic and Christian Union- Democratic Party (SDKÚ-DS), who said that: "I want to say, that what you said, colleague Mikloško, when it comes to the massacre; massacres, it is a historical fact, but I do not feel, that we, as the National Council of Slovak Republic, should take a position to this". Eduard Kukan, then minister of foreign affairs added that: "I think that this is not a good initiative. Historical tragedies, which took place many years ago is of course necessary to remember and to draw from them historical lesson but when they are build to a recent state politics, then I am not sure, if it is clever ... I dare say that an independent historical study about this issue is not available ... So I just want to say that having an ambition to be a judge in this very sensitive question is in my opinion not appropriate".⁴⁴ In spite of the fact that the National Council was warned of the sensitivity of this topic and lack of information, after ratification of the resolution on the accession negotiations of the EU with Turkey, the resolution on genocide, which was not even on the agenda of the meeting, was ratified by seventy votes, fifty one abstained and seven did not vote.

Italian Chamber of Deputies adopted a resolution on 16 November 2000 referring to the proposal by the European Parliament and it "urges the Italian Government, in concordance with the proposals described above, to pursue energetically the easing of all tensions between peoples and minorities in that area".⁴⁵ The answer of Italian embassy in Bratislava stated this:

A so-called "recognition" of the Italian Parliament concerning the Armenian genocide occurred with the approval of a motion by only one of the two houses of Parliament, on November 17, 2000. The Chamber, in response to an European Parliament resolution on the 1999 Regular Report on Turkey's programmed towards EU membership, encourages the Turkish government to intensify its efforts of democratization, especially in the field of criminal code reform, independence of the judiciary, freedom of expression and minority rights: "Invitation to the recognition of

genocide against the Armenian minority, committed prior to the establishment of the modern Turkish Republic” (paragraph 10); “for the improvement of relations with all neighbors in the Caucasus, as proposed by the Turkish Government” (paragraph 20); “calls on the Turkish government to initiate a dialogue with Armenia, in particular in order to restore normal diplomatic and trade relations between the two countries and lifting the blockade in force” (paragraph 21). The Italian Government hopes in line with the above principles for the complete overcoming of any conflict between different peoples and minorities in order to create conditions, respecting the territorial integrity of the two States for the peaceful coexistence and proper protection of human rights with a view to a more rapid integration of Turkey and the region in the European Union.⁴⁶

The Italian embassy added that an involvement of the embassy in this statement is impossible.

Switzerland is another country recognizing genocide on Armenians. Mr. Hayoz from the parliament library gave me this response to my email:

The National Council has accepted a postulate on the 16 December 2003, asking the government, the recognition of the genocide in Armenia. That means that only the first chamber recognized the genocide. The Swiss government and the second chamber haven't done so. There was no commission involved in the decision of the parliament concerning the postulate.⁴⁷

The postulate states that: “The National Council recognizes genocide on Armenians in 1915. He calls on the Federal Council to take knowledge on the recognition by the National Council and to transmit it through the normal diplomatic channels”.⁴⁸ Switzerland is also the only country, which by its penal code punishes people who deny the genocide. Art. 261 bis “concerns all genocides officially recognized”.⁴⁹ It authorizes to give punishment by fee or three years prison to those “who publicly - through speech, writing, illustrations, gestures, assaults or in any other way - discriminates against an individual or group due to their race, ethnicity or religion; or debases an individual or group in breach of their human dignity or who denies genocide or other crimes against humanity for one of these reasons, tries to grossly trivialize or legitimize it”.⁵⁰ This means that while people denying genocide do so because of what the involved group is (racially, ethnically or religiously), are punished, researchers in their scientific work cannot be punished for the result of their research whatever the result is. Whether the recognition of Armenian genocide by the National Council of the Swiss Federal Assembly means official recognition has not been decided yet.⁵¹ However, Swiss Federal Court has already found one of the Turkish activists, Dogu Perinçek, guilty for denying Armenian genocide.⁵²

The decision of the Dutch House of Representatives was preceded by the motion in the thirty seventh plenary session on 21 December 2004 when “the House of Representatives discussed the results of the meeting of the European Council on 16 and 17 December 2004 (which has decided to launch the accession negotiations with Turkey on 3 October 2005). During this session eight members proposed a motion”.⁵³ The motion reads that the chamber approves to start the negotiations with Turkey and it “calls on the government within the framework of this dialogue with Turkey continuously and explicitly to put on the agenda recognizing the Armenia genocide”.⁵⁴ This motion was later in the day adopted thus recognizing genocide of Armenians. Olf Kiers, who provided me with complete literature and documents about Armenian genocide available in the Netherlands, in his response stated that there was neither scientific historical research prior to the decision nor the Turkish or Armenian representatives were involved in the discussion.

Germany is another country considered by Armenians as recognizing genocide. However, the interpretation of the German recognition is more than controversial. The German Bundestag adopted a resolution proposed by the Christian Democratic Union (CDU) fraction on 22 February 2005 by which it condemned the killings of 1,200,000 to 1,500,000 Armenians.⁵⁵ This resolution recommends

a reconciliation of Turkey and Armenia and opening of borders between the countries as well as solving the problem with Azerbaijan. However, the term genocide is not mentioned in the whole text, thus we cannot talk about recognition of genocide by Germany.

Belgium recognized Armenian genocide by the Senate Resolution Considering the 1915 Genocide of Armenians living in Turkey on 26 March 1998. Inter alia it states that the senate was “considering the numerous studies dedicated to the situation of the Armenian population in Turkey at the beginning of the 20th century”.⁵⁶ The Belgium embassy in Bratislava has answered as follows:

In the margin of similar interests in other parliaments and the ongoing debate among historians and lawyers on the question, the federal Belgian parliament adopted in 1988 a resolution defining the 1915 Armenian massacres as genocide. This resolution has, formally speaking, no legally binding force on the government, but should be considered as a moral indications of the views of a parliament majority.⁵⁷

The Ambassador also pointed out, that the parliament discussed the possibility of making the denial of the Armenian genocide punishable but this proposal was unsuccessful.

There were also countries which did not answer my email thus I could not acquire the information on the decision-making process in the case of recognition of the so called genocide of Armenians and I used only the information available on the Internet. The Senate and the House of Representatives of Uruguay adopted a resolution on 20 April 1965 and on 26 March 2004 the commemoration of “Armenian massacres” was incorporated into law. However, the term genocide is never used.⁵⁸ Uruguay thus did not recognize Armenian genocide. In spite of the claim, that Sweden recognized genocide, Sweden also never did so. The ministry of foreign affairs only issued a report which points out that the recognition of the Armenian genocide is of great importance.⁵⁹ The Pope John Paul II together with Karekin II published a common declaration on 26 September 2011 with a prayer for Armenian people. Within the prayer it is mentioned that: “The extermination of a million and a half Armenian Christians, in what is generally referred to as the first genocide of the twentieth century, and the subsequent annihilation of thousands under the former totalitarian regime are tragedies that still live in the memory of the present-day generation”.⁶⁰ This statement does not refer in any point that the Vatican recognizes genocide but is aware of this term which is used for this occasion. On the other hand, France not only recognized genocide but there are also efforts to criminalize its rejection. The French National Assembly for the first time recognized genocide of Armenians on 29 May 1998 and the National Senate did so on 7 November 2000. On 29 January 2001 genocide was also constituted in the French law by Act. No. 2001-70. Despite strong opposition of Turkey, which threatened cutting diplomatic relations with France, the French National Assembly adopted the proposal and approved criminalization of Armenian genocide denial in October 2006. The law proposal suggests that “a denial of what befell the Armenian people is a denial of a very existence of these people, who were exterminated for what they were,” and the punishment for those denying genocide should be set by five years prison and 45,000 Euros fine.⁶¹ However, the French Senate rejected the approval in 2009 but the French President Nicolas Sarkozy is nowadays in favor of this proposal. The French National Assembly approved the criminalization of the denial of the so called Armenian genocide again in December 2011 and the French Senate will decide in January 2012. The Turkish ambassador to France was recalled.

Argentina's National Senate first time recognized Armenian genocide on 5 May 1993 by a Senate Resolution noting that 1,500,000 Armenians died between 1915 and 1917. Moreover, the senate adopted on 20 August 2003 a declaration on the occasion of the eighty eighth anniversary of the events which happened in the Ottoman Empire between 1915 and 1923. The declaration states that one of the reasons is that “*the European Parliament, the United Nations Human Rights Commission and several countries have acknowledged the necessity of recognizing the Armenian Genocide, considering it an irrefutable, historical truth*”.⁶² One more declaration was adopted on 20 April 2005. The House of Commons of Canada on 23 April 1996 stated that “*this House recognize[s], on the occasion of the 81st anniversary of the Armenian genocide that took place on April 24, 1915, the week*

of April 20 to 27 of each year as the week to commemorate man's inhumanity to man".⁶³ The house in the session discussed the term genocide and asked the government to recognize genocide. There were different views on whether the massacres should be named genocide or not but never was discussed the amount of Armenians who died while it was always referred to 1,500,000 dead Armenians. Whether the decisions of the parliamentarians are based on complete knowledge of history of this time or not at least one of them, B. Mills, admitted that: "I would like to support those members but I must tell them I do not know a lot about Armenian history".⁶⁴ The word genocide was later on proposed to be replaced by the word tragedy based upon the motion by Ms. Fry:

We are recommending substituting for the word genocide the words tragedy which claimed some one and a half million lives. Genocide is a specific term. We do not feel we can use that term at this time. We are mentioning the deaths of one and a half million people. We are supporting the motion, but we are broadening the scope of it.⁶⁵

The effort of Ms. Fry was, however, unsuccessful. The US's Congress (House of Representatives) and the Senate has recognized the Armenian genocide continually since the events of 1915. While discussing it, the president of the US has never referred to the events as genocide. Australia, Cyprus, Lebanon, Russia, Greece, Poland, Lithuania and Chile recognized genocide by adopted resolutions by their state organs.⁶⁶ The European Parliament recognized the killings as genocide on 18 June 1987 by the Resolution on a political solution to the Armenian question. This Resolution states that the European Parliament "believes that the tragic events in 1915-1917 involving the Armenians living in the territory of the Ottoman Empire constitute genocide... recognizes, however, that the present Turkey cannot be held responsible for the tragedy".⁶⁷ Upon what the decision of genocidal character of the massacres was made is not known. In 2006, the members of the European Parliament tried to get support for their report by which the recognition of Armenian genocide would become a pre-condition for its accession into the European Union. This attempt turned out to be unsuccessful.

The result of the decision-making of particular states shows us that the countries which recognized genocide of Armenians consist of many countries with numerous Armenian populations and we can notice that all countries except for one (Lebanon) are countries where majority of population is Christian. The decisions were in no case based upon an independent research of historians or scientists and lawyers in the particular field but rather on collective recognition of individuals (parliamentarians) whose knowledge is largely not sufficient. The Armenian genocide also differs in the timing. While some resolutions write about the events of 1915, others mention massacres between 1915 up to 1923. It is worth noting that some states which are considered to recognize Armenia genocide adopted statements or resolutions which basically do not mention the term genocide but they recognize the massacres of Armenians or they are aware of the usage of the term genocide. This misleads the general public as well as other states, which think of recognizing genocide in the future.

Conclusion

Turkish-Armenian relations are undoubtedly far from ideal. The independent Armenia was established in 1918 and later on occupied by the Soviet Union; Turkey was on the way to secularization and modernization in the western style. The two countries have had since then uneasy relations. While trying to make a progress in improving the relations, Turkey opened its archives, Turkish president made a visit to Armenia, offered an establishment of a commission for an independent research on the history of 1915, enabled opened discussions on the academic field about the history of this time and lately, together with Armenia, Turkey signed the protocol which would enable opening the borders between Turkey and Armenia and establishment of the diplomatic mission exchange. From this bilateral situation I moved onto the international arena and I discussed the way the individuals decide whether the killings were genocide or not as well as the decision-making process of states and

international organizations when it comes to the recognition of the so called Armenian genocide. I contacted the parliaments of the states who are claimed to recognize the Armenian genocide. While most of them did not answer, there were some which provided me with detailed information about the decision-making of their parliaments or organs. Unfortunately, this research unveiled a sad fact; that the individuals are likely to believe what they hear or read without verifying the sources and facts and that the parliaments, which recognized the “Armenian genocide”, did not decide according to historical research or a legal analysis and they did not establish any commission studying this problem before the decision was made. Rather, these countries seem to act according to facts based on the poor knowledge of their parliamentarians.

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