



REVIEW OF ARMENIAN STUDIES

A Quarterly Journal of History, Politics and International Relations

ARTICLES

Facts and Comments
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Genocide Claims
Pulat TACAR

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1920
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www.asam.org.tr

Institute for Armenian Research
Konrad Adenauer Cad., No.61, 06550, Yıldız-Çankaya, Ankara – Turkey
Tel: +90 312 491 60 70 Fax: +90 312 491 70 13
E-mail: info@eraren.org
<http://www.eraren.org>

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EDITORIAL NOTE

This issue begins, as usual, with the article entitled “Facts and Comments”, in which issues regarding Turkish-Armenian bilateral relations, Armenian genocide allegations and their international ramifications and developments in Turkey and Armenia regarding these issues that took place in the first six months of the year 2006 are covered.

In his article entitled “The Legal Avenues That Could Be Restored to Against Armenian Genocide Claims” Retired Ambassador Pulat Tacar examines the possibility of bringing the Armenian genocide allegations to the agenda of a prospective competent court and analyzes various legal means which may be resorted to against these genocide allegations.

Assoc. Prof. Dr. Neşe Özden examines the British documents dated to 1920, in order to reveal the attempts to create a ‘Greater Armenia’ in her article entitled “British Theses on the Armenian Question: Based On British Documents, 1920”. In doing that, she will cover a number of British political assessments of the Armenian Question, which had a significant place within the intense political maneuvering leading up to the Peace Treaty of Sèvres signed between the Allied powers and the Ottoman Empire in August 1920.

In his article entitled “Reforms Regarding Armenians in the Six Provinces”, Dr. Ramazan Yıldız analyzes the activities of Russia and the European countries regarding the reforms developed for Armenians and granted them excessive rights and autonomy, and argues how the original reform plan proposed by Russia was changed as a result of Great Power intervention.

Mustafa Serdar Palabryık examines the developments regarding the Eastern Legion from November 1916 to May 1917 in his article entitled “The Establishment and Activities of the French Legion d’Orient (Eastern Legion) in the Light of French Archival Documents (November 1916 – May 1917)”. This period is significant because of the transformation of the Eastern Legion from a small fugitive community to a full scale military battalion which had become ready for attacking the Ottoman Empire. This article aims to analyze this transformation and to illuminate the details about that. Within this framework, the substance of this article is the French attempts to provide volunteers for the Eastern Legion.

In her article entitled “A Critical Analysis of Armenian Genocide Resolutions Submitted to the American Congress and Resolution H.Res.106”, Oya Eren provides a critical evaluation of the resolutions submitted to US legislative institutions on the matter of the recognition of the “Armenian genocide”. It does not seek to respond to the allegations, but rather, intends to show how they have been framed since 1975 through conducting text-analysis in a comparative methodology.

There are also two reviews of the books edited by Prof. Dr. Hikmet Özdemir entitled *Türk-Ermeni İhtilafı: Makaleler (Turkish-Armenian Conflict: Articles)* and written by Dr. Erdal İlder entitled *Büyük İhanet: Ermeni Kilisesi ve Terör, Tarihi Seyir (The Big Betrayal: Armenian Church and Terror, Historical Sequence)* as well as a list of recent publications.

Finally, this issue includes three sets of current documents which are the full text resolutions submitted to American Congress in the beginning of 2007; the call of Nobel Laureates for the normalization of Turkish-Armenian relations and subsequent reply of Turkish scholars, authors and retired diplomats; and the announcement of Turkish Foreign Ministry published in New York Times on April 23, 2007.

With best wishes...

The Editor

FACTS AND COMMENTS

Ömer E. Lütem

Ambassador (Rtd)
Director of the Institute for Armenian Research
oelutem@eraren.org

Abstract:

This article examines significant developments regarding Armenian question and Turkish-Armenian relations between April-June 2007 under three main headings. First, the meeting of Armenian Foreign Minister Oskanian with his Turkish counterpart after three years from their last meeting is analyzed. Secondly, regarding Armenian genocide allegations, commemoration of Armenian 'genocide' on April 24, the resolutions recognizing genocide allegations adopted in the Chilean Parliament and local assembly of Bask region, QUID Encyclopedia case, the attempts in the EU countries for punishing genocide denial and for lightening existing punishments, the call of Nobel Laureates for development of Turkish-Armenian relations and the answer given to them and some other developments are covered. Finally, the results of parliamentary elections in Armenia held on May 12 are examined.

Key Words: *Armenian question, Vartan Oskanian, assassination of Hrant Dink, Armenian parliamentary elections, the call of Nobel Laureates.*

In this article, developments regarding Armenian question and Turkish-Armenian relations during the first six months of 2007 were briefly examined. While there was no noteworthy event in Turkish-Armenian relations except the decision on the construction of Kars-Akhalkalek railway, murder of journalist Hrant Dink and the restoration of Akhdamar church were largely discussed by national and international press. In the paper, some developments about genocide claims were also touched upon. In the case of Armenia, the parliamentary elections and commemoration of April 24 were the two important affairs dealt throughout the paper.

I. Turkish-Armenian Bilateral Relations

The relative stagnation dominating Turkish-Armenian relations continued in this period. Although foreign ministers of Turkey and Armenia had been meeting in the UN General Assembly meetings in every September, Armenians quitted such meetings since 2004. The most significant reason of this attitude is that the continuation of meetings would impede further recognition of Armenian genocide allegations and states like US or international organizations like EU would refrain to press upon Turkey for 'genocide' recognition. However, since without any meetings it would be impossible to reach a permanent resolution of bilateral problems, Armenian attitude proved to be quite unproductive.

1. Black Sea Cooperation Organization (BSEC) Summit in Istanbul

The BSEC Summit was held in Istanbul on June 25, 2007. Although Armenia has been a member of BSEC, Armenian President Kocharian did not attend the meeting. Armenia was represented by the Foreign Minister Vartan Oskanian, who stated that Kocharian had not attended the meeting due to lack of diplomatic relations between Turkey and Armenia. However, if there is no diplomatic relations between turkey and Armenia then Oskanian should not come to Istanbul as well. There is no such rule in international law or in international custom. Refraining from any kind of visit and communication happens if there is no recognition of that particular state. However, Turkey is the first country that recognized Armenia and representatives of these countries came together several times, such as the visit of Kocharian to Turkey to attend the OSCE meeting in 1999.

The real reason of Kocharian's non-attendance is his impression that such a visit would neither welcomed in Armenia and by Armenian Diaspora. Genocide allegations and closure of Turkish-Armenian border has so much brought to the agenda that anti-Turkish sentiments in Armenia and Diaspora increased considerably and Armenian President preferred not to come to Turkey.

In his speech delivered in the summit meeting¹, Oskanian did not touch upon the relations between Armenia and Turkey. However, in order to legitimize Armenian occupation of Azeri territories, he argued that regarding the Karabagh question, Armenians had protected themselves against Azeri government. Azeri President Aliyev replied these charges by stipulating that history should not be rewritten and stated that all BSEC countries except Armenia had recognized territorial integrity of Azerbaijan. He also said that since the war was not over, there was no winning side as well.

Oskanian met Turkish Foreign Minister Abdullah Gül in this summit as well. In a press conference that he made after the meeting he repeated the usual Armenian point of view. If we summarize it, he first touched upon the opening of Turkish-Armenian border and repeated that Armenia was ready to initiate diplomatic relations with Turkey without any preconditions. He argued that in order to materialize Turkish offer of establishing a joint historian commission to search for genocide allegations, opening of borders and abolition of Article 301 of the Turkish Penal Code was necessary. While on the one hand he stipulated that he was in favor of developing Turkish-Armenian relations without preconditions, on the other hand he did not refrain to say that recognition of Armenian ‘genocide’ was on Armenian political agenda. He talked about there was no change in the Turkish foreign policy towards Armenia but he did not mention that there was no change in the Armenian foreign policy towards Turkey either.²

In sum, Armenia did not recognize Turkish territorial integrity, did not give up genocide allegations and did not end its occupation in Azerbaijan; however she demanded Turkey to establish diplomatic relations and to open its borders with Armenia. Turkish position is just the contrary of it. The attitudes of these two countries could not be reconciled in the near future, thus it is not realistic to expect normalization of Turkish-Armenian relations in short and medium term.

1 Republic of Armenia, Ministry of Foreign Affairs Official Web Site: <http://www.armeniaforeignministry.com/>, 25 June 2007

2 Noyan Tapan, “Vardan Oskanian Reaffirms”, 26 June 2007.

2. Kars-Akhalkalek Railway Project

After the closure of the Turkish-Armenian land border in 1993 by Turkey, as a reaction of Armenian occupation of Azeri territories, the railway from Kars to Armenian city Gyumri, and from there to Georgian and Russian territories, could not be used. However, increasing trade relations necessitate railway connection of Turkey to Russia and Central Asia via Northern Caucasus. These countries are also in need of a railway route as a result of their trade with Turkey.

Although Kars-Akhalkalek railway is an old project, serious steps in order to actualize the construction were taken only very recently. Because the project would render Kars-Gyumri railway inefficient and also realization of an advanced cooperation between Turkey, Georgia and Azerbaijan keeping Armenia out, it has caused Armenian reaction for long time. EU Commission also assessed the project negatively as a result of Armenian lobbying.

Armenians, sustaining a more powerful position in US than in Europe, tried to prevent American institutions to provide credit to this project. A draft statute prepared in 2006 was lastly approved by President Bush on December 26, 2006 after passing through Senate and House of Representatives and became law. In this respect an appendix was added to US Export-Import Bank Reauthorization Act of 2006. The 11th appendix orders that the Bank would not provide credit to railway projects that connects Baku, Tbilisi and Kars bypassing Armenia.³

The main point to be highlighted in this situation is the political preference of the law, favoring Armenia. Yet, Turkey is an ally of the US. On the other hand, the US has political relations with both Georgia and Azerbaijan more intense than that with Armenia. Moreover, the law means the use of economic pressure for political targets. Despite these drawbacks of the law, American government did not oppose and three countries to whom restrictions were imposed, did not criticize it much. Possibly the main reason for this is that there was no credit demand from

3 ANCA Press Release, December 6, 2006.

US for Kars-Akhalkalek railway project, and no such a plan exists in the future. Three participant countries will finance the project by themselves.

The Framework Agreement of Kars-Tbilisi-Baku Railway Project, which is also named as “Iron Silk Road”, has been signed by related ministers of respective countries at a ceremony at Georgian Parliament with the participation of President of Georgia Mikhail Saakashvili, President of Azerbaijan Ilham Aliev and Prime Minister of Turkey Recep Tayyip Erdoğan. By this way, negotiations continuing since 1993 reached an affirmative end.

As the heads of government and state indicated at the ceremony, nearby the specific importance of the railroad for three countries, a radical transformation of political and economic situation of the region is also expected. The significance of the railway arises from the fact that main transportation route between Asia and Europe collides with the railway. In other words, the railway will have critical importance in the transportation from China to Europe via Kazakhstan, Azerbaijan, Georgia and Turkey and also from Europe to Caucasus and Far East. Thanks to this project, Silk Road Transport Corridor will be linked uninterruptedly from Turkey to Caucasus and to the Far East. It is possible that the freight passing along this corridor will reach to 30 million tones after 20 years.

The initiative towards the realization of the railway created serious fear of isolation in Armenia and the issue of isolation found its echo in international press.⁴ The statements of Armenian Foreign Minister Oskanian that the project was a political failure⁵ and would not be harmful⁶ to Armenia were not convincing. On the other hand, Armenia attempted to find compensation to the project and the idea of connecting Armenia to Iran via railway came into agenda. However, the financial cost of such a project, reaching a billion US dollars⁷ and non-participa-

4 Armenian Isolation Deepens, *Economist*, March 1, 2007.

5 *Armradio.am*, March 9, 2007.

6 *Panarmenian.net*, March 9, 2007.

7 *Armenpress*, April 4, 2007.

tory attitude to financing of US as a result of Iranian policy, impeded further development of the idea. Whereas it may be expected that Russia could support such a project in principle, no encouragement was seen by Russian side.

II. Developments in Turkey

1. Murder of Hrant Dink

Chief Editor of Agos Newspaper, Hrant Dink, was assassinated in front of the newspaper's building on Istanbul's Halaskargazi Street by a gunman on January 19, 2007. This event created a major shock in Turkey and was condemned fiercely by politicians including President Ahmet Necdet Sezer and media. Likewise, our Institute uttered affliction in the daily news bulletin published after a couple hours from the event.

Hrant Dink was the son of a poor Armenian family, born in Malatya in 1954. He grew up at an orphan asylum in Istanbul, completed university education with great difficulties and became a journalist. His newspaper Agos, which he began publishing in 1996 was different from other Armenian newspapers of Istanbul, Jamanak and Marmara, since Turkish language was being used in Agos. In a very short time, Agos reached higher numbers of dissemination than the other two papers because Istanbul Armenians, especially the younger ones, were better in Turkish compared to Armenian. On the other hand, the newspaper was discussing certain untouched problems of Armenian community and Patriarch and also events of 1915, in somewhat harsh wording.

Dink was abstaining to use the word "genocide" for 1915 events, arguing that it was necessary to approach the events with empathy and proposing that, besides commemorating the events, the future of Armenians should not be based upon these events. Furthermore, Dink was in a different behavior than Diaspora Armenians, through signing a statement prepared by some liberal intellectuals in order to criticize the French law penalizing people that do not accept Armenian

genocide claims.⁸

Dink was in disagreement with Armenian Patriarchy in various issues and also reflecting them in AGOS.⁹

Beginning from the year 2000, while reconsideration of Armenian genocide allegations by the European Union, adoption of decrees by some of European countries' parliaments and acceptance of genocide allegations by some liberal Turkish intellectuals have carried the issue to the top-agenda of Turkey; Dink's arguments were getting tougher in parallel. Meanwhile, when he was brought to a legal trial regarding an article consisting words such as "dirty Turkish blood", Dink became more famous in EU countries and began to be seen as the representative of Turkish Armenians.

To sum up, in the beginning of 2007 except a small part of the public, Dink was mostly facing negative reaction in Turkey, however he was appraised abroad. Although he was not much enjoyed by Armenian Diaspora, was a tolerated figure by them.

Who killed Hrant Dink? This question was answered in a short time. A 17 years old youngster named Ogün Samast has been arrested 32 hours after the event, as a result of information given by his father. It was understood that he was under the influence of an ultra-nationalist group in Trabzon.

Murder of Hrant Dink became a domestic political issue in Turkey very soon.

8 Ömer Engin Lütem, "Olaylar ve Yorumlar", *Ermeni Araştırmaları*, Vol. 20-21, Winter 2005-Spring 2006, pp. 29-30.

9 On this subject, only for the second part of 2006, the following headings of AGOS may be presented: June 30, 2006: 'The Statements shadowing Vehepar's visit – Patriarch Mesrop claimed in the interview published in *Hürriyet* that he does not agree Vehepar and criticized his behavior in the Governate. June 28 2006: Turkish Armenian Patriarch has the directors of foundations to write his instructions: 'Don't give advertisement to Agos and Jamanak newspapers. Will you reduce us submission through this way? November 24, 2006: Threat of damn from the Patriarch. Patriarch has criticized some society leaders and benevolent without naming by saying that they were producing gossips"

Liberal intellectuals, mostly led by daily newspaper Radikal,¹⁰ opened a campaign against nationalist people and began to accuse them of being racists. On the other hand, the political circles supporting the murderer and his relatives were largely discussed. Contested sympathy of some security forces to the murderer and the possible relations of the murderer and his relatives with some political parties were carried to newspaper headlines. Meanwhile the slogans shot at the funeral of Hrant Dink such as “All of us are Armenians” and “All of us are Hrant Dink” were largely criticized. All these discussions and struggles caused Hrant Dink nearly to be forgotten and in the context of this murder Armenian problem was virtually not talked upon.

Arrest of the murderer in a very short time, and also prosecution and arrest of persons that solicited the murderer¹¹; removal of Governor of Trabzon and City Police Chief from office, participation of Ministers of Justice and Interior to the funeral, visit by the Prime Minister to Dink’s family and Armenian Patriarch, alleviated the critics and accusations sprang especially from Diaspora about this murder. The words of Italian Prime Minister, who was at a visit in Turkey at that time, reflected the case at best: “The responsible person has been caught. All these meant one thing. Public opinion is in line with the government and Turkish government has taken the right course”.¹²

Deputy Foreign Minister of Armenia Kirakosian who came for participation in the funeral, asserted, as a reply to a journalist’s question: “It is bothersome that we have no relations by no matter of means for 15 years; we are ready to start diplomatic without any condition”.¹³ These remarks have been reflected as if they

10 As examples we present the headings of Radikal cover page: January 20 2007: Hrant Dink, the target of racists, was terminated with three shots - Be proud of your work!. January 21 2007: Suffering, desperation and the cliché: what is necessary will be done!. January 22 2007: Violent events are all in Trabzon - Why Trabzon? People are so petulant? January 23 2007: You are not alone. January 24: Istanbul has never seen a funeral like this Hrant Dink was sent off by a hundred thousand people.

11 By the end of March 2007, twelve persons were arrested, related to this murder. BIA News Center, March 28, 2007

12 Hürriyet, January 24, 2007.

13 Zaman, January 25, 2007.

reflected a new proposal by some journalists in Turkey.¹⁴ According to them, Armenian proposal to negotiate with the aim of starting unconditional diplomatic relations might launch a new process. In order to slow down genocide claims and to break the ice in the international arena, it was necessary to make a good use of this initiative. In short, everybody was behaving as if a new opportunity had arisen. Nevertheless there was not any new proposal. All of the Armenian officials, whenever talked about Turkey during the last few years, had declared that they want to establish unconditional relationship with Turkey. It is easily possible to find two dozens of remarks of Foreign Minister Oskanian including the same proposal.

In view of this widespread misapprehension in the Turkish press, Spokesperson of Foreign Ministry in a declaratory clause released on January 25, 2007, key-noted that hence various statements have been made by Armenian government in this manner, Kirakosian's words did not denote a new expansion, Turkey kept its desire to develop relations with all neighbors on the bases of bilateral trust and respect, development of relations and cooperation in bilateral and regional context could not be depended on only Turkey's paces but on countering behest and paces of the related partners. Among other things, it was also indicated that Turkey took concrete steps during different occasions in order to advance the dialog with Armenia and proposition of establishment of a Joint Historians Committee constituted one of this concrete initiatives. Moreover, it was added that an interview with Deputy Foreign Minister of Armenia, Arman Kirakosian, took place in a constructive and positive atmosphere.

In this pretext, we try to explain what Turkey's establishment of unconditional relations with Armenia means, once again.

¹⁴ Birand asserted this proposal on Kanal D news program on January 24, 2007 as an opportunity that should not be missed. Moreover he wrote in Posta in Turkish and Turkish Daily News an article headed as "Armenian Offer Should Not Be Rejected" on January 26 2007: <http://www.turkishdailynews.com.tr/article.php?enewsid= 64805>

It is natural to establish unconditional diplomatic relations between two states if there is no problem. However, if problems exist and the establishment of diplomatic relations will mean not the solution, but the continuation of existing problems it is also natural that one of the sides will call for the solution of the problems before the establishment of diplomatic relations.

There are three main problems between Turkey and Armenia: First is the repudiation of the territorial integrity of Turkey by Armenia. By this way, Armenia thinks to reserve its right to demand territory from Turkey in the future. Secondly, Armenia brings forward genocide allegations against Turkey and supports Diaspora's efforts for possible indemnity requests. Thirdly Armenia has occupied twenty percent of Azerbaijan territory and made approximately one million Azeri "fugitives". Turkey closed its border gate with Armenia as a reaction to the occupation of Azerbaijan territory.

In the case that Turkey unconditionally establishes diplomatic relationship with Armenia and opens up the borders, there remains no reason for Armenia to cooperate with Turkey in order to solve the aforementioned problems.

For long years, contrary to the efforts of all Turkish governments to resolve these three problems beforehand, Armenia proposed the formula of "unconditional diplomatic solution" and with the positive echo created in minds by the word "unconditional" Armenians tried to attribute the fault that no diplomatic relations were established, to Turkey.

Murder of Hrant Dink caused major reactions in Armenia too, as in the Diaspora. In the places with many Armenian inhabitants, demonstrations were arranged and meanwhile it was claimed that one hundred-thousand people participated in a demonstration in Yerevan.¹⁵

¹⁵ Milliyet, January 26, 2007.

European Armenian Federation for Justice and Democracy, a Tashnak inclined organization functioning to defend Armenian interests in European Union, put the heading “Turkey murdered Hrant Dink” in its declaration¹⁶ and tried to make Turkey responsible in the event.

Some of the authors attempted to present Hrant Dink as a victim of Armenian “genocide” however since nearly one century has passed over the 1915 relocation, they found a formula that murder of Dink showed that Armenian “genocide” is currently going on.¹⁷ While some argued that one other person was added to the victims of Armenian genocide¹⁸, a renowned British journalist-author, who has been always in defense of Armenian views, has written that Hrant Dink became the victim number 1,500,001 of the Armenian genocide.¹⁹

Armenian Parliament condemned, very lately, the murder of Hrant Dink in a statement published after twenty days than the event.²⁰ It was claimed that this event was the result of the anti-Armenian propaganda of certain nationalist circles and security forces did not prevent the murder despite they had the information in advance. It was emphasized that this murder had demonstrated the necessities of building bilateral confidence and Turkey’s reconciliation with its own history, recognition of 1915 Armenian genocide and revision of article 301 of Turkish Penal code.

In the international arena, the activities in European Parliament and European Council Parliamentarians Assembly attracted attention.

16 Fédération Euro- arménienne pour la justice et la démocratie, Communiqué de Presse, January 19, 2007.

17 Khatchig Mouradian, Hrant Dink (1954-1915). AWOL, January 20, 2007.

18 Edmond Y. Azadian, “One More Victim Added to the Armenian Genocide Count”, *AZG Armenian Daily*, January 30, 2007. <http://www.armeniandiaspora.com/archive/81513.html>

19 Robert Fisk, “Award –Winning Writer Shot by Assassin in İstanbul Street”, *The Independent*, January 20, 2007. <http://news.independent.co.uk/europe/article2169190.ece>

20 Armenian Parliament formal web page, “Statement of Armenian Parliament”, www.parliament.am/search.php?where=whole&what=Hrant%20Dink&lang=eng

European Parliament commemorated Hrant Dink through one-minute homage. President Hans-Gert Poettering, after stating his praise about Turkish determination to find the accused very quickly, argued that they waited for Turkey to show the same determination during the reform process and article 301 should be abrogated.

European Council Parliamentarians' Assembly condemned the murders of Hrant Dink and Anna Polikovskaya in a decision headed as "Dangers Threatening Lives of Journalists and Freedom of Expression" on January 25, 2006.

In the international press many articles on the murder of Hrant Dink has appeared that were mostly concerning the possible role this event might play a role in ameliorating Turkish-Armenian relationship, mentioning the participation of multitudinous people in the funeral.²¹ It appears that it was expected that Turkey would pursue a softer policy towards Armenia, in other words make concessions under the influence of large scale interest shown to Hrant Dink both in the country but especially outside the country. In this context, the aforementioned statement of Turkish Foreign Ministry Spokesperson on January 25 2007 and observance of no change in Turkey's policy created disappointment. Armenian Foreign Minister Vartan Oskanian, in an article for an American newspaper²², expressed that in the days following the murder of Hrant Dink there was a hope in both Armenia and in other parts of world that there would be a crack in Turkey's policy of denial and rejection and Turkish statesmen would change their policies radically using this event. He added that it was a pity that this opportunity has been lost. After a short period in a conference delivered in Cologne, he said that the murder of Hrant Dink was supposed to change wrong policies of Turkey, however the contrary happened and Turkey had made more efforts in both Turkey and other countries, in order to prevent the recognition of Armenian geno-

21 Le Monde, "L'Assassinat de Hrant Dink crée un climat favorable au dialogue turco- Arménienne" (Murder of Hrant Dink creates a suitable atmosphere for Turkish-Armenian dialogue) January 24, 2007.

22 Los Angeles Times, February 1, 2007.

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cide.²³ In contrast to this, it was seen that Armenian President had different views on this subject than the Foreign Minister in an interview published in a French newspaper²⁴. Kocharian, after underlining the existence of different perspectives about the possible positive or negative effects of murder of Hrant Dink, stated that he conceptualized, after the first shock, this event would not effect the relations. This was obviously more realistic point of view.

A draft resolution has been given to US House of Representatives on January 29 2007, about the murder of Hrant Dink with the number H.Res.102. After two days, on February 1 2007, another resolution has been given to the Senate on the same issue numbered, S. Res. 65. These draft resolutions are not the same but treat the same subject.

In the procedural sections of the drafts, murder of Hrant Dink was condemned, continuation of investigation and prosecution of the murderers was demanded (or support for the efforts towards this direction by Turkey) and also abrogation of article 301 of Turkish Penal Code was enquired. It was obvious that the draft given to the Senate has been written down in a softer manner. Senate Foreign Relations Committee has sent the draft to the Senate after some modifications in the term of “genocide”.

Naturally, it comes to the mind that why the US Senate was so interested in murder of Hrant Dink or, if Senate interested in such events, why other murders or terrorist activities in other parts of the world such as daily murder of hundreds of people in Iraq were not been condemned.

However an in-depth investigation of the draft would reveal that murder of Hrant Dink was not interested in so much, and that the main aim was to persuade the Senate to impose other drafts by benefiting the echoes of the murder and using

23 AZG Armenian Daily, February 15, 2007.

24 Le Figaro, February 19, 2007.

the name of Hrant Dink. On the top of the list comes the recognition of genocide allegations. However the modification made in the Senate undermined these claims.

The demand enlisted in the draft that Turkey should establish all diplomatic, political and economic relations with Armenia, was not related to the murder of Hrant Dink. These are Armenian demands and also accepted by the American government. Turkey is not against establishment of relations with Armenia, in principle. However, it is expected that Armenia should leave occupied Azeri territories beforehand. Without this, establishment of such relationships with Armenia would mean the acceptance of the occupation and Azerbaijan would be up against a very difficult situation. That is what Armenians desire.

The adoption of the draft resolution was met with displeasure by Turkish Foreign Ministry. Ministry Spokesperson in declaratory clause on March 29, 2007 putting on the agenda of such a draft resolution in US Senate would cause the exploitation of the said murder for political reasons referring to 1915 events. It was also added that since US has been a country with which Turkey maintains close cooperation with a common vision on various fields, it was hoped that the US Senate would not adopt this draft resolution.²⁵

2. Restoration of Akhdamar Church

Akhdamar Church, which was built by Armenian King Gagik I at an island on Lake Van in 10th century, was in a ruinous situation after it was left. Ministry of Culture and Tourism restored the Church with an expense of 2,600,000 YTL (approximately 2 million US dollars) and opened it as a museum after a ceremony in participation by some Ambassadors coming from Ankara, Deputy Minister of Culture of Armenia Gagik Gurciyan and Turkish Armenian Patriarch Mesrop II. This ceremony caused criticisms both in Armenia and in the Diaspora.

²⁵ Formal web page of Ministry of Foreign Affairs of Turkey, March 29, 2007, "Reply of the Spokesmen of the Ministry of Foreign Affairs to a question" http://www.mfa.gov.tr/MFA_tr/BasinEnformasyon/SoruCevap/2007/Mart/SC14_29Mart2007.htm

Spokesperson of Armenian Foreign Ministry Vladimir Karabetyan stated in a declaratory clause²⁶ in March 28, 2007 that restoration of the Church was a positive development even without cross on the dome and added that they hope the same attitude would be shown to a dozen of Armenian leftovers in Ani and Muş.

Spokesperson also indicated that it was not accidental that the ceremony coincided the date on which Armenian genocide law proposals were being discussed at US Congress. He also said that they don't want to concede such gestures which are aimed at influencing the public and not inclined to a honest compromise; and that the international society should prompt Turkey to open Armenian border and to normalize the relations.

In a note by the Armenian Patriarchate in Etchmiyazin, who was also invited to the ceremony, it was indicated that because Akhtamar Church was not bounded to Armenian Patriarchate in Istanbul and opened as a museum, Patriarch Karekin II would not attend to the ceremony.

Cilician Patriarchate, seated in Antelias close to Beirut, remarked that Patriarch Aram II would not participate the ceremony since Turkey rejects recognizing Armenian 'genocide'. Views and comments of Diaspora Armenians on the opening of the restored Church were also negative. Without asserting the restoration of the historical Church, this occasion was used to criticize Turkey. On the contrary, the reaction of the international press was more moderate.

As a result, the restoration of Akhtamar Church, which was realized as a mark of good will towards Armenia and Armenians, did not succeed in this aim. However, a relatively better impression was achieved in international public opinion. By the way, it should be noted with reference to an Armenian source²⁷, the Akhtamar restoration had increased the amount of tourists, from 5000 annually to 20,000 in only last month.

26 Republic of Armenia formal web page, "Comments by the Ministry Spokesperson on the Re-opening of akhdamar Church", <http://www.armeniaforeignministry.com/news/index.html>

27 Armennews, June 13, 2007, "Aghtamar: Plus de 2000 visiteurs en un mois"

III. Developments Related to Genocide Claims

1. Draft Resolutions at the American Congress

The efforts of the Armenians and their supporters in USA for years, in order to pass a resolution in at least one of the chambers of the Congress were futile because of the possibility that such a decree might harm Turkish-US relations. In this context, President Clinton had sent a letter to Hastert, the President of House of Representatives in year 2000, in order to curb the discussions and later on, despite such a decision had passed from Committee of Foreign Relations the General Assembly did not put it on the agenda.

In the elections of November 2006, the Democrats who are more inclined to Armenian views had obtained the majority in the House of Representatives. In addition, Mrs. Nancy Pelosi who was elected from California and well known for her Armenian sympathy was elected the President of House of Representatives. She had declared before the elections that she would support the draft recognizing Armenian genocide (H. Res. 310) and that US should recognize that heinous event and that she would support all efforts for this aim.²⁸

Since the elections were renewed, the draft resolution presented previously to the House of Representatives, numbered as H.Res.316, has become void. After House of Representatives became de facto operational in the beginning of January 2007 and perhaps with the intention of benefiting the negative atmosphere against Turkey resulting from Hrant Dink's death, immediately afterwards of the commemoration day of Jewish Holocaust, a new draft was given to House of Representatives Committee of Foreign Affairs, on January 30th. On the same day a draft condemning the murder of Hrant Dink was also presented to House of Representatives.

The presenters of the draft were the members of House Representatives such as Adam Schiff, George Radanovich, Frank Pallone and Joe Knollenberg, who in

²⁸ Armradio, February 19, 2007.

every occasion take care of Armenian interests, defend Armenian views and act like an Armenian clerk inside or outside the House. Later on the supporters of the draft passed beyond 190 members.

The number of the new draft is H. Res.106. The text is same as the draft presented during previous term with the number H. Res. 310. It is clear that Armenians, by proposing a previously discussed text, wanted to prevent a new negotiation.

Nearby on March 14, 2007, a similar draft proposal was given to the Senate.

The texts of the draft are presented in Current Documents part of our journal. What is more there is information about their contents in the article by Oya Eren, entitled “A Critical Analysis of Armenian Genocide Resolutions Submitted to the American Congress and Resolution H.Res.106”

The addressee of the draft is the US President. However, in the case of acceptance, this draft will not be binding for the President, because the draft is in the form of advice. In order to be binding, the draft should be in the form of law and for this after, adoption in the House of Representatives it should also be adopted in the Senate and then sent to the President. In the case that the President does not sign the draft, it does not become a law, but a procedure to High Court may begin. The owners of the mentioned draft abstained to make a law on this issue. But, it is clear that in order to insert pressure to the President; they will try in the Senate to adopt this draft.

Although such a decision is worthless legally, it will have various unfavorable effects such as it will fortify the belief that Armenians were exposed to genocide, it will encourage some other countries for similar decisions, it will cause the continuation of Armenia’s uncompromising policy against Turkey, it will damage the reliability of scientific research in Turkey and it will make the diplomatic efforts against Armenian claims harder.

As for what Turkey did to prevent this draft, it was strived to explain to both US government and prominent people of US Congress, that the adoption of the draft would effect bilateral relations immensely negative. For this purpose Foreign Minister Abdullah Gül, then Chief of General Staff Yaşar Büyükanıt and later three committees of Turkish parliamentarians, on different dates, had visited Washington and explained the drawback of the draft. Finally a delegation from TUSIAD went to Washington. In this way, government, the Parliament, army and the business world behaved in one accord in this issue. Turkish reaction as a unified front might said to be influential upon Congressmen who generally supports Armenian views, and some of them came to believe in the drawbacks of the draft.

After returning from the visit to United States Foreign Minister Abdullah Gül, in a commentary, said that he expressed to the counterparts that although the draft had no binding effect, it would harm the bilateral relations, all the relations of two countries, who have really strategic relations, would be captive to this issue; and added that US Secretary of State would make some initiatives in the Congress on this issue.²⁹ Indeed, an effort by US Secretary of State has been observed in order to make conscious the US Congressmen on this draft.

Secretary of State Condoleezza Rice and Secretary of Defense Robert M. Gates in a joint letter³⁰ sent to House Representatives President of Foreign Commission Tom Lantos to which the draft has been delegated, indicated that the adoption of law draft number H. Res. 106 would damage the efforts of US directed the achievement of a reconciliation between Armenia and Turkey, and recognition by Turkey, of the “tragic events” that Armenians were exposed during Ottoman era; and would also seriously damage American national security interests in the region.

29 Cumhuriyet, February 12, 2007.

30 Associated Press, International Herald Tribune, March 14, 2007; Turkish Daily News, March 15, 2007.

While the letter has emphasized that US had never denied the horrific events related to Armenians and Turkey has always been induced to face its own history, it was also stated that Turkey's proposal of "historians committee" was being supported.

In the letter it was also added that Turkey had contributions on the national security of the USA and the security of the Middle East and, in this context, was an indispensable partner for the military forces in Iraq and Afghanistan since by opening its airspace, by giving the use of military bases and port, Turkey provided the transportation of the vital material and also Turkey's function in Afghanistan's security and reconstruction has been cited with praise.

The letter by touching upon the draft statute of French National Parliament ordering penalties to people denying genocide claims, emphasized that Turkish military offices broke off all the relations with France and declared the defense negotiations have been closed; and if House of Representatives adopts the statute, Turkish government might react in similar way and this would harm American soldiers in the war zone, make supply to American forces harder. Furthermore, because the failure of Armenian-Turkish reconciliation efforts would hamper American efforts, it was requested from the President of Foreign Committee not to send the draft statute to the General Assembly of House of Representatives.

After this letter Deputy Secretary of State Daniel Fried commented as the view of the letter in the session of House of Representatives Foreign Committee on Turkish-American relations and possible future problems.³¹ Secretary of State Rice has replied questions of Adam Schiff, who always defends Armenian views and demands, in a meeting on budget allocation. Rice did not pronounce the word "genocide" despite all demands; and after indicating that the events were defined in President's annual message and the events should be left to historians

³¹ Congressional Quarterly, March 15, 2007.

for research, she argued that US would not be an intervening party to the conflict between Armenia and Turkey and encourage both countries to search their histories.³²

The main line of American policy on this subject was placed in the above letter of Rice and Gates. The letter has been based on the argument that American interests and also American forces would be in harm in the case the draft was adopted. Because the letter has been written by two ministers responsible of the American security after the President and also it coincided in a time when American people was very sensitive in the security of American soldiers as a result of Iraq, it was not possible to overlook the letter. On the other hand, since the President of the Foreign Committee has an absolute power to decide the agenda of the Committee, he may not open the draft to negotiation. This letter and other developments proving the determination of American government, which is summarized below, show that the draft will not be voted this year and possibly remains to next year.

Coming to the attitude of Armenians regarding the said drafts, we remind that the drafts were prepared and submitted by some Congressmen who are in cooperation with American-Armenian organizations. It should be noted that Armenian National Committee of America (ANCA) which is a Tashnak organization and Armenian Assembly of America (AAA) which mostly represents rich Armenians and always supports the government, have interested in the drafts closely and tried to exert pressure on Congress members. Currently House of Representatives is composed of 435 members and around 190 of them are also members of Armenian Caucus, so any Armenian draft taken into agenda of the House is for certain.

In past years it was seen that Armenia has not made much effort for such drafts and asserted these as the job of Diaspora. Visit of Armenian Foreign Minister Vartan Oskanian to Washington on March 7 2007, three weeks after Abdullah

³² Gamk, March 22, 2007.

Gül's visit without a specific reason and his meeting with Condoleezza Rice and co-chairs of Armenian Caucus in Congress and declaration that the said drafts were among the issues discussed³³, showed that Armenia began to be more active in this issue.

2. The Attempt to Punish the Denial of Genocide in EU countries

Still in Europe and especially in some of the EU countries, there is an affinity of punishment for the ones who deny or condemn genocide and in some countries there are laws about this matter. Being not too common, in some people and communities in the radical right a denial or an underestimation can be seen about the Jewish genocide in Europe. The best example of this should be the well known, some countries English historian David Irving. As being one of the best experts of that period he was adjudicated many times because of having around 30 books that question the so called Jewish Holocaust, and in 2006 condemned in Austria and put in the jail, released at the end of the year.

On another note, Germany and the countries that committed or helped Germany in committing the genocide during World War II, head the list of the countries who espouse the punishment for the denial of genocide. The intention under this approach which seems like a self-accusation is actually a bowdlerizer of self from these accusations by putting an effort in the punishment for the genocide-deniers. The reason why David Irving was put in jail in Austria, who moved off Germany during the World War II, and not in his own country England, is this. In the European Union countries the topic of punishment for the denial of genocide was discussed by the organs of the European Union, but because of the huge disagreements there was no certain result. As some of the countries led by England, objected every attempt that constrains the freedom of speech, the countries we mentioned above adopted an opposite policy. In the period of EU leadership enclosing the first half of 2007, Germany took action to resolve this issue.

³³ Republic of Armenia formal web page, "Dforeign Minister Oskanian completed his visit to Washington", March 6, 2007. <http://www.armeniaforeignministry.com/news/index.html>

In the draft, which was prepared by Germany, the Armenian genocide was not treated of. But the concerns about the elements that it consisted which could enclose the claim of Armenian genocide was seen by the Turkish media and the ministry, and the Minister of Justice, Cemil Çiçek went to Germany to confer this topic with the German Minister of Justice, Brigitte Zypries.³⁴ It could be understood by the press communications that the concerned Germans declared that there were no components that would disturb Turkey, but that these declarations were not found satisfying.³⁵

It is seen that the draft that Germany prepared caused huge disputes, that countries like England, Ireland, Denmark and Sweden coming out against the contentions that could harm the freedom of speech, on the other hand the countries like Germany, France, Belgium, Austria and Spain who has laws about punishment for genocide denial, stand for a harsh punishment for this denial, and on another aspect³⁶, it is seen that the Baltic countries as a result of trying to add some of the imprints of the Stalin period, agreed on an average way³⁷.

In this subject, in the framework decision³⁸ on combating certain forms and expressions of racism and xenophobia that is taken by the European Union Ministers of Internal Affairs and the Ministers of Justice in 19th of April 2007, this matter draws the attention about genocide.

Denial, passing over and condescending of genocide towards a group that is determined by its race, color, religion, family or national or ethnic origin is described to be an action which needs to be punished. The foreseen condemn was between 1-3 years. The member countries are going to observe this rule in a 2 years period. On the other hand, it was emphasized that this decision was not

34 Zaman, 26 March 2007, "Ankara concerned over EU plans for genocide allegations"

35 Hürriyet, 13 April 2007, "Almanya ile 'sözde soykırım' krizi kapıda"

36 The Guardian, 20 April 2007, "EU agrees new race hatred law"

37 DPA, 19 April 2007, "EU Ministers open talks on plans to criminalize racism and xenophobia"

38 Council of European Union Document no: 8704/07, 25 April 2007.

against the fundamental rights or the freedom of speech.

According to the decision, for an incident to be accepted as genocide, the judgment of either one of the countries' national court, or an international court is required. However, the 6th article of the UN Genocide Convention mentions about the "crime-committing country's 'authorized court' or 'an international court that is authorized to judge'. The description of framework decision, without using the expressions "the country that committed the crime" and "authorized to judge", concludes that the special qualities are be taken from the courts that will decide the genocide, hence it is easier to control it.

The matter how the denial of the Armenian genocide claims effect the subject decisions and the changes in the EU legislation that will be done accordingly, is still not certain, and on this topic the EU member countries should be waiting for the changes in their internal legislation.

3. Decision of Chilean Senate

Chilean Senate recognized the Armenian genocide through a decision taken unanimously on June 5, 2007.

The important parts of the decision may be summarized as follows³⁹: On April 1915 in Istanbul the entire leading class of the Armenian communities was arrested and later disappeared; and the in the course of subsequent events 1,5 million persons were killed as a result of Armenian genocide, the first ethnic cleansing of the 20th century; the genocide was recognized by Sub-Commission of the Commission on Human Rights on the Prevention of Discrimination and Protection of Minorities; some countries' parliaments also recognized the Armenian "genocide" (these countries are listed), Chile should make a resolution which recognizes that the Ottoman Empire committed a genocide in Armenia (?) against defenseless people; that now cry to put for moral reparations from part of

³⁹ Armenian National Committee of America, Press Release, June 7 2007.

the international community and especially Turkey.

It is also reported that the Senate decided on these:

1. To support the Armenian nation in condemning the genocide of its people.
2. To call on the government of Chile to adhere to the 1985 United Nations decisions.

There are many factual mistakes in this decision. First of all, Armenian notables were not terminated in Istanbul on April 24, 1915, but some among them were exiled to Çankırı and Ayaş for the sake of security. Secondly, it should be indicated that Armenian relocation came to end in 1916, not in 1923. Nevermore in the last years in order to make Republic of Turkey responsible, “genocide” is argued to end in 1923. Thirdly, it was not proven that 1,5 million Armenians were dead during the relocation or afterwards, in fact, it is not possible to prove since all the Armenian population living in Ottoman Empire was this much. In the decision, countries recognizing the “genocide” were counted. But for some reason, whereas Germany, Slovakia, Lithuania and Vatican were absent in the list, Bulgaria who has not such a decision was put in the list.

The most interesting part of the decision was the claim that the “genocide” was recognized by Sub-Commission of the Commission on Human Rights on the Prevention of Discrimination and Protection of Minorities in 1985 and the demand Chile government to join this decision.

The said Commission, among many other issues, also negotiated the report on genocide prepared by English specialist Benjamin Whitaker, approximately twenty years ago. In a part of the report, counting of Armenian “genocide” as an example of previous genocides was objected by Turkey, and the report was criticized in many other dimensions; then the Sub-Commission only indicated

in the decision that “the report has been noted.”⁴⁰ This means that no procedure is to follow regarding the report. As a matter of fact, the report did not follow up normal procedure and was not sent to Commission on Human Rights and from there to Economic and Social Council. Yet, Diaspora Armenians, with reference to this report, began to claim that United Nations had accepted the Armenian “genocide” and attempted to facilitate the decisions that recognize Armenian “genocide” in some countries’ parliaments. In the meantime, we should underline that the mentioned claim also existed in the drafts proposed in US Congress since 2000 to ensure the recognition of the “genocide” and despite all warnings it was left unchanged.

Turkish Foreign Ministry reacted to decision of Chilean Senate, also condemned and rejected the decision; it was stated that this decision would overshadow the friendly relations between two countries. Additionally, as the reply to the claim that the “genocide” was recognized in the above-mentioned sub-Commission of UN, Turkey noted the speech by Secretary General of the United Nations Ban Ki-moon delivered April 30, 2007, stating that UN has had no policy regarding 1915 events.⁴¹

With regard to the reason why Chilean Senate interested in this issue, the only reason seems the efforts of Armenian National Committee of South America⁴² and the small but motivated Armenian minority. There is not noteworthy number of Turks in Chile. The warnings of Turkish Embassy were not taken into consideration because of the unawareness sprang from geographical remoteness.

According to the President of this Committee Hagop Tabakian, the main goal is to achieve the recognition of the “genocide” by all South American countries.⁴³

40 On this subject: What has really happened in Geneva: The Truth About the ‘Whitaker Report’ Prof Türkaya Ataöv, Ankara, 1986.

41 http://www.mfa.gov.tr/MFA_tr/BasinEnformasyon/Aciklamalar/2007/Haziran/NO89_8Haziran2007.htm

42 Armenian National Committee of South America (ANC-SA)

43 Armenian National Committee of America, Pres Release, June 7 2007.

As the conditions in these countries resembles Chile, if direct connection between decisions supporting genocide claims and bilateral relations of these countries and Turkey is not established, similar decisions at various South American countries may be expected.

4. Bask Regional Parliament's Decision

Spain's Bask Region's Parliament declared a decision that recognized the Armenian genocide on May 11, 2007.

In this decision, in summary, there are matters such as over 2 million people were killed in the genocide against the Armenian people which was committed by the Turkish Government, it was a real genocide according to the 1948 UN Genocide Convention which was signified in the decision accepted by the European Parliament in June 1987, Turkey, who denies this genocide systematically and bans the commemoration of this topic in the criminal code, and sees taking up the topics about Armenia and Cyprus as a danger to fundamental national interests, is censured, the economic and boundary blockades applied to Armenia from Turkey are rejected, the principle of the European Parliament about a country who wants to join the European Union should face with its own history firstly is espoused, forming diplomatic and good neighborhood relations with Armenia and solving the boundary conflicts in peaceful manners is wanted from Turkey.

As it can be seen, The Basque Regional Parliament espoused all the Armenian demands without any reservations.

It is known that the Armenians face with difficulties in obtaining a judgment avowing the genocide from the parliament of one of the biggest countries of European Union, Spain, and that's why they front to the regional parliaments, and that an attempt accordingly in the Catalonia Parliament, in this matter, failed.⁴⁴ The acceptance of Armenian claims by the Basque Regional Parliament is ex-

⁴⁴ Olaylar ve Yorumlar, "Ermeni Araştırmaları", volume: 23-25, p.66.

pected to strengthen the tendency to put the Armenian claims in a setback.

5. QUID Encyclopedia

Quid is a best-seller public encyclopedia in France. In the 2003 edition of this encyclopedia, in 1305th page under the heading “Turkey/Some Problems/Armenia – Turkish Policy on Armenian Problem” Turkish views against Armenian claims of genocide.⁴⁵ The Committee of Defense of the Armenian Case together with some other Armenian organizations had applied to Paris Court on May 27 2003 and made complaint that Quid Encyclopedia and Robert Laffont Publishing Company was committing “propaganda of denial”

Because the relatives and the inheritors of the Armenian Community of that period was hurt and the groups aimed at protecting the memoirs of that event were disturbed, QUID was sentenced to pay an indemnity of one euro.

The amount of the indemnity was symbolic. But this decision also dictated the removal of the views supporting Turkish view. The defendant Robert Laffont applied to Court of Appeals for reconsideration. The court trial took place on January 25, 2006 and the decision was announced after several postponements on March 7, 2006. Court of Appeals has overruled the decision of Paris Court by declaring that “a simple expression of revisionist history thesis does not make responsible the people that do not deny the reality of Armenian genocide, the people that do not embrace Turkish views, the people that do not bring forward the views of the deniers of such views and the people that do not attempt to show this attitude legitimate and just.”

In a more simple expression, according to this decision explaining Turkish views on Armenian problem does not bear any responsibility. Besides this expression, if the mentioned views were defended or espoused there might be responsibility.

⁴⁵ The factual information about QUID Encyclopedia has been derived from Comité de Défense de la Cause Arménienne’s web site (<http://www.cdca.org>)

Because France had recognized the Armenian “genocide” through a law adopted in 2001, people denying the “genocide” mean to act unlawfully. On the possible result of this unlawfulness, since no penalties limiting the freedom were foreseen, the court decides for an indemnity and determines the indemnity at the lowest level, 1 euro. However, the Court of Appeals has overruled this decision on the base of freedom of expression.

Armenian militants do not want any publication or expression that may be against the so-called Armenian genocide, even for the articulation of the views by the counter side. For the reason that the existing legislation does not enable this, there exist dense efforts for the draft to become a law that envisages sanctions to denial of genocide.

It can be understood from the press that the Armenians in France became demoralized because of the decision ordered by Court of Appeals and there are debates on applying to Supreme Court of Appeals.⁴⁶

Meanwhile, the trial opened by the Committee of Défense of the Armenian Case against consul-general Aydın Sezgin about the views presented in the web site of Paris Consulate of Turkey was lost by Armenians, but then it was also brought to Court of Appeals, however, this time the Court affirmed the decision on November 8, 2006⁴⁷.

Despite these unsuccessful attempts, French Armenians continued efforts to control and change the publications according to their views.

Hachette Publishing’s Guide Bleu series (Blue Guide) have been the best-seller travel books. The information given in the section named ‘Partition of Armenia’ in the book of Guide Bleu related to Turkey was disapproved by the French Ar-

46 Armenews, March 8, 2007.

47 Hürriyet, March 9, 2006.

menian Organizations Coordination Committee (Comité de coordination des associations arméniennes de France-CCAF), the organization that asserts to represent Armenian organizations in France. The President of the Committee has written a letter⁴⁸ to General Director of Hachette Publishing and pointed out that the section uttered “the thesis of denial developed for several years by Turkey” and demanded that such publication should be halted and in place of it texts reflecting the real events should be inserted. He also requested a reply informing on the precautions concerning this issue.

When the ‘Partition of Armenia’ section of the guide, consisting of only 17 lines, was analyzed, it was seen that the events were dealt with very briefly and 1915 Armenian massacre and death of hundreds of thousands people under awful conditions were explained. It is understood that since these statements did not include the word “genocide” and the death of 1,5 million Armenians was not contained in the text, CCAF has found the text insufficient.

6. Developments in Bulgaria

Bulgarian Parliament; upon the proposal by Rupen Kirkorian, member of Parliament from National Movement Party of Ex-King Simeon and acceptance of the Parliament Spokesperson Georgi Pirinski, who was a minister during Jivkov era and achieved to stay in politics after the collapse of the communist regime, stood for homage for the victims of Armenian “genocide” on April 25 2007. Hereupon members of Movement for Rights and Freedoms, mainly composed of Bulgarian Turks, left the Parliament.⁴⁹

Ultra-nationalist ATAKA Party proposed a draft recognizing the Armenian “genocide” to be taken into agenda of the Parliament; the government objected this and in the voting the proposal was rejected 48 votes in favor against 95. This time opposition parties left the Parliament. Manalova, speaking on behalf of governing

⁴⁸ Armenews, June 8, 2007. “Le CCAF ‘crit au PDG d’Hachette Livre”.

⁴⁹ Noyan Tapan, April 26, 2005. “Bulgarian Parliament Speakers initiative...”

Socialist Party, affirmed that the same draft has been rejected last year and unless one year passed the same proposition could not be presented.⁵⁰

Bulgarian public has been conditioned against Turks and Turkey for various political reasons, both in the monarchical and Communist era. Although there has been a relative softening in this issue, the essence remained same, and especially among right wing parties there have had negative feelings about Turks and Turkey. In the periods when Rights and Freedoms Movement participate in the government or secure coalitions to have the majority presently, governments care for good relations with Turkey and ensure a good treatment to Bulgarians of Turkish descent.

Although Bulgarian Parliament has not approved any decision related to genocide claims, the homage in the Parliament implies that whenever the conditions become suitable, Armenian “genocide” claims may be accepted unhesitantly.

7. United Kingdom

United Kingdom is the only European country confirming that there was not enough proof that would lead to 1915 events to be counted as genocide. This attitude of British government directed Diaspora Armenians trying to obtain decisions on genocide claims at British regional parliaments and as happened in Edinburgh City Parliament some small tactical achievements were realized. However, facing the reality that regional Parliament decisions are not considered important, attempts for British Parliament came into their agenda again.

The resolution draft numbered EDM 357 which was submitted to the House of Commons and demanded the recognition of Armenian genocide claims, was supported by 68 members. Another resolution draft numbered EDM 344 which was formulated as the lifting up Turkish blockade against Armenia and in fact meaning that a border gate should be opened between Turkey and Armenia was

50 BIRN, May 2, 2007. “Bulgarian Opposition Protest Over Armenian Genocide”.

supported by 66 members.

Armenian Ambassador in London, Vahe Ganbrielian delivered a speech about these drafts at a session in House of Commons where Bob Spink, Nia Griffith, Quentin Davis, Paddy Tipping, Andrew Dismore and Eilian Williams and also well-known Armenian sympathizers Baroness Cox and Lord Avebury were ready. Ganbrielian, after talking about “Turkish blockade” and the importance of the recognition of Armenian “genocide”, maintained that Turkey should apologize Armenia.

It is understood that members of House of Commons recommended the Armenian Community to work for the support of their own districts’ parliamentarians for these drafts.⁵¹

Finally, in a declaration⁵² on behalf of British-Armenian All-Party Parliamentary Group 132 Members of Parliament was declared to recognize Armenian genocide and the names of the Parliamentarians were also enlisted. British Ambassador to Armenia Anthony Cantor while replying a question on this subject said that the policy of British government concerning the recognition of Armenian genocide was well-known and it was not supposed that this policy will change with the pressure of 100 parliamentarians.⁵³

8. The Call of Nobel Winner Scientists and The Reply by Turkish Scientists, Authors and Retired Diplomats

A notice text that calling for tolerance, communication and cooperation between Armenians and Turks and signed by 53 scientists and authors who won the Nobel Award was announced in Elie Wiesel Foundation on April 9 2007. Briefly, in this text, Turkish and Armenian societies were invited to pressure their governments

51 · Massis Weekly Online, March 3, 2007.

52 · Armenian Solidarity British-Armenian All-Party Parliamentary Group, June 2007 “Number of UK Members of Parliament recognizing the genocide rises three fold

53 · ArmRadio, April 4, 2005.

to cooperate in order to open up the Turkish-Armenian land border, to form bilateral confidence in the context of civil society cooperation, to increase formal contacts among two countries and to ensure basic freedoms. Furthermore it was suggested that since the “Armenian Genocide” is perceived differently by two societies, effort for compromise should be sustained.

The text prepared through an initiative of our Institute as a reply to the aforementioned text, has been signed by 86 Turkish scientists, authors and retired ambassadors.

In this reply, it was stated that the call of Nobel-awarded scientists was met with pleasure and it would help to keep communication channels open between two societies and improvement in relations among civil society organizations would be the most suitable method in this process.

It was added about genocide claims, that due to 1948 Convention of United Nations it is a must that an authorized court should decide the existence of specific intention in order an action to be counted as genocide and there was not such a specific intention for Ottoman Armenians; but it is possible to make different assertions in the perspective of freedom of thoughts.

On the issue of establishment of dialogue between two sides, it was reminded that Turkey proposed Armenia to form a Common Historians Committee and institutions such as Elie Weisel Foundation may be helpful in the exchange of views between two sides.

The call of Nobel Laureates and the reply of Turkish scientists, authors and retired ambassadors are presented in “Current Documents” section.

9. Developments Against Armenian Genocide Allegations

In some European countries the tendency that the denial of genocide would be

taken out from criminal context or the penalties envisaged regarding this issue would be lightened. Switzerland was one of the forerunner countries and according to press⁵⁴ Swiss Federal Advisor, Christopher Blocher stated that overview of anti-racist legislation has began, however certain circles were in opposition to such changes. Herein we remind that the leader of Labor Party Doğu Perinçek was sentenced due to this legislation and President of Turkish Historical Society Yusuf Halaçoğlu was investigated for the same reason.

It was seen that, in Belgium, some politicians expressed their doubts about the correctness of Armenian genocide claims. Leader of Flemish Christian Democrats and the President of the Flemish region Yves Leterme argued that nobody could make him to express the 1915 events were genocide in the absence of an international decision⁵⁵; but countering criticisms he said that he was not in doubt about Armenian genocide but in order to penalize this action of denial it should be recognized by international courts.⁵⁶ Likewise leader of Flemish Social Democrat Party Johan Vande Lanotte expressed similar views through labeling Armenian genocide as a sensitive subject and abstained calling it as genocide.⁵⁷

It is understood that Belgian politicians through such wordings, aimed at winning the votes of the Turkish electorate in the June 10, 2007, elections. Despite Armenians had more financial resources and pressure on press, since the number of Belgian citizens of Turkish origin much higher than Armenians the sensitivity of Turkish electorate was cared about by the politicians during the election period.

Pro-Armenian members of Belgian Parliament were uncomfortable with these developments. Senator François Roelants du Vivier who submitted a brief to Belgian Senate in order to ensure penalizing the genocide denial, but was not suc-

54 Armenews 1 Haziran 2007 *éLa Turquie fait Pression sur la Suisse ve* June 5, 2007. "Négationisme du génocide et racisme"

55 *Hürriyet*, June 6, 2007 "Kimse Bana Ermeni Soykırımını Dedirtemez."

56 *Sabah*, June 8, 2007. "Belçikalı Lider Ağız Değiştirdi."

57 *Expatrica*, Belgium June 6, 2007. "Vande Lanotte wont' use "Genocide".

cessful in the attempt,⁵⁸ argued that he would submit a new brief on the same subject in the new legislative term.⁵⁹

10. Meeting of Historians

Many historians from both Diaspora and Armenia were invited to the “New Approaches in Turkish-Armenian Relations” conference organized by Istanbul University on March 15-17 2006, but only two person attended: Bogos Levon Zekiyani and Ara Sarafyan. Because historians in Diaspora and Armenia regard the “genocide” as proven, they did not want to handle the issue with Turkish scientists. So the coming of the mentioned two people to Istanbul was a courageous behavior.

Ara Sarafyan is the head of Gomidas Institute which mainly researches on recent Armenian history and especially their situation during World War I, or in other words whose main purpose is to prove the Armenian genocide. He is a specialist on the “Blue Book” the main propaganda tool of Armenians.

As a matter of fact, Sarafyan presented a paper in the conference on the “Historical Significance and Denial of British Parliament’s Blue Book headed ‘Handling of Armenians in Ottoman Empire during 1915-1916’” After the presentation President of Turkish Historical Association Prof. Yusuf Halaçoğlu proposed Sarafyan to work together on 1915 events and Sarafyan did accept this offer.

Despite no development happened in the course of one year after the Conference, Ara Sarafyan, after an interview published in Nokta journal, in a press release⁶⁰ of Gomidas Institute, proposed a “Case Study” to be arranged on Harput. He suggested that Turkish historians would display the documents on the relocation carried in this region and would display other documents that would reveal that

58 Olaylar ve Yorumlar, Ermeni Araştırmaları, Vol. 16&17, pp. 64-65.

59 ArneNews, June 8, 2007. “Le Sénateur belge François de Roelants du Vivier fait part de sa stupéfaction et de son indignation”

60 www.Gomidas.org/pres/20Deb07Pressrealese.htm

not only relocation was implemented in that region but also ill-treatment and massacre has been carried out.

The issue that is named as “Case Study” by Sarafyan is the in-depth investigation of a particular historical occasion within the framework of a region, a city, a district or even a family in spite of searching the entire event with all aspects. In general, case studies are arranged whenever the general event is well-known. Genocide claims are not a suitable subject for case study which is a partial method of research, because enforced migration should be dealt with all causes and results as a whole. Furthermore Sarafyan by declaring, without seeing Ottoman documents, that the documents he had, proved the Armenian massacre; had sabotaged the common study before it began. Nevertheless, Halaçoğlu accepted the proposal.⁶¹

Halaçoğlu in a press conference on March 9 2007, stated that Sarafyan had laid down the project via a e-mail message and showed his expressions on a TV channel declaring that “the material that Sarafyan desires would not be found in the archives” as the reason of this lay down.⁶² Halaçoğlu adding that Sarafyan possibly behaved in this way under pressure said that a good opportunity was thrown out for Turks and Armenians; maybe a new possibility of cooperation would not be founded, even they would continue to keep the door open.⁶³

As mentioned above, the reason of Armenians to reject conducting collective historical research with Turks is their fear that such a research would threaten the “genocide” claims which they treat as proven. For this reason any positive reply was shown to Prime Minister Erdoğan’s Joint Historians Committee proposal, and again for this reason no result could be got in the meetings between historians in Wien. However, since there would be no political consequence as long as genocide claims were not accepted by Turks, it seems inevitable to arrange a

61 Sabah, February 21, 2007.

62 www.habernokta.com, March 9, 2007.

63 The same resource.

common research for Armenians. But Armenian Diaspora is not ready such an attempt which threat their position.

11. Mass Graves

One of the weak points of the Armenian genocide claims is the absence of the mass graves of Armenians in Turkey. If 1,5 million Armenians were killed at the time of Armenian relocation of 1915-1916, and then the presence of the several mass graves of Armenians would be inevitable. However, as many mass graves of Muslims killed by Armenian atrocities was founded, opened and recorded in Eastern Anatolia, no mass graves of Armenians was founded, even not claimed that there was one.

Through the end of 2006 on an Armenian web page⁶⁴, with attribution to the “Ülkede Özgür Gündem” newspaper which gives voice to the separatist Kurdish views, an item broadcasted that a mass grave of the 300 Armenians those killed in 1915 discovered in the Kuru Village of Nusaybin District in Mardin province. After about a week, a newspaper⁶⁵ of Armenian Diaspora by attributing to Prof. David Gaunt in the University of Soderton in Sweden, claimed that in that mass gave there were 160 Armenian and 120 Syrian males who killed on July 14, 1915. Two days after that Syrian News Agency⁶⁶ wrote that all of the dead people were Syrians. Concisely, a divergence occurred between Armenians and Syrians about who buried in the grave.

After Turkish authorities stayed in silence about these rumors, the governor of the province Mardin, Mehmet Kılıçlar by declaring⁶⁷ that the graves were not a mess grave in which Armenians killed and buried as they claimed, instead one of the stone graves that placed on the east of the village, said it is a very old grave.

64 Armenews, October 3, 2006, Asbarez, November 3, 2006.

65 Asbarez, November 3, 2006.

66 Assyrian International News Agency, November 5, 2006.

67 Zaman, November 9, 2006.

The claims that Syrians were subject to genocide is a new claim compared to Armenians'. Some Syrians migrated to Europe in 1960s because of economical reasons settled in Sweden mostly. By taking into account that those migrants have accomodation problems with their new country and that the genocide claims caused Armenians to be sympathized, it is began to be asserted that Syrians were exposed to genocide. These assertions also adopted by various Swedish social scientists and politicians. As there is an increase in propaganda of Armenian genocide in recent years, the claims on Syrian genocide have also increased.

The discovery of a mass grave in the Kuru village of Nusaybin, reflected on the Swedish newspapers in accordance with the Syrian genocide claims. Furthermore a member of parliament requested, from Foreign Minister Karl Bilt, the investigation of the graves by an independent commission composed of scientists and historians⁶⁸.

In Turkey, the President of Turkish Historical Society, Prof. Yusuf Halaçoğlu declared on a statement and said that the mass grave in Nusaybin can be opened in the presence of Western, especially Swedish, historians even of the scientists participating from Armenia; subsequently added that aforementioned Prof David Gaunt accepted the invitation on January 12 2007, and upon his presence he could move as he wanted in the region and interview anybody he chose.⁶⁹ Prof. Gaunt, by sending a letter to Halaçoğlu, proposed April 23-25 as arrival and departure dates for these excavations⁷⁰ and despite this proposal aimed at serving Armenian propaganda for it included April 24, it was accepted by Halaçoğlu.⁷¹

During the inspection made in the cave on April 24 2007, Prof Gaunt did not want to participate to the research and take existing bones and soil for analysis, by arguing that the skulls and bones that were seen in the previously taken photo

68 Spero News, November 29, 2007.

69 Zaman, February 9, 2007.

70 Hürriyet, February 14, 2006.

71 Hürriyet, March 10, 2007.

that he had, were absent. Prof Halaçoğlu explained that as a result of rain, water and dust have covered up the bones in the cave; however Prof Gaunt did not agree to dig the cave.⁷²

Prof. Halaçoğlu, later on indicated that examples of bone and soil have been analyzed and it was seen that these belonged prior to 1800 as the closest time.⁷³

12. The Film Skylark Farm

Paolo and Vittorio Taviani brothers are famous Italian film directors who produce films together. Tavianis, who were mostly inactive in latest years possibly because of their old age, attempted to come up with a film named Skylark Farm.

The film has been prepared on a scenario which is based on a book, *La Masseria delle Allodde* (The Massacre of the Skylarks) written by an Italian of Armenian descent, Antonia Arslan. The life of Avakian family and their situation during the relocation have been carried to the scene.

According to a magazine⁷⁴, it is almost impossible to stay patient in the film because of horror stages and Tavianis had created scenes that spectators would never forget.

It seems that the Skylark's Farm has got ahead of Atom Egoyan's *Ararat* with respect to horror and enormity. It is understood that after the failure of *Ararat*, Armenian Diaspora reattempted to make the public aware of this kind of a film with through using well-known film directors. Arsinée Khanjian, Atom Egoyan's wife, who is also very renowned with her anti-Turkish attitude, was in the role of one of the daughters of Avakian family in the film and this shows the affiliation between two films.

72 Radikal, April 26, 2007. "Bu kemikler nereye gitti?"

73 Yeni Şafak, May 24, 2007: "Ermeni iddiaları yine asılsız çıktı."

74 Der Spiegel Online, February 14, 2007.

Taviani brothers expounded their sending the film to Berlin Film Festival by the existence of a large Turkish community in Berlin and claimed that Turkish people should face their past. Moreover they added that they attempted such a film also to comment on the events in Bosnia and Rwanda.⁷⁵ Evidently Tavianis assumed the task to “educate” not only Turks but also non-Turks in the subject of genocide by preparing a film. In fact, it is seen that they had a simpler task and put their art under command of Armenian Diaspora, used the images that were desired by the Diaspora and tried to give the messages that the Diaspora demanded. In this vein their expression that Turkey should be a European Union member only after recognition of Armenian “genocide” is a typical Armenian view.⁷⁶

Except the scenes of horror it was clear that the film did not take much interest, besides these scenes seemed to decrease the effect of the film.⁷⁷ The silence⁷⁸ of the spectators in the saloon may be explained by both apathy towards the film and the shock caused by horror scenes. Yet, Tavianis participated in Berlin Film Festival with the hope of winning the Golden Bear prize.⁷⁹

The film which was a French, Spanish and Bulgarian joint production, cost 9,6 million euros (16,5 million US dollars) was normally expensive for a European film.

The film was featured in May in European countries. The critics directed towards the film are negative especially in France.⁸⁰ As a journalist has put, this skylark could not fly.⁸¹

75 RFE/RL, February 14, 2007.

76 California Courier Online, February 22, 2007.

77 World Socialist Web Site, March 5, 2007.

78 Der Spiegel Online, February 14, 2007.

79 PanArmenianNet, February 13, 2007.

80 Le Figaro, May 30, 2007; Les Echos, May 30, 2007; L'Express, May 31, 2007; Télérama no 2994, June 2, 2007; Le Point, June 7, 2007.

81 Yasemin Esman, Turkish Daily News, February 17, 2007.

13. The Screamers Documentary

A documentary film named *Screamers*, after rewarded⁸² at the American Film Institute Film Festival on the date of November 2, 2006, released in Los Angeles at the beginning of December. The director of film is an Armenian-American lady Carla Garapedian, who is a former BBC anchor and who has rewards on documentary films.

Screamers handle the subject that the genocide is committed for the first time by Turkey to the Armenians as a state policy, followed by Hitler to commit the Jewish Holocaust and after that, genocides committed in Cambodia, Rwanda, against Kurds in Iraq; by showing various direful and horrible scenes like perishing bodies, cut off heads⁸³. Teen-agers younger than 17, can see the film only by escort⁸⁴.

The reason why the film was named as “*Screamers*” was that it was wanted in the film by screaming to do something about this subject from the countries that do not recognize the genocide like USA, England and Turkey.

The noisy music of the hard-rock group named System of a Down, who won a Grammy reward and sold 16 millions of CDs, was used in *Screamers*. The members of this group, who are all, of Armenian descent and asserting⁸⁵ the being of grandsons of Armenian Genocide survivors, played roles in the film.

System of a Dawn is a group which performs a kind of protest music that became popular at mid90s. System of a Dawn began performing songs that implies the assertions about genocide, and delivering brochures in their concerts, after they affected by Tashnaks who has influence on Armenians in Los Angeles; moreover they have participated in the protest demonstrations in front of the Turkish con-

82 ANCA Press Release, January 8, 2007.

83 Asbarez, December 23, 2006.

84 New York Times, January 26, 2007.

85 LA City Beat, December 7, 2006.

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sulate general on 24th Aprils of every year. The attempt of the Leader of the group, Sej Tankiyan and the drummer John Dolmayan to blame the Denis Hastert, the president of United States House of Representatives in the House building because he did not put a proposal including Armenian assertions on the agenda, gives ideas about the offensiveness of the group⁸⁶.

Screamers screened to members of the Congress in the US congress building in Washington on 17th January 2007 and Carla Garapedian made a speech and answered the questions. There are 435 representatives and 100 senators in the US Congress currently. The six of these members, who is also in Armenian “Caucus”, came, and almost 50 of these sent their officers⁸⁷. If the majority of the Armenian-sided members in the Congress taken into consideration, this disinterest in Screamers is necessarily stems from the fact that it is a propaganda film. Nevertheless, some Turkish-Americans also participated in this meeting and tried to ask questions to the director of the film but they imposed silence. This affair is important because it shows that some Turkish-Americans are beginning express their annoyance on the claims and blames about genocide.

According to news⁸⁸ in press the cost of this film was approximately 1 million dollars. Financing has been ensured by MG2 Productions, BBC, and Raffy Manoukian who is an Armenian-American businessman. In fact it is seen that this film, which consisted in some old photos and films, the videos and music of System of a Down, and interviews with Armenian-sided people, cost a great deal of money. On the other hand, it is not possible that this film, which is still being showed only in large cities, can ascertain the cost. MG2 Productions is a private company; the benefit and lost is its own problem. The loss of Manoukian can be ignored who is an Armenian. However it is difficult to understand, by taking into account that English government does not recognize the Genocide, how BBC spent the money of the English taxpayers for such a production.

86 The Washington Post, January 21, 2007

87 Armenian Reporter, January 27, 2007.

88 ArmRadio, November 8, 2006.

14. TIME Magazine

An announcement which includes Armenian Genocide assertions and given by some of Armenian Institutions published in Time, well-known American journal, on the number that sold 500,000, which has a date of 12th February, and moreover a DVD was delivered free. DVD included a documentary film presenting the Armenian Genocide claims and has been produced by French director Laurence Jourdan and an interview with Yves Ternon who is one of the most persisting defender of Armenian claims from 1980s to the present in France. Armenian sources claimed that Time took no money for the publication the announcement and deliverance of the DVD.⁸⁹

The DVDs were not put in the copies of Time which sold in Turkey and which sent to the subscribers in Turkey, to prevent the reactions against the journal in Turkey. However, deliverance of the Time that included the stated announcement and the DVD in a German Lufthansa craft by which Foreign Minister Abdullah Gül was flying to USA caused some of Turkish passengers to be offended and complained to Gül.

This action was, in fact, prepared as a reply to the announcement given to Time and deliverance of a DVD by Turkey in 2005. As we declared⁹⁰ to our reader previously, on the June of 2005, the journal of Time published a four-paper tourism-announcement titled as “Crossroad of Culture: Turkey”. Besides, a four-episode DVD was delivered. As in the first three episodes historical and natural beauties of Turkey were introduced, the fourth episode included a summary of a documentary film handling Armenian problem, named as “Sarı Gelin”. Announcement was given by Ankara Chamber of Commerce. The president of the Chamber Sinan Aygün said that the announcement and the DVD cost 1 million dollars.

89 The California Courier, Presse Release, 2 Şubat 2007.

90 Ömer Engin Lütem, “Olaylar ve Yorumlar”, *Ermeni Araştırmaları*, volume 18, Summer 2005, pp. 41-43.

Armenians strictly reacted against this announcement and the DVD. The Committee of the Defense of the Armenian Cause (Comité de la Défense de la Cause Arménienne) which was established by Tashnaks in France, gave out a declaration and declared that they condemned Turkey's denial campaign and irresponsible connivance of Time; and claimed that the purpose of this attempt was to create doubts about historical facts. The president of the Committee, Harut Mardirosian said that Time lost its honor and sold its credibility in the field of journalism for the sake of money. Time bounded to retreat and on the number dated 17th October 2005, published a letter which was sent by an institution named "Mémoire 2000" in the name of some institutions that struggle racism, anti-Semitism and the denial of the Genocide, and which strictly criticized the journal. Moreover, the journal declared that by an editorial note that they felt repentance, the DVD reflected a one-sided interpretation of the history, the journal did not correspond with the standards of honesty and rightness, if the content of it had been known beforehand, the DVD would not have been delivered, and they announced that editorial procedures of the journal had changed and they apologized to Armenian community and readers.

However, it is seen, that this subject is not over and the Armenian institutions wanted a DVD that prepared by themselves to be delivered by Time; and that Time delivered DVD after a time of one and a half year. Although it was asserted by Armenian sources that DVD and announcement published without charge, it is possible that the stated one and a half year period might be passed with the negotiations of the money that would be paid to Time.

IV. Developments in Armenia and Diaspora

1. Commemoration of April 24

As is known, April 24, 1915 is accepted as the date on which the so-called Armenian genocide first started. Every year on this day, both in Armenia and Diaspora large commemoration ceremonies are arranged.

It is known that, because Armenians openly collaborated with the Russian armies in Eastern Anatolia and thence constituted a threat for the security; approximately 200 of Armenian notables were arrested and sent to exile to Çankırı and Ayaş on April 24, 1915.

This event was presented by the Armenian propaganda, as if more than 2000⁹¹ Istanbul Armenians were arrested and then killed, and in this way April 24 was maintained as the first day of the “genocide”. Later on, despite some Armenian historians⁹² conceded that there were much less arrests and that there was no killing in the city the understanding of April 24 as the symbol of “genocide” did not change.

April 24 commemoration of the Diaspora consists of managing large marches in big cities such as Paris, New York, Washington, Los Angeles; demonstrating in front of Turkish representative offices if exists in that city, sometimes burning Turkish flag, solemnizing at the Armenian Churches, arranging ceremonies at Armenian schools, holding conferences and seminars, showing documentaries and films.⁹³ Moreover, in the US, some members of Congress deliver speeches on Armenian “genocide” in Senate and House of Representatives on April 24 or nearby days. Number of these activities is very high and necessitates serious expenses. When it is thought that only “Skylark Farm” cost 16,5 million \$, all the activities organized in Diaspora countries require more than a few hundred million dollars. Thinking of the size of this amount, it is possible to argue that an industry exists which tries to commercialize the Armenian genocide.

Coming to Armenia, the habitual ceremonies were also repeated this year. On the

91 One of the leading defenders of Armenian claims in France, Yves Ternon gives this amount as 2345 but does not show the resource. Yves Ternon, *L'Etat Criminel. Les Génocides au XXe siècle*, Paris, 1995, p.

92 Raymond Kevorkian, *Le Génocide des Arméniens*, Paris 1996 p. 315. In this book it is argued that some of the Armenians that were exiled to Çankırı and Ayaş has been permitted to return to Istanbul and some of them were killed.

93 For the films that were in vision this year please read “Screamers” and “The Skylark Farm” sections of the actual paper.

night of April 24, a public march was arranged with the participation of thousands carrying torches and Turkish flag was burnt at the Freedom Square.⁹⁴

On the day of April 24, a commemoration ceremony was held at the “genocide” monument called as Tsitsernakaberd in Armenian with the attendance of President Kocharian, Prime Minister Sarkisian, Parliament Speaker Torosian, ministers, members of Parliament and representatives of civil society organizations and also wreath was laid to the monument. Foreign country representatives in Yerevan were also attended to the ceremony and laid their wreaths.⁹⁵ (Laying a wreath to this monument by a representative of a country means that genocide claims are recognized by that particular state) During the ceremony, Armenian Head Patriarch Karekin II prayed.⁹⁶

In his message, after stating that the “genocide” was committed by Ottoman Turkey, President Kocharian claimed international society recognizes that the genocide was against to whole humanity, not a particular nation; strengthened Armenian identity, compelled Armenians to unite, directed them to independence and statehood and proposed that a prosperous Armenia will be “response to those who planned, carried out and now deny the Genocide.”⁹⁷

Prime Minister Sarkisian expressed, in his message, that lack of recognition and condemnation of Armenian genocide on time gave way to similar crimes and insisted that since genocide is a crime against humanity the condemnation of Armenian genocide is not an issue of solely Armenian people. Sarkisian also added that on the occasion of the commemoration they also commemorate Hrant Dink and support Turkish intellectuals “who strive for historical truth” Lastly he mentioned that “the issue of recognition and condemnation of the Armenian Genocide is their foreign policy agenda” but they also “aspire to establish normal

94 Agence France Presse, April 23, 2007. “Thousands of Armenians Mark Anniversary of 1915 Mass Killings”

95 Armenpress, April 24, 2007.

96 Noyan Tapan, December 24, 2007, “ Let Our Neighbours Not Think.....”

97 Armenpress, April 24, 2007, “President Kocharian Remembers Genocide Victims”

relations” with all neighboring countries.⁹⁸

Minister of Defense General Harutyunyan said that it would be possible to prevent similar events in the future through commemorating the victims of genocide and stated that “our neighbors should know that we will never forget the genocide”.⁹⁹

As per usual, the sharpest comment was from Aram I, the Cilician Patriarch, whose center is in Antelyas, close to Beirut. Aram I stated that, the Armenian genocide is a historical fact so no longer need to refer evidence; that denial of the fate of Armenian nation would cause other genocides and “must be recognized not only by the international community but also by those whose fathers and forefathers committed the crime against humanity”; that murder of Hrant Dink and transformation of centuries old Akhtamar Church into museum showed that Turkey was not a “civilized country with a concern for human and cultural rights”. He added that compensation must be made to the victims; justice may only be real “after recognition, confession, and compensation, only then reconciliation” would be possible and furthermore, “cheap reconciliation would never establish justice”.¹⁰⁰

It can easily be seen that at the April 24 commemoration activities, well known, cliché Armenian views were repeated again. Because of this and the transformation of commemoration ceremonies to routine rituals, the April 24 ceremonies were not echoed much except Diaspora and Armenian press.

2. Message of President Bush

President Bush did not use the word “genocide” in his message¹⁰¹ for April 24, as previous years. However, to define the events of 1915, concept of “mass killing”

98 ArmRadio.am, April 24, 2007, “Serge Sarkisyan: We Struggle to Prevent Reoccurrence of Genocides”.

99 ArmRadio.am, April 24, 2007, “Homage to the Memory of the Armenian Genocide Victims”.

100 <http://www.cathcil.org>, April 24, 2007, “We Must Move Forward From Recognition to Compensation”.

101 Congressional Quarterly, CQ Federal Department and Agency Documents, Regulatory Intelligence Data, April 24, 2007.

was used which was reminding the concept of “genocide”. Moreover, that event was labeled as “one of the greater tragedies of the 20th century”, “horrific events” and “a painful chapter of history”. On the other hand, Armenians were praised of having “indomitable character” and “courage and conviction”

As in the previous years, this years’ message also contended that 1,5 million Armenians lost their lives. It was surprising that United States President used a claim that has no scientific base, no possibility to prove and was unaccepted even by Armenian authors.

Main reason directing President Bush to this behavior is the desire to satisfy American people of Armenian stock. In the knowledge that usage of the word “genocide” would create considerable problems with Turkey, White House chose to use synonym words and praises Armenians in April 24 messages, in order to satisfy militant Armenians to some extent who insists on the usage of that word.

The statements such as “we remember the past and also look forward to...future”; “we commend the individuals in Armenia and Turkey who are working to normalize the relationship between their two countries”; “a sincere and open examination of the historic events...is an essential part of this process”; “the United States supports and encourages those in both countries who are working to build a shared understanding of history” shows that United States attach importance to the reconciliation of problems between two countries and accept that examination of history may serve to this end. These statements bring to mind the indirect proposal by Prime Minister Erdoğan to President Kocharian two years ago, on the establishment of a Common Committee of Historians. In that year’s message, President Bush had cited that proposal through mentioning the name of the Prime Minister; however facing negative reactions of Armenians, this year, similar to last year, did not cited Prime Minister Erdoğan’s name and highlighted the need to make historical investigations in order to reach a common understanding.

In both 2005 and 2006 messages of President Bush there was a reference to a report prepared by an American law organization named International Center for Transitional Justice. In this report, it was proposed that as reciprocity of the recognition of the “genocide” by Turkey, Armenia would give up its land and indemnity demands from Turkey, in order to solve the Armenian problem.¹⁰² It is a positive development that such a formula, which is by no means acceptable to Turkey, was not included in this year’s message.

In the following parts of the message US-Armenian relations were praised profusely and States’ gratefulness was declared to Armenia for its struggle (?) against terror.

Another positive aspect of the message was the statement that US declared to cooperate decisively with Armenia and Azerbaijan in order to find a peaceful solution for Karabagh problem.

3. Elections in Armenia and New Government

Parliamentary elections took place on 12th May 2007 in Armenia. We will give short information about the electoral system of Armenia and how the elections take place before we go ahead the results.

There are 131 seats in the Armenian Parliament. 90 of these are distributed among the parties which win votes more than five percent, in accordance to with the proportion of their votes. Moreover, in the each one of the 41 polling districts, separate elections that participated by individuals, not by parties, won by the one at the head of the poll, takes place. Thus the electoral system of Armenia has a mixed character of electing both parties and individuals and fundamentally different from the Turkish system which provides the election of the parties.

The major problem of the Armenian elections is electoral corruptions. Threat-

102 Ömer Engin Lütem, “Olaylar ve Yorumlar”, *Ermeni Araştırmaları*, Vol. 22, pp. 48-51

ening and collusive actions like buying votes, exchanging votes for others, voting under threat especially in small districts, taking people to the ballot box as groups, has been confronted in every elections in Armenia since the formation of Armenia, and international organizations have criticized the Armenian elections strictly for evading the existing standards, moreover, sometimes it is mentioned that the membership of Armenia to the Council of Europe is in danger¹⁰³. However by the tactic of saying that the corruption and illegal affairs are not as common as to affect the results, the elections declared as valid.

On the other hand, movements of violence have always seen in the Armenian elections. The same tendency has showed itself again at this time and Vartan Gukasyan, the Mayor of Gyumri, which is the second largest city of Armenia, injured seriously after an armed attack, at the beginning of April. According to rumors Gukasian who was the member of Republican Party, was on the edge of transferring to Prosperous Armenia Party. An attack occurred against the candidates Hagop Hagopyan and Suzanna Harutyanyan on 8th April in the city of Etchmiadzin and this attack attributed to a General who himself is a candidate.¹⁰⁴

After a short period, two electoral bureaus of Prosperous Armenia Party were bombed in Yerevan but the events caused no casualties. The spokesman of President Kocharian, Soghomonian declared that this attack was prepared in order to create instability in the elections.¹⁰⁵

As the day of 2007 election was coming closer, the US and the European Union warned, on several occasions, Armenian elections to be fair and also proper to the existing regulations. Moreover, USA set up the condition of equity of the elections for the establishment of the credit of 235 million dollars to Armenia within the aid program of Millennium Challenge, and the Armenian Authorities,

103 On this subject, for 2003 elections: Ömer Engin Lütem, "Olaylar ve Yorumlar", *Ermeni Araştırmaları*, Vol. 9, pp. 10-12, Vol. 10, pp. 9-10.

104 Institute For War and Peace, April 14, 2007 "Violent Start to Armenian Election Campaign"

105 RFE/RL, April 12, 2007 "Tsarukian Party Office Damaged by Blast"

especially Foreign Minister Vartan Oskanian, declared that maximum attention will be paid to this issue. Compared with 2003, it is seen that different conditions dominated the political area in 2007 elections.

One of them was that Robert Kocharian, the most influential politician of Armenia will leave the field of politics in the course of a little time. Armenian constitution foresees the President to be elected for two terms at most. So, Kocharian whose term will end next year will not be elected again, and because not elected as a parliamentarian will not be elected to posts such as Presidency of the Assembly. Furthermore, for being not a party leader will not be able to serve as Prime Minister. However, almost everyone in Armenia is in the opinion that Kocharian will not draw away from politics and will attempt to gain an influential position. But, it is not clear how this will happen.

Despite Kocharian will leave another figure is becoming eminent in Armenian political scene: Defense Minister Serj Sarkisian. Aforementioned has entered the larger partner of the coalition government, the Republican Party, in 1998 and after the death of the party leader and the Prime Minister Antranik Markarian on March 25 2007 became the party leader first and then was appointed as the new Prime Minister by Kocharian. Rapid escalation of Sarkisian in a very short time and big success of Republican Party at the elections made him the favorite candidate for next year's presidential elections.

The leader of Country of Law Party Artur Bagdasarian who was the President of the Assembly had to resign from this post in 2006. Even though nearly all Armenian politicians tries to maintain good relations with Russia and pursues Russian support, Bagdasarian attempted to secure Western support through France and did not camouflage his desire to become the President in 2008 elections. It is possible to explain the forcing to resignation from Presidency of Parliament and expelling the party out of the coalition of the aforementioned, by his western advocacy.

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Lastly, in a speech with a British diplomat, secretly recorded and infiltrated to the press, he was demanding from European Union to criticize Armenia for the elections. This was labeled as betrayal by President Kocharian¹⁰⁶ and Bagdasarian and his party lost considerable prestige.

During last five years, Armenian political parties and politicians of pre-Kocharian era lost their significance. The leader of People's Party Stepan Demircian, who obtained 28,2% of votes in 2003 Presidential elections and Artatesh Gegemian, leader of the National Unity who obtained 17,7% of the vote, nearly lost all their support since they could not produce positive policies and solutions, except some protest movements.

One of them is the first Minister of Foreign Affairs Raffi Hovannisian's Heritage Party. Aforementioned was removed from office in 1992, by President Levon Ter Petrossian because of his pretension of a harsh politics against Turkey. For long years, since he was disenfranchised from Armenian citizenship Hovannisian could not take part in politics; only after obtaining citizenship two years ago as a result of pressure by American Armenians, founded Heritage Party. (His father is the famous professor of University of Southern California, Richard Havonnisian) With the assistance of a research institution named ACNIS and through American methods, the party attempted to disseminate views and ideas of the Diaspora in Armenia.

Second party is Prosperous Armenia which was founded by old world arm-wrestling champion, businessman Gagik Tsarukian and supposed to be controlled by President Kocharian. With the financial resources of its leader 370,000 members are said to be registered¹⁰⁷ and it seems that the party does not have a decided political program except siding market economy like the governing Republican Party.

106 Radio Liberty, April 17, 2007, "Armenian Ex-Speaker Accused of Treason".

107 Armenian Reporter, May 5, 2007, "A Look at the Electoral Train".

The oldest political party of Armenia, Armenian Revolutionary Federation or Tashnak Party, founded in 1890, which is not a revolutionary party as the name indicates but an excessively nationalist party, continues to hold an important place in Armenian politics. Party owes its position to policies defended for long years such as claims of genocide, demands of land and indemnity from Turkey, inclusion of Karabagh, Nakhichevan and Georgia's Javaheti region into Armenia.

Various forecasts and opinion polls before the elections have shown that the bigger partner of the coalition Republican Party would be the first, Prosperous Armenia would follow it, Rule of Law Party would be able to enter parliament despite some losses and Tashnaks would secure their previous position. The results substantially verified the forecasts.

1,389,521 persons, constituting 60% of all electorate of 2,300,000, voted in the elections. The names of the parties that were able to secure seats, their number of votes and percentages are as follows¹⁰⁸:

Name of the Party	Vote	%
Armenian Republican Party	457,032	32,8
Prosperous Armenia Party	204,443	14,7
Armenian Revolutionary Federation	177,192	12,7
Rule of Law Party	92,256	6,85
Heritage Party	80,890	5,82

Armenian Republican Party achieved more than being the largest party, but also was very close to absolute majority in the parliament, obtaining 64 seats of 131.

108 The Armenian Weekly On-line, Vol. 73, No.20, May 19, 2007, "The Armenians Vote for a New National Assembly"

In fact, with the joining of independent members of parliament, they are able to establish the government.

Prosperous Armenia was the second, however scored much less than forecasts and secured only 24 seats.

Tashnaks increased their seats from 11 to 16 and their rank from fourth to third party of the country.

As expected Rule of Law Party lost approximately half of its seats and could gain only 9 seats. Raffi Hovannisian's Heritage Party, despite all efforts and modern campaign methods could win only 7 seats. Old Armenian parties such as National Unity, Justice Bloc, and Armenian Labor Party could not win seats this time because of the 5% threshold. These left aside additional 14 parties also could not send deputies to the parliament because of the threshold. Unrepresented votes as a result of the threshold reached 27%.¹⁰⁹ Despite Armenia was ruled by a communist government for decades and continuing nostalgia to that era, Communist Party of Armenia obtained 8792 votes and Marxist Party of Armenia only 2660 votes. One of the historical Armenian parties, Hinchak which was the responsible of many terrorist attacks in Ottoman period scored only 989 votes.

Armenekan Party the first Armenian party of the Ottoman era and recognized by terrorist activities has changed its name as Ramgavar and adopted more moderate policies. Mainly functioning in Lebanon, this party could not attend Armenian elections. In the following chart, the number of seats obtained in 2003 and 2007 elections by various parties are shown:¹¹⁰

¹⁰⁹ Medimax News Agency, May 13, 2007.

¹¹⁰ Election results were derived from these sources: Arminfo 14.05.2007, 20.05.2007 and RFE/RL 21.05.2007.

	2005	2007	Difference
Armenian Republican Party	32	64	+32
Prosperous Armenia Party	-	24	+24
Tashnaks	11	16	+5
Rule of Law Party	18	9	-9
Heritage Party	-	7	7
Independent and the other	36	11	- 25
Justice Bloc	15	-	-15
National Unity Party	9	-	-9
United Workers Party	6	-	-6
Armenian Labor Party	1	-	-1
Empty	3		
	131	131	

Elections were generally calm despite some claims by the opposition, of irregularity and artifice.

On this subject, head of election observation committee of Commonwealth of Independent States, Vladimir Rushailo pointed out that the elections were appropriate to the existing legislation.¹¹¹

Organization for Security and Cooperation in Europe (OSCE) and related organizations The Office for Democratic Institutions and Human Rights (OSCE/ODIHR), European Council Parliamentarian Assembly, OSCE Parliamentarian Assembly and representatives from the European Parliament confirmed in a preliminary report published on June 13th, that Armenian elections “to a considerable degree correspond” to the international standards.¹¹²

¹¹¹ Arminfo, May 13, 2007. “Parliamentary Elections in Armenia were free and transparent”

¹¹² Medimax News May 13, 2007 “European observers say Armenian election meets international standards.”

Afterwards, complimenting and congratulating messages from certain European political persons to Armenia. Among them member of European Commission Ms. Ferrero-Waldner¹¹³, Commissioner of European Union Common Security and Foreign Policy Javier Solana¹¹⁴, EU Special Commissioner for Caucasus Peter Semneby¹¹⁵, Secretary General of NATO Jaap de Hoop Scheffer¹¹⁶ should be mentioned. Deputy Spokesperson of US Secretary of State Tom Casey also praised Armenia for the elections, although in a more moderate manner.¹¹⁷ Main reason for these hasty celebrations is the belief that elections constitute the foundation of democracy and human rights. In this way, Armenia was celebrated because of the conviction that the country is closer to democratic principles and is omitted from the category old ex-Eastern Bloc countries.

In contrast to this, it was seen that almost all parties, who were the losers of the elections, complained that there were deception and irregularities in the election.¹¹⁸ Some of them applied to Constitutional Court on this subject but that attempt proved to be futile.

The interim report¹¹⁹ dated May 25 2007, by the OSCE and OSCE/ODIHR displayed that the satisfaction of various people and circles for this elections was overblown since many irregularities happened during the elections. Incoherence between information released by different Armenian official bodies about certain election results, the falsity and deficiency of election board reports, broken or unstamped seals and the delay of election results in some districts were the main defects of the Armenian elections.

113 <http://www.insideeurope.org>, May 14, 2007.

114 ArmRadio, May 14, 2007. "Javier Solana: Parliamentary elections in Armenia met the OSCE and CoE standards"

115 ArmRadio, May 15, 2007. "Armenia Passed the test"

116 ArmRadio, May 15, 2007. "Jaap de Hoop Scheffer: NATO will continue to support Armenia's reforms efforts"

117 Medimax News Agency, May 15, 2007. "US Department of State congratulates the Armenian People....."

118 RFE/RL, May 25, 2007. "Sarkisian lauds OSCE for objective election verdict"

119 A1+, May 25, 2007. OSCE/ODIHR Post-Election Interim Report No. 1.

As can be seen there are serious differences between two reports prepared by OSCE/ODHIR, the reports dated May 16th and May 25th. However the public was influenced by the first report and the irregularities did not take much attention.

As a conclusion, it is understood that irregularities existed in Armenian elections again; despite they were less than previous elections.

Before the elections parties mainly campaigned on domestic issues and economic situation in contrast to 2003 elections campaigns¹²⁰ during which mostly foreign policy was dealt. Concerning the Karabagh problem a theoretical war situation exists with Azerbaijan and a ceasefire regime still prevails. Armenian-Azerbaijan border has been closed for fifteen years. Coming to Turkey the land border has been closed for twelve years because of Karabakh issue. There is no diplomatic relation between two countries. In short, although there are fundamental problems with both Turkey and Azerbaijan; these problems were shunt backward because the opinion that these issues are not urgent, became widespread among Armenian people since no development occurred on this issues for a long time.

Similar to many countries Turkey also notified OSCE/ODIHR about the desire to send an “election observation mission” to Armenia. However Armenia did not issued visa to Turkish mission of eight persons. In the declaratory clause¹²¹ of Armenian Foreign Ministry this decision was explained by Turkey’s closing off the borders and cutting the diplomatic relations with Armenia and stated that “Turkey cannot choose and select which kind of political relations it wishes with Armenia and which it does not wishes to have”. In a reply¹²² to a question about this issue, Spokesperson of Turkish Foreign Ministry declared that the allocation of Turkish observers showed the importance and concern imputed to the normalization of bilateral relations and democratic development of Armenia. Moreover it

120 Ömer Engin Lütem, *Olaylar ve Yorumlar, Ermeni Araştırmaları*, volume 9, pp. 115.

121 Ministry of Foreign Affairs of the Republic of Armenia, Press Release, May 9, 2007.

122 Foreign Ministry, SC.19, May 7, 2007.

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was argued that Armenia's situation, that is far from constructive dialog, isolated and entertaining itself with suspicions, prevents it to integrate into international society and establish good relations with neighboring countries.

As indicated above, although Armenian Republican Party could be able to sustain absolute majority with the inclusion of independents, they preferred to weaken the Parliamentarian opposition through establishment of a grand coalition with Prosperous Armenia and Tashnaks. The basic idea lying in the backside of such a preference is possibly to ensure a stronger position for Presidential elections of next March.

At the end of the coalition talks between three parties, Republican Party and Prosperous Armenia reached an agreement. Tashnaks did not participate in this agreement however by signing a cooperation accord, they obtained three ministries, one deputy Spokesperson post of the Parliament and two commission presidency. This accord is binding until Presidential elections.¹²³ In this manner, Tashnaks kept the opportunity to act independently in the Presidential elections.

There are 17 ministers in the newly-formed government. Ten of them were also minister in the previous government, seven of them were newly appointed. Seven ministers are from Republican Party, three from Tashnaks, two from Prosperous Armenia and six from the independents.¹²⁴ In this context it should be noted that independent ministers are people close to President Kocharian or Republican Party. Minister of Foreign Affairs Vartan Oskanian and Minister of Defense General Mihail Harutiunian are also independents that are close to the President.

123 Yerkir.am, June 8, 2007. "Cooperation Agreement between the political coalition and AFF"

124 Noyan Tapan, June 11, 2007. "7 out of 17 Ministers in RA Government are Newly Appointed"

THE LEGAL AVENUES THAT COULD BE RESORTED TO AGAINST ARMENIAN GENOCIDE CLAIMS

Pulat Tacar

Ambassador (Rtd), Author

Abstract:

The view that the tragic events of 1915 do not constitute genocide is widely accepted by the Turkish general public and Turkish governments. However, the parliaments, senates, regional assemblies, statesmen and politicians of some countries have declared that a genocide was perpetrated against the Armenians. In the face of these developments, the view that Turkey should resort to legal avenues has begun to take root amongst the ranks of the Turkish politicians and the general public. This article which analyzes the various legal means which may be resorted to against these genocide allegations, concludes that alongside promoting the conduct of historical research in order to shed light upon the historical truth that lies behind these events, the Turkish authorities should officially underline and insist that the crime of genocide can not be established by political decisions taken by parliaments, but only by the verdict of the competent court as foreseen in the 1948 Genocide Convention. Furthermore, this article maintains that against laws and practices restricting the freedom of expression, individuals can resort to the European Court of Human Rights as “victims” or “potential victims”

Key Words: Turk, Armenian, Genocide, Ottoman

INTRODUCTION

Genocide is a crime under international law¹. The main feature which differentiates this crime from other crimes, including crimes against humanity, war crimes or common crimes is the special “intent to destroy, in whole or in part a national, ethnical, racial or religious group, *as such*.”

¹ United Nations General Assembly Decision 96 (I) 11 December 1946. and the Preamble of the Convention on the Prevention and Punishment of the Crime of Genocide

The Armenian Diaspora as well as the government of the Armenian Republic demands the Turkish Government and the Turkish general public to acknowledge that genocide was perpetrated against the Ottoman Armenians between the years 1915–1923. In reality Their goal is not to attain moral satisfaction but: *“to plan what comes after Turkey has been forced to recognize the Armenian Genocide and provide restitution and reparations...”*². To achieve this goal, the Diaspora continues to stir into action its supporters in the parliaments of some countries as well as in the European parliament with a view to exert pressure on Turkey. The political, legal and ethical consequences sought by this political action can be summarized as follows:

The acknowledgement by the Turkish Government that the Ottoman Government ordered the annihilation of Ottoman Armenians solely on the basis of their group identity;

The acknowledgement of the guilt of 130 persons who were transferred to Malta to stand trial for committing crimes against humanity and civilization and subsequently released after two years of detention without even being brought before a court due to lack of evidence;

The payment of compensation by the Turkish Republic, as the successor State of the Ottoman Empire, for the damages caused on the part of Ottoman officials alleged to have committed genocide and in this manner to pave the way of returning certain immovable properties;

The creation of the political groundwork for demands of an Armenian homeland in Turkey (*Armenia continues to refer to the Eastern Provinces of Turkey as “Western Armenia”*);

2 Press Release of the Armenian Revolutionary Federation Association dated November 19, 2006 announcing a Panel Discussion to be held in Hollywood, California on December 3, 2006.

The acceptance by Turkey that the 1915 genocide allegations can be dealt within a political framework and outside of the legal sphere created by the Genocide Convention of 1948;

The acceptance by the Turkish public of a selective treatment of the victims of tragic events during the period covering the years 1915-1923 by recognizing that their ancestors committed the crime of genocide against the Ottoman Armenians and overlooking the massacres and loss of life of the Muslim Ottoman citizens during the same period.

The great majority of the Turkish nation and Turkish governments are of the belief that the tragic events which occurred in Eastern Anatolia during the period under discussion can not be called genocide. Various other governments- such as the British Government, the Israeli Government-³ as well as many foreign scholars, historians, intellectuals or members of the media are also of the belief that the necessary conditions have not been fulfilled for the events in question to be classified as genocide.

Nonetheless, various parliaments, senates, regional assemblies, statesmen and politicians have acknowledged that an act of genocide has been committed against the Armenians as of 1915.

3 - On 14 April 1999 the Foreign Office spokesperson Baroness Ramsay of Cartvale said that *"the British Governments have not recognized the events of 1915 as indications of Genocide"*; on 7 February 2001, acting on behalf of the British Government, Baroness Scotland of Asthal declared: *"The Government, in line with the previous British Governments, have judged the evidence not to be sufficiently unequivocal to persuade us that these events should be categorized as genocide as defined by the 1948 United Nations on Genocide, a Convention which was drafted in response to the Holocaust and is not retrospective in application. The interpretation of events in Eastern Anatolia in 1915-1916 is still the subject of genuine debate among historians"* (U.N. Document A/55/1008-S/2001/655 which include in its annex the letter of the Permanent Representative of Turkey to the United Nations Secretary-General dated 29 June 2001. -On 10 April 2001 the Nobel Prize awarded Israeli, Foreign Minister Shimon Perez said that *"the fate of Armenians in Anatolia was a tragedy, not a genocide"*. He added: *"Armenian allegations are meaningless. We reject attempts to create a similarity between the Holocaust and the Armenian allegation... If we have to determine a position on the Armenian issue it should be done with great care not to distort the historical realities"* (Middle East Intelligence Bulletin. Vol.3.No.5 May 2001)

In the face of these developments, the view that Turkey should resort to legal avenues to counter these claims has begun to take root amongst the ranks of the Turkish politicians and the general public.

On the other hand a legal adviser of the European Armenian Federation for Justice and Democracy Mr. Alfred de Zayas, who has written a Memorandum for this Federation suggests that the Government of Armenia should address the International Court of Justice (ICJ) by invoking Article IX of the Convention and submit a dispute to the ICJ, requesting a determination that the massacres against the Armenians constitute genocide within the meaning of the Convention. The legal consequences of a decision by the ICJ concerning such a demand should be –he asserts- the “*return to the Armenian people and to the Armenian Church of monasteries, churches and other properties of historic and cultural significance, as well as the granting compensation to the descendants of the victims of the genocide....*”⁴

Regarding the Armenian demands of restitution and compensation I would like to underline that all the issues concerning the period covering World War I have been settled by the Lausanne Peace Treaty and today no one has the right to make demands from Turkey about the historical events which occurred before the signing of this agreement⁵. One should also bear in mind that if the issue of compensation and restitution has been settled by way of an international treaty in the aftermath of a given event, then the provisions of that agreement shall be applied thereof. In this context the treaty of Peace with Turkey signed at Lausanne should be considered the main legal reference.

The Lausanne Peace Treaty and the Armenian demands

According to the Lausanne Peace Treaty ending the war between Turkey and

4 Alfred de ZAYAS, Memorandum written to the European Armenian Federation for Justice and Democracy: “The Genocide Against the Armenians 1915-1923 and the Application of the 1948 Genocide Convention” Executive Summary p.19

5 Kamuran GÜRÜN, *The Armenian File*, İstanbul, Rustem, 2001, pp. 299-300

other powers, it was decreed that previous Ottoman citizens who resided in countries that were separated from Turkey by the Article 31 of the Lausanne Treaty, and who had automatically gained citizenship of that country by Article 30, would have the right within two years to choose Turkish citizenship. Through these decrees, all the Armenians who were at the time outside Turkey, and who had retained Turkish citizenship, and those Armenians who were in those countries separated from Turkey, obtained the right to return to Turkey if they wished.

Furthermore a General Amnesty Declaration has been signed in Lausanne . Article 6 of the Declaration states : “ *The Turkish Government which shares the desire for general peace with all the Powers, announces that it will not object to the measures implemented between 20 October 1918 and 20 November 1922, under the protection of the Allies, with the intention of bringing together again the families which were separated because of the war, and of returning possessions to their rightful owners.*” It is apparent that this Article concerned the individuals were forced to emigrate, and who returned to their homes during the period of armistice and occupation. At that time, Turkey announced that these procedures, which were made under the control of the occupation powers, would be maintained without modification.

According to the Amnesty Declaration, and Protocol, Turkish nationals, and reciprocally nationals of the other Powers signatory of the Treaty of Peace arrested, prosecuted or sentenced prior to 20 November 1922, have taken benefit from an amnesty.

Article 65 of the Treaty of Lausanne stipulates that property of individuals who had foreign citizenship when the war started, and whose possessions in Turkey had been confiscated, would be returned to them. The Article 95 gave a deadline for inquiries on this mater. Finally Articles 46-63 of the Lausanne Treaty are about the liquidation of the debts of the Ottoman State. As a result of this process

Turkey has paid all the debts.

I. The Legal Avenues Which Can Be Resorted to by the State

1. Applying to the International Court of Justice

a. The Legal Basis for Applying to the International Court of Justice: Article IX of the Genocide Convention

According to Article IX of the Genocide Convention “the disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the Convention, including those relating to the responsibility of a State for genocide or any of the other acts enumerated in Article III, shall be submitted to the International Court of Justice at the request of any of the Parties to the dispute.”

The acts enumerated in Article III are: genocide; conspiracy to commit genocide; direct and public incitement to commit genocide; attempt to commit genocide; complicity in genocide.

To address a point widely misunderstood, it should be emphasized that to resort to the ICJ, the applicant and respondent do not need to arrive at a prior agreement among them. At most, the respondent state can advance a counter-claim that the ICJ does not have jurisdiction to hear the case, which the Court shall have to ascertain prior to hearing the merits of the case.

b. The Precondition: Officially Establishing the Existence of a Dispute

For a Party to apply to the ICJ on the basis of Article IX of the Genocide Convention, the State in question must, in the first instance, officially establish the existence of a dispute to be brought before the Court. “A dispute is a disagreement on a point of law or fact, a conflict of legal views or of interests between two persons....”⁶

6 Permanent Court of International Justice: *Mavrommatis Palestine Concession Case*, PCIJ, Series A, No.2, 1924, pp.6*93

Because of the reasons stated below, I am of the opinion that the French Law of 2001 recognizing the existence of the 1915 Armenian genocide created a dispute between France and Turkey relating to the application and interpretation of the 1948 Genocide Convention.

Whether or not the ICJ will find itself competent to consider an application on this subject is another issue which I will not address in detail in the context of this article.

c. The Perpetrator(s) of Genocide; the Competent Court and the ICJ Decision on Bosnia

According to the Genocide Convention the crime of genocide is perpetrated by individuals (Article IV)⁷. The court which has jurisdiction to try persons charged with genocide is the competent Tribunal of the State in the territory of which the act was committed, or an International Penal Tribunal the jurisdiction of which has been accepted by the Contracting Parties (Article VI). As such, the determination that an act constitutes genocide can be established only by way of a valid judgment at law rendered by a competent court convicting the accused in question. Such a legal decision of criminal law falls within the framework of individual criminal responsibility.

During the drafting of the Genocide Convention the question of jurisdiction has been discussed at length. A proposal concerning the principle of universal repression by a national court in respect to individuals who had committed genocide abroad has been rejected by four votes against two and one abstention on 13 April 1948. During the discussion of Article VII a proposal to reverse the foregoing decision was also rejected on 26 April 1948.⁸

7 Article IV of the Genocide Convention reads as follows: Persons committing genocide or any of the other acts enumerated in Article 3 shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

8 Travaux Préparatoires of the Genocide Convention. U.N. ECOSOC Document E /794, 24 May 1948

With regard to the question of determining the responsibility of a State: this in principle is the subject of a civil court case carried out in accordance with civil law of the country.

Furthermore, according to the Article IX of the Genocide Convention the International Court of Justice is also competent to rule on the matter. But one should underline that in its Bosnia judgment, the ICJ observed “*that if a State is to be responsible because it has breached its obligation not to commit genocide, it must be shown that genocide as defined in the Convention has been committed*” and “*claims against a State involving charges of exceptional gravity must be proved by evidence that is fully conclusive*”¹⁰

This raises the question of whether or not the recent Bosnia and Herzegovina v. Serbia and Montenegro judgment of the ICJ, infringed Article IV of the Convention. It was the International Criminal Tribunal for the Former Yugoslavia (ICTY) who was (and still is) the “competent court” on that matter, and ICTY - in the Krstic and Blagojevic cases- arrived at the determination that during 12-13 July 1995 the massacres which took place in Srebrenica amounted to genocide. As such, several of the allegations brought before the ICJ have already been the subject of decisions of the ICTY. The ICTY has not yet arrived at the conclusion that genocide was committed elsewhere other than in Srebrenica; the trials still continue and some suspects are actually at large. But the evidence and judgments rendered by the ICTY has established that several crimes may have been committed throughout the Bosnian War.

In dealing with this situation the ICJ states that although these do not amount to genocide, they might constitute crimes against humanity or war crimes, which -as stipulated in the judgment- the ICJ does not have jurisdiction over. As such, after the decision of the ICJ, it appears unlikely that the crimes which are the

9 Judgment of the ICJ on Bosnia and Herzegovina v Serbia and Montenegro . para..180

10 Judgment of the ICJ on Bosnia and Herzegovina v Serbia and Montenegro . para..209

subject of the remaining cases before the ICTY shall be determined to be of a genocidal nature.

The ICJ decision underlined the difference between genocide and “ethnic cleansing”; while “ethnic cleansing” can be carried out by the displacement of a group of persons from a specific area, genocide is defined by “*specific intent*”

The ICJ placed dispositive emphasis on the question of intent. It held that genocide as defined in the Convention requires both acts and intent.¹¹ The court added “ It is not enough to establish that deliberate killings of members of the group have occurred. The additional intent must also be established and this intent -*dolus specialis* is defined precisely. It is not enough that the members of the group are targeted because they belong to that group, that is because the perpetrator has a discriminatory intent. The acts listed in Article II must be done with the intent to destroy the group as such.” The words “ as such” emphasize that intent to destroy the protected group¹² and “great care must be taken in finding in the facts a sufficiently clear manifestation of that intent”¹³

In the judgment under section IV “The Applicable Law: The Convention on the Prevention and Punishment of the Crime of Genocide”, the ICJ concludes that “State responsibility can arise under the Convention for genocide and complicity, without an individual being convicted of the crime or an associated one.”¹⁴ This controversial decision does not fall in line with the wording of the Genocide

11 International Court of Justice, “Case Concerning the Application of the Convention of the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)” para. 187

12 International Court of Justice, “Case Concerning the Application of the Convention of the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)” para. 187.

13 International Court of Justice, “Case Concerning the Application of the Convention of the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)” para. 189

14 International Court of Justice, “Case Concerning the Application of the Convention of the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)” para. 182.

Convention, for according to Article IV of the Convention –as I underlined above- “genocide is perpetrated by individuals”

267 pages of dissenting and separate opinions were written by the judges, appended to the judgment of the Court, attest that there is a serious lack of consent amongst the judges regarding various issues of central concern.¹⁵

On this point, I would like to add that during an International Conference hosted by the Ankara Bar Association in January 2005, I asked the following question regarding the competent court to Mrs. Anika Usacka, judge at the International Criminal Court:

“ According to the 1948 Genocide Convention, whether or not a given event constitutes genocide can be ascertained by a competent court, ie. the competent tribunal on the territory of which the crime has been committed, or the International Criminal Court, that is, the Court you are currently working at. Is it possible to designate an event as genocide without a competent court decision?” The reply of Judge Usacka was as follows: “We are presently at a Law Conference, hence my reply must be compatible with the dictates of law. Without a decision of a competent court an event can not be designated as genocide”.

d. State Responsibility Relating to the Crime of Genocide

Article IX of the Genocide Convention addresses the issue of State responsibility with regard to the crime of genocide. It should be reiterated that State responsibility concerns the interpretation, application and fulfillment of the Convention. For example if a Contracting Party does not transfer for trial an individual accused of or indicted for genocide, state responsibility is incurred¹⁶. Responsibility

15 Vice-President Al-Khasawneh appended a dissenting opinion; Judges Ranjeva, Shi and Koroma appended a joint dissenting opinion; Judge Ranjeva appended a separate opinion; Judges Shi and Koroma appended a joint declaration; Judges Owada and Tomka appended separate opinions; Judges Keith, Bennouna and Skotnikov appended declarations; Judge ad hoc Mahiou appended a dissenting opinion; and Judge ad hoc Kreča appended a separate opinion to the Judgment of the Court .

16 *The tragic events of 1915 do not fall under the 1948 Convention which can not be applied retrospectively.*

on the part of a state is further incurred, for example, if a Government representing a State violates its obligation to prevent genocide. In the Bosnia Herzegovina v. Serbia and Montenegro case heard at the ICJ, the responsibility of the state of Serbia was incurred for these reasons.

The other responsibilities of a State prescribed by the Convention are as follows:

In accordance with Article V, the Contracting Parties have the responsibility “to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions” of the Convention and, “to provide effective penalties for persons guilty of genocide or of any of the other acts enumerated in Article III”

In accordance with Article VI, the Contracting Parties have the responsibility to transfer those accused of committing genocide to the competent tribunal which may have jurisdiction, and in accordance with Article VII, they have the responsibility to extradite criminals.

If any Contracting Party violates these obligations, its responsibility is incurred and if a disagreement is to arise thereupon, a State may resort to the International Court of Justice on the basis of Article IX of the Convention.

But taking into account that such crimes also were unlawful at that period under customary international law and to underline that the Ottoman Government prosecuted and condemned at that time the perpetrators of the crimes one should not fail to mention that in 1916 the Ottoman Government charged 1673 individuals for violations against -among others- the Ottoman citizens of Armenian origin ; 659 suspects were convicted and 67 of them executed in accordance with the Ottoman Penal Code-. Those were crimes like murder, massacre, rape, usurpation and maltreatment etc. . These trials continued after the end of the war under the occupation of the Allied powers. The legality and the fairness of these trials are seriously contested by some historians. The courts records and judgments have been published in Takvimi Vekayi. the Otoman governments' official gazette. Ref : Associate Prof. Yusuf Sarıncay, "Ermeni Tehciri ve Yargılamalar 1915-1916. Türk-Ermeni İlişkilerinin Gelişimi ve 1915 Olayları Uluslar arası Sempozyum Bildirileri Ankara, Gazi Üniversitesi Atatürk İlkeleri ve İnkılap Tarihi Araştırma ve Uygulama Merkezi Yayını, 2006, pp.257-265. Prof. Yusuf Sarıncay : in its article with the title " The Armenian Relocation and Trials" reports that this information is deduced from the lists annexed to confidential letters dated. February 19, 1916; March 16, 1916; and May 22, 1916. sent from the Ottoman Ministry of Interior to the Ottoman Foreign Ministry

e. Damages Caused by the Officials

According to the general principles of law the State is under the obligation to provide compensation for the damages caused on the part of its officials. Those leaders or members of the governments who incited the crime of genocide will also be punished and may have to provide for compensation for damages caused. However, under the Genocide Convention for such consequences to arise, the competent court must, in the first instance, arrive at the determination that the accused committed the crime of genocide.

f. The Legal Continuity of the Successor Government

According to general principles of international law, and specifically the doctrine of legal continuity and State responsibility, a successor government can be made liable in respect claims arising from a former Government's violation of law¹⁷ As such, the German Government incurred the responsibility stemming from the actions of the Third Reich, The French Government redressed the damage inflicted by the Vichy regime under German occupation. Article 36 of the 1978 Vienna Convention on Succession of States in Respect of State Property, Archives, and Debts states that "a succession of states does not as such affect the rights and obligations of creditors". The Turkish Republic having paid all the debts of the Ottoman State has legally accepted to be the successor of the Ottoman State.

g. Retroactive Application of the Genocide Convention

Positivist lawyers argue that the Genocide Convention can not be applied retroactively. This is a general rule under international law. Article 28 of the 1969 Vienna Convention on the Law of Treaties which entered into force on January 27, 1980, states that the provisions of treaties "do not bind a party in relation to any act or fact which took place or any situation which ceased to exist before the date of the entry into force of the treaty with respect to that party."

¹⁷ Commission on Human Rights: Document E/CN.4/1999/65.

The legal analysis prepared at the initiative of the Turkish–Armenian Reconciliation Commission, for the International Center for Transnational Justice (ICTJ) by a group of anonymous legal advisors entitled “The Applicability of the United Nations Convention on the Prevention and Punishment of the Crimes of Genocide to Events Which Occurred During the Early Twentieth Century” explicitly states that “the Genocide Convention contains no provisions mandating its retroactive application”¹⁸ In fact, this analysis maintains that “neither the text nor the “travaux préparatoires” of the Convention manifest an intention to apply its provisions retroactively.”¹⁹ The said document includes the following statement: “Although the Genocide Convention does not give rise to State or individual liability for events which occurred prior to January 12, 1951, the term “genocide” as defined in the Convention, may be used to describe such events”. The analysis pretends that the term “genocide” may be applied “as a general matter” or as a “historical fact” to describe the events of 1915. This deduction should be viewed as a political endeavor (as opposed to a legal conclusion) undertaken to appease those supporting the Armenian stance on this matter. Actually those who now consent that the tragic events of 1915 can not be legally qualified as genocide, started to use the terminology “genocide in the political meaning” or “genocide according to the definition accepted by social sciences” . There is of course no consensus on the definition of this terminology.

Disturbed by the above mentioned legal analysis the Armenian diaspora appointed Alfred de Zayas, a retired U.N. official, to draft a counter-memorandum²⁰.

In its memorandum entitled “The Genocide Against the Armenians 1915-1923

18 “The Applicability of the United Nations Convention on the Prevention and Punishment of the Crimes of Genocide to events which occurred during the early twentieth century”, prepared for the International Center for Transnational Justice” (by unknown and unnamed experts) : p.4.

19 “The Applicability of the United Nations Convention..., p.7

20 Alfred de Zayas, Memorandum written for the European Armenian Federation for Justice & Democracy with the title of “Memorandum on the Genocide Against the Armenians 1915-1923 and the Application of the 1948 Genocide Convention”

and the Relevance of the 1948 Genocide Convention”, Alfred de Zayas states that the language of the Genocide Convention is inconclusive on the issue of its retroactive application, and that the *travaux préparatoires* of a Treaty merely provides for a “supplementary means of interpretation.” Moreover, de Zayas refers to the Article 1 of the 1968 U.N. Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity and maintains that statutory limitations do not apply to the Genocide Convention.

According to the general principles of criminal law there can be no crime without law, as laid out in paragraph 1 of Article 15 of the International Covenant on Civil and Political Rights. But there are certain exceptions to this general principle: the paragraph 2 of article 15 of the Covenant reads as follows: “nothing in this article should prejudice the trial and punishment of *any person* for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations”¹³.

The Armenian’s advisor stresses that “the criminal law aspects of the Convention are of lesser relevance in the Armenian context, since none of the perpetrators ... are still alive”²¹ but that laws of restitution and compensation can be resorted to and brought into action. As such it would not be wrong to state that efforts towards the recognition of the Armenian Genocide for purposes of moral satisfaction, is merely a facade for attaining restitution and compensation and for advancing territorial claims.

However, without establishing that the crime of genocide was perpetrated and without determining who actually carried out the crime, how can such compensation claims be advanced and what will they be based upon? The Armenian side aspires to attain these goals by way of the decisions of various parliaments recognizing the so-called genocide and the French Parliament (among others) is being manipulated for this very purpose.

21 “Memorandum on the Genocide...”, p. 19

These arguments and counter-arguments may lead one to feel that this debate shall not be resolved soon. Nonetheless one should bear in mind that the non retroactivity of the Genocide Convention is espoused by the great majority of legal scholars.

h. A Case in Point: The French Law of 2001

With the legislation passed in 2001, France has publicly recognized the 1915 events as genocide perpetrated by the Armenians. This may be seen as a misinterpretation of Article VI of the 1948 Genocide Convention relating to the competent court. Furthermore, in October 2006, a bill was passed in the French National Assembly foreseeing the punishment of those denying “the 1915 Armenian genocide”. This draft bill will become law if endorsed by the Senate and if it is subsequently published in the Official Gazette upon ratification on the part of the French President. The threat of this bill becoming law shall continue to disrupt trade, cultural, and other relations between France and Turkey. Furthermore, this situation will no doubt have an adverse affect upon the friendly ties between the peoples of these two countries, and shall present itself as an obstacle on the road leading to the European Union; an aim likely to be pursued by those who militate against Turkish membership.

In view of legally establishing the existence of the conflict, Turkey could address a diplomatic note to France with regard to the 2001 Law and state the following:

“On January 29, 2001 the French Senate and National Assembly adopted a Law by which “ France publicly recognizes the Armenian Genocide of 1915. Although merely of a declaratory nature, the adoption of this Law has created a dispute between France and Turkey relating to the interpretation of the 1948 Convention, manifested by its effects and damaging consequences. The records of the debates at the French Parliament and at the Turkish Grand National Assembly reflect the magnitude of this dispute. By affirming that the crime of genocide

was perpetrated in 1915, the French National Assembly has substituted itself to the position of a competent court and has arrived at this conclusion without a trial or hearing the other side of the truth. However, the Genocide Convention foresees that whether or not an accused committed the crime of genocide is to be ascertained by a competent court, and if so determined foresees the punishment of the responsible perpetrator(s). However, with the bill adopted by France in 2006, the legislation of 2001 has been equated to a court verdict and France has chosen to penalize those who “deny” the existence of the crime of genocide.

According Article VI of the Genocide Convention, the competent body to ascertain the perpetrators of the crime of genocide is not a parliament, but the court in the territory of which the crime was perpetrated or an International Penal Tribunal. It is against the basic principles of law for a competent court to find a party guilty of any crime, before hearing the defense of the accused, let alone for that of genocide. Actually, the Paris Civil Court of First Instance had stipulated during the trial held against the eminent historian Bernard Lewis that it was not within its jurisdiction to adjudge whether or not the events of 1915 amounted to genocide. According the Turkish Government as well as many scholars, a court or a Parliament is not entitled to name the tragic events of 1915 in Eastern Anatolia a genocide, because the discussions among the historians on this issue did not yet come to a result and also the core element of the crime of genocide which differs that crime from other crimes, namely the intention to destroy in whole or in part a national, ethnical, racial or religious group *as such*, the *dolus specialis* has not been assessed or proved. There are numerous documents attesting that such an intent did not exist.

By disregarding the Genocide Convention of 1948 and the basic principles of law, the French Government acting upon the law adopted by the French Parliament has contravened Article VI of the Genocide Convention. Consequently a dispute relating to the interpretation and application of the Genocide Convention as foreseen in Article IX has emerged between Turkey and France. Turkey

expects that France shall repeal the legislation in question”.

In response, the French Government may declare that : “The 2001 legislation is merely of a declaratory nature, and that the 2006 bill has not yet become law. The legislation adopted by the French National Assembly does not fall within the scope of the 1948 Genocide Convention. The Genocide Convention can not be applied retroactively. However, as stated in the Preamble of the Convention, France recognizes that at all periods of history genocide has inflicted great losses on humanity and acting upon the conviction of the majority of the French citizens on the matter, declared that the events of 1915 amounted to genocide.”

If the ICJ is resorted to on the basis of the 2001 legislation, the Court will first decide if there exists a “dispute” between France and Turkey. The Turkish demand will most probably not focus on the question “Was or was not the Armenian community of the Ottoman Empire the victim of a genocidal act in 1915?” But will concentrate on the following question. “ Having regard to the legislation enacted by the French Republic on 29 January 2001 and 12 October 2006 whose justification is disputed by the Government of Turkey, and having regard to the dispute that has arisen between their Governments as a consequence of these legislation, is the cited legislation a) in conformity with the definition of the crime under the international law of genocide as that crime is defined by Article II of the Genocide Convention ;b) are the factual predicates of the French legislation sustainable under the standards of proof established by the Court in respect of a claim of genocide ;c) Can the French Parliament enact as the competent court on this judicial matter?”

Taking the current composition of the ICJ into account and the very controversial decision taken by it on the Bosnian case the Court may take a cautious position on this rather political issue and may decide not to hear the case on the premise that this legislation does not fall within the scope of the application of the Genocide Convention, because clearly the Convention is only applicable to acts of genocide perpetrated after its entry into force.

On the other hand Turkey is faced by demands coming from several French politicians to acknowledge the Armenian Genocide . Lately the French President Chirac reiterated such a demand during his official visit to Armenia in 2006²². The request for “acknowledgment” is a form of “reparation” for an international wrongful act as established under Article 37 of the Articles of State Responsibility. ²³ Turkey could argue that in view of the inaccuracy of the characterization as genocide of the tragic events of 1915 no such request for reparation can be made without “humiliating” the Republic of Turkey.

2. Inter State Application to the European Court of Human Rights

If the 2006 Law is adopted, then Turkey may complain about the violation by France of Article 10 (on the freedom of expression) of the European Convention of Human Rights. Turkey may lodge an application with the European Court of Human Rights, pursuant to Article 33 of the European Convention. However, proceedings before the Court are lengthy, costly and the outcome is never sure. Instead of this, the author of this article recommends encouraging the victims or potential victims of the violations of Article 10 of the European Human Rights Convention to lodge an application with the European Court of Human Rights.

3. The International Court of Arbitration

As a further alternative, the view that Turkey could resort to the International Court of Arbitration to counter Armenian genocide claims, was advanced by Rtd. Ambassador Gündüz Aktan.¹⁵ During debates carried out at the Turkish

22 <http://ec.europa.eu/enlargement/turkey/key-documents.htm>

23 U.N. General Assembly Resolution 56/83 of December 12i 2001 :

“Satisfaction:

1. *The State responsible for an internationally wrongful act is under an obligation to give satisfaction for the injury caused by that act insofar as it cannot be made good by restitution or compensation.*
2. *Satisfaction may consist of an acknowledgment of the breach, an expression of regret, a formal apology or another appropriate modality*
3. *Satisfaction shall not be out of proportion to the injury and may not take a form humiliating to the responsible State”*

Grand National Assembly (TGNA) , Istanbul deputy and Rtd. Ambassador Şükrü Elekdağ also made a suggestion in this direction.

In a statement made to Milliyet newspaper on November, 16, 2006, Ret. Ambassador Gündüz Aktan made the following remarks: “Instead of France, lets bring Armenia to court... In the event that a resolution in this regard is passed in Congress, we should equally take the U.S. to court...The most appropriate avenue to see this case is the Permanent Court of Arbitration situated in the Hague. Arbitration may last between 5-10 years...If they do not respond to our call to resort to arbitration, they shall be exposed to public contempt, if they respond positively all lies shall be revealed...” According to Aktan, the option of resorting to arbitration would entail “the examination of archives, statistics, military history, records relating to deaths during the relocation, medical statistics and if necessary, forensic research.”

However, it is highly unlikely that the Armenians shall accept resorting to arbitration on this matter as it carries with it a high probability of undermining their dogmatic theses. Actually, under the present conditions, it does not appear possible for the two sides to arrive at an arbitration agreement, a prerequisite for resorting to this legal alternative. Likewise, France would not accept taking this matter to arbitration, a matter which is not of direct concern to them. As such, the said proposal would be tantamount to a political challenge.

The Armenian Republic which would not view this proposal favorably if advanced, will in all likelihood continue to propagate genocide allegations with the desire of exerting pressure on Turkey. They are of the belief (or have been made to believe) that they can obtain all that is desired from Turkey by way of international pressure. Speaking to Ece Temelkuran of Milliyet newspaper, the French politician Patrik Devecian has explicitly stated that “the acquiescence of Turkey can be obtained only through pressure” Armenian Foreign Minister Oskanian has made similar remarks.

French politicians are engaging in pressure tactics via genocide recognition to a) gain votes from the Armenian constituent body and b) to keep Turkey from attaining full membership in the European Union.

And now there are those who believe pressure can be exerted upon Turkey by way of passing resolutions in both houses of the U.S. Congress. It is certain that such initiatives shall be counter-productive in the long run and even in the short-term.

a. The Drawbacks of Resorting to Arbitration

- Arbitration is a legal avenue resorted to for the resolution of civil law disputes. However, genocide is a crime relating to national and international criminal law. The Genocide Convention foresees the punishment of those who have committed the crime of genocide. Criminal law is applied by way of legal trials and not by way of arbitration.,
- According to the Genocide Convention “Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention...shall be submitted to the International Court of Justice at the request of any parties to the dispute.” Overlooking this stipulation, or going against it would not be wise as this would imply Turkey’s acquiescence to accepting a solution that supersedes the framework of the Genocide Convention. The aim of the Armenian side and their sympathizers is to discard certain provisions of the Genocide Convention (including the clause concerning the competent court) to set this issue within a political framework.
- If the alternative of arbitration is resorted to, the consequential outcome will be the acceptance of the capacity of another body or authority other than that foreseen by the Genocide Convention to determine whether or not the crime committed by the accused (which according to the Genocide Convention may only be an individual) amounts to genocide. The Permanent Court of Arbitration is to consist of an equal number of judges or specialists designated by both parties

and an individual (whose vote shall constitute a determining factor) appointed by the President of the International Court of Justice or the Secretary General of the U.N. As such, in a manner unprecedented by law, the authority to determine whether the acts of individuals no longer alive constitute genocide shall be delegated to the Court of Arbitration. Consequently, basic principles of law, including the right of defense as well as the corner stones of the Genocide Convention shall be disregarded.

- Moreover, resorting to arbitration, shall equate into the acceptance, on the part of Turkey, that the definition incorporated into the Genocide Convention can be applied retroactively¹⁷, an outcome which would be wise to preclude. The judgments of the Ottoman courts-martial rendered 80 years ago and in accordance with the Ottoman Penal Code, took into consideration the conditions under which the crimes (ascertained by legal decisions) were perpetrated, i.e. whether or not the crimes occurred as a result of deliberate killings, with the aim of revenge, or as result of mutual mass killings. It is not possible according to general principles of law, to take sides and alter these decisions 80-90 years on to suit political purposes. No state governed by the rule of law can accept the alteration of court decisions by a unauthorized bodies.

b. Political and Moral Responsibilities

If we are to discuss the political and moral responsibilities relating to the events of 1915, the situation is different. This issue should be analyzed taking into account the conditions of that time. For example, the Van massacre committed prior to the relocation decision by three Armenian detachments lead by Armenian members of the Ottoman Parliament as well as from the other rebellions which transpired at the time should also be taken into account when evaluating the tragic events of 1915. To counter the rebellions and to defend the country, the Ottoman Government resorted to necessary military and penal measures, which were no different than those resorted to by various other governments during the time. On this matter, historians, and archive experts and in fact politicians must step in because the analyses and reports they could draft may serve to

engender objective opinions. If the sentiments of the majority of those who are to read these analyses are to converge on a certain view, “personal opinions” could then engender a “common public sentiment and understanding.” The Armenians resort to the term “Metz Yergern” meaning “The Odious Scourge” when referring to the events of 1915. While the Armenians shall continue to view and refer to the tragic events as such, others shall continue to refer to them as “genocide” or “mutual mass killings”. It should not be expected these views shall change any time soon. However, these evaluations do not constitute legal assessments but pertain to one’s conscience or are of a political nature.

Certain individuals within the Turkish society state that the massacre carried out was intentionally committed by members of or those affiliated with the Committee of Union and Progress party, such as the Teşkilat-ı Mahsusa units (namely, the Ottoman Special Forces). It seems unlikely that people of this contention will alter their views. However, the great majority of the Turks shall continue to speak of mutual mass killings and the great loss of lives during the mass relocation and continue to reject the existence of an intent annihilating the Ottoman Armenians as a group as such. This discrepancy in opinions is only normal as it is not possible to make all minds think alike. The freedom of expression permits, within the confines laid down in European Convention of Human Rights, the expression of all these views.

4. The European Court of Human Rights

Article 33 of the European Convention for the Protection of Human Rights and Fundamental Freedoms states that “any High Contracting Party may refer to the Court any alleged breach of the provisions of the Convention and the protocols thereto by another High Contracting Party.”

The content of such an application is laid out in Article 46 of the Courts Statute. Before lodging a state application with the European Court of Human Rights (ECHR), the bill passed in the French National Assembly in 2006 becoming law

will be a pre-condition sought after by the Court. In accordance with Article 46 (e) of the ECHR Statute, Turkey must prove that as a country it-or that one of its citizens- became a victim as a result of the enforcement of the French law.

Specialists have expressed that the outcome of such an application would be determined on the basis not of objective, but political and subjective criteria. This alternative which would last many years is not the main preference of the author.

II. OPTIONS FOR LODGING INDIVIDUAL APPLICATIONS WITH THE ECHR

1. Resorting to the ECHR As A Victim

If a bill foreseeing the conviction of an individual for denying the Armenian “genocide” is to become law in France (or another country), and if an individual is convicted along these lines by, for example, a French (or Swiss) court, the individual in question, after exhausting all domestic remedies, can lodge an application with the ECHR. In such an event, it may be stated that in contrast with the genocide perpetrated against the Jews, in the case of the Armenian “genocide”, there is no competent court decision substantiating such claims, that the French law which penalizes those denying the Armenian genocide violates the “competent court” stipulation of the Genocide Convention, that the French parliament is substituting itself as the competent court and that for this reason being convicted for having stated that “the tragic events which befell the Armenians as of 1915 can not be deemed as genocide” contravenes articles X of the European Convention on Human Rights relating to the freedom of expression. To apply to ECHR the victim in question must be convicted and all domestic legal remedies must be exhausted.

On the basis of the jurisprudence of the ECHR thus far, one may conclude that the chances of an individual winning such a case are high. Nonetheless this is a

laborious path to walk down. The individual in question may have to pay a penalty or go to prison. To this end civil society organizations or official authorities may provide the necessary legal or logistic (i.e. financial) support to the person who has lodged such an application with the ECHR.

2. Resorting to the ECHR As A Potential Victim

According to a detailed analysis conducted by the President of Istanbul Bahçeşehir University, Professor Dr. Süheyl Batum, and other members of staff; individuals who reside particularly in France or in Switzerland, academics, businessmen, sportsmen and others who have to go to these countries for various reasons and do not qualify the tragic events of 1915 as genocide, may feel as potential victim as “potential victims” or muzzled and silenced persons because of the risk of penalization on the ground they express their conviction and views contrary to those included in the legislation in question.

In the example of France, if the 2001 legislation, altered in 2006, is enforced, even some individuals which have not yet expressed their views and have not been convicted for the “crime of denying the Armenian genocide”, may evaluate themselves directly placed under risk. The concept of “potentially victim”, is a concept that has been adopted and applied by the ECHR in previous judgments, in the event that it is proved that a reasonable convincing risk is directly affecting the applicant. That the 2006 French legislation foreseeing the penalization of those denying the Armenian “genocide” has not, as of yet, been applied, does not guarantee that it shall not be applied in the future.

Furthermore, in the event that a genocide denial law incorporating the term “Armenian genocide” is passed by the Swiss Confederation or if a sentence of a Swiss national court condemning an individual because of contesting the existence of the so called 1915 Armenian genocide (e.g. Mr. Dogu Perincek which was condemned by the Geneva Police Court) is confirmed by the highest court in Switzerland, then other individual may feel as “potential victims” because they

freedom of expression will be denied.²¹

The grounds for advancing that article X of the Convention was violated can be summed up as follows:

The prohibition of expressing one's opinion on a certain topic and attaching to this penal sanctions: a) suppresses pluralism; b) suppresses the external dimensions of the right to freedom of thought and conscience, and renders meaningless the right of inquiry born out of these freedoms; c) prohibits the thought embodied in opinions the expression of which have been prohibited, state indoctrination is pursued, and the manner in which individuals are to think is systematically inculcated.

The French bill directly infringes upon the freedom of expression recognized by the ECHR. For such an intervention to be made, it must be compatible with the conditions, and restrictions laid down in article 10/2 of the Convention. Accordingly, the exercise of this freedom may subject to limitations "prescribed by law" and that "are necessary in a democratic society"; such as protecting against the incitement of hostility, animosity, and hatred amongst citizens due to religious or ethnic origins, or the incitement of violence against a Government official or a section of the public, or an armed struggle, or clash of arms, or protecting against racist expressions or those based on racist hatred. It is manifest that the French bills' infringement of the freedom of expression is not necessary in a democratic society, is not in the interest of the public good, and is not necessary for maintaining the authority and impartiality of the judiciary. The restriction does not set a balance, and as such, is not proportionate. The bill aims not at the prohibition of commending the crime of genocide or the expression of thoughts vindicating or excusing the crime, but aims at prohibiting the research of historical facts, and all opinions arrived at by way of deliberation. However, there does not exist an accord of viewpoints among historians and scholars on this matter. A historical event can not be assessed by way of judicial decisions which carry definitive

judgments, can not be established as an irrefutable legal fact and the freedom of expression can not be restricted in such a broad manner.

The study conducted by Bahçeşehir University assessed the ECHR case law and has based its legal views on the grounds and clauses incorporated thereof. If France ratifies the said bill, inevitably several Turkish citizens shall resort to the ECHR against France, and such cases, as the author maintains, will come to a favorable conclusion.

CONCLUSION

The Republic of Turkey is a party to the Convention on the Prevention and Punishment of Genocide. According to article IX of the said Convention, if one of the Contracting Parties is of the view that another Party violated its obligations of interpretation, application or fulfillment of the Convention, it may resort to the International Court of Justice. However, if France counters with the argument that it did not pass the 2001 bill and the 2006 draft bill within the framework of the Genocide Convention, the ICJ would in all likelihood accept the argument that the Convention can not be applied retroactively; and may favor the view that the French legislation has not been enacted within the frame of the Genocide Convention. That may lead the Court to reject the claim as inadmissible. Doing so, the Court would not enter into the controversial field of judging history.

Due to the reasons cited in this article, the author believes that resorting to the International Court of Arbitration against the Republic of Armenia against Armenian genocide allegations is not advisable. If the 2006 legislation is enforced in France and a sentence condemning an individual on the ground that he or she does not interpret the tragic events of 1915 as genocide is given by a national court in France or in Switzerland, then an individual “victim” or “potential victim” may lodge a case with the ECHR. Alongside conducting vigorous studies to unravel the historical truth that lies behind the events of 1915, Turkey must focus on and adopt the official line that a) the crime of genocide can only be ascertained by a competent court ; b) that the ICJ requires a very high level of proof and a certainty with regard to the allegations of the existence of special intent (*dolus specialis*) and ; c) that everyone has the right to hold opinions and to express them .

BRITISH THESES ON THE ARMENIAN QUESTION (BASED ON BRITISH DOCUMENTS, 1920)

Assoc. Prof. Dr. Neşe Özden

History Department Faculty of Letters
University of Ankara

Abstract:

The analyses in British documents under the headings of the 'Armenian Question' or the formation of the 'Greater Armenia' mainly consisted of politically-natured theses and arguments. In terms of items of a 'political' nature, one can possibly also obtain this kind of data from sources belonging to other related countries. That is, when the political theses of the great powers, including Great Britain, in the 19th and 20th centuries are considered, it can easily be seen that during this time there was a logic and consistency in their policy relating to the handling of the issue of the Eastern Question within the context of the 'dissolution of empires—with the expected inclusion of the Ottoman Empire' at the top of the list. Since the Cold War, however, the nature of the issues concerning the Armenian Question is quite different from that of the past two centuries. The current problem is not due to the varying political designs or interests of the great powers, but rather to global imperialism with a pseudonymous cast. For this reason, it would be constructive to make a 'conceptual analysis', instead of concentrating solely on blaming the policies of Turkish side or the Armenian side or those of the great powers. This study will cover a number of British political assessments of the Armenian Question, which had a significant place within the intense political manoeuvring leading up to the Peace Treaty of Sèvres signed between the Allied powers and the Ottoman Empire in August 1920. The project for a 'Greater Armenia' gained momentum during the time in question, which involved the process prior to an Allied occupation of Istanbul on 16 March, 1920. In this context, this study will try to demonstrate how the Armenian Question was perceived within British policy by referring to British archives.

Key Words: Armenian Question, Greater Armenia, Ottoman State, Turkey,

Great Britain, massacre, terror, imperialism, Neo-Colonialism (1914-45).

Although between August 1919 and July 1920 Great Britain gradually withdrew from the Caucasus, which it had occupied soon after the Armistice of Mudros which was signed between the Allies and the Ottoman Empire in 1918, its strategy regarding the territory persisted; this had concentrated on enlarging the territories of Armenia (the Greater Armenian project), which had been established in the south Caucasus in 1918 after separating from the Ottoman Empire, and also on keeping the Tashnak administration in Erivan under control.

This study will cover a number of British political assessments of the Armenian Question, which had a significant place within the intense political manoeuvring leading up to the Peace Treaty of Sèvres signed between the Allied powers and the Ottoman Empire in August 1920. The project for a 'Greater Armenia' gained momentum during the time in question, which involved the process prior to an Allied occupation of Istanbul on 16 March, 1920. In this context, this study will try to demonstrate how the Armenian Question was perceived within British policy by referring to British archives, including those of the Foreign Office-FO, Cabinet Papers-CAB and Parliamentary Debates-PD.

It should be mentioned here that this type of analysis is not blinkered in nature, aiming to give rise to accusations and criticism, but on the contrary stems from the need to develop a comprehensive and analytical approach regarding the issue of Armenian Question - which still has ramifications today - by examining its different political roots and the surrounding international environment during the 20th century. In doing so, this study aims at creating a better understanding of the "politicized" aspects of the issue at hand, thus attenuating the problems stemming from previous differences of perception in order to establish a platform for reconciliation that will contribute to world peace.

Among the unresolved British priorities regarding the fate of the Ottoman Em-

pire at the beginning of 1920 were the future of the Turkish capital, the matter of assigning the region of Thrace - extending as far as Çatalca - to Greece, full control of the Straits and the establishing of an international power within the region, close supervision of the financial position of the Turkish government from Istanbul, and the handing over of Izmir to Greece. Added to this was the issue of the creation of a greater independent Armenia, including Erzurum and the region then referred to, by the British, as Turkish Armenia, and the probable recognition of an independent Kurdistan located in the southern region of the territory in question. All of these issues need to be evaluated within the strategy known as the 'Eastern Question', which was the centuries-old aim of various imperial powers to partition the Turkish Empire; the section relevant to the 'Armenian Question' can be construed as a two-dimensional political basis justified by the concern for the future of minorities:

- Rhetoric of protecting the rights of minorities (*e.g.* Armenians, Nestorians, Chaldeans and other native Christian elements);
- The so-called 'Armenian massacres'.

While British policy enforced the hypothesis holding the Turkish government in Istanbul responsible for the "massacres", it also resorted to multipurpose sanctions [*for example*, effective occupation, the control of state institutions (the military, the police, the gendarmerie, the postal-telegraphic service), the arrest of not only incompetent ministers, but also the leaders of the Turkish National War and the ex-leaders of the Committee of Union and Progress (the C.U.P) which had ruled the Ottoman Empire between 1913 and 1918 and been deemed by the Allies as dangerous, and finally, the probable closure of the Ottoman Parliament, etc]. In this regard, the main arguments used by the British in public propaganda were as follows:

- The matter of Turkey's violation of the terms of the Mudros Armistice, and its refusal to comply with instructions.

- Instability, disorder and the risk posed to the lives of Christian elements.
- The inability of the Turkish government to establish authority.
- The duty of the Allies to guarantee the security of the Sultan, the Turkish Government, the Allied forces and the public in general.
- To prevent the risk of the foundation of a Turco-Arabian collaboration ‘*against the foreigner*’ and to diminish the probability of the Allies’ losing their advantageous position in the rivalry for control of the oil reserves within the region stretching from Mesopotamia to the Caspian.
- To lessen the effect and eliminate the possibility of a probable joint threat on behalf of the Turkish Nationalists of the *de facto* Ankara Government and the Bolsheviks, by sustaining tension between Ankara and Moscow over the issues of Armenia and Batoum.
- The British effort to safeguard and establish a ‘Greater Armenia’ – *which was perhaps to some extent also an attempt to create a ‘British Armenia’ within the orbit of her interests* – ‘as a humane duty’¹ on behalf of all the Allies against both the Turks and the Bolsheviks, by arguing that the Armenian population of the region that they preferred to depict as ‘Turkish Armenia’ had decreased in number due to the so-called massacres.
- To direct the efforts to establish ‘fair governance and equal treatment to all’ within the region under British guidance by asserting that the Armenians in Turkey were densely concentrated mainly in two regions².
- The necessity to have a hold over the Turkish administration with a view to punishing Turkey for the ‘1915 Deportation’ and the ‘Marash Incidents in 1920’, and to prevent the reoccurrence of such cases.

On the one hand, the echoes of the Allied decision to leave Istanbul to Turkish rule as of January 1920 continued; on the other, French military forces, with the

1 David Lloyd George, *Memoirs of the Peace Conference*, Vol. II, New Haven, 1939, p. 810.

2 From the British viewpoint these two regions consisted of: a). The surroundings of Mount Ararat, where the old frontiers of Turkey-Russia-Persia intersect, that is to say, the *Greater Armenia*; b). Cilicia, the meeting point of Asia Minor and Syria on the Mediterranean Sea- or *Little Armenia*. See the speech of A. Williams (who had been the Chairman of the British Armenia Committee for years since its formation) in the House of Commons, PD, Vol.125, 26 February 1920, pp. 2032-3.

cooperation of Armenian local guerilla battalions, had entered into conflict with Nationalist local civil resistance forces - namely, *Kuvayı Milliye* - in the environs of Cilicia (Çukurova) and the western sections of the region, with special reference to Marash. This fighting was a consequence of events that had started with the transfer of regions in Syria and Cilicia (territories which had been under British occupation after the Mudros of Armistice) from Great Britain to France, with the take-over agreement – the *Syrian Agreement* – being signed in September 1919. British documents which give emphasis to the Marash Incidents of January and February of 1920 state that France’s mishandling of affairs had led to local incidents more serious in nature and thus had given rise to the Marash tragedy. Moreover, it was quite clear that the consequences of these local incidents in Cilicia paved the way for the resignation of the Ali Rıza Pasha government in Istanbul.³ According to these British documents, the French failure in Cilicia had put pressure on the Ali Rıza Pasha government, and this, quite evidently, had caused its collapse. Although the Allied resolution of January 1920 that the Turks were not to be removed from Istanbul strengthened the argument of the Turkish government, the threat addressed to Istanbul that ‘if Turkey directed massacres against Armenians and resisted the Allied and Greek powers’, the peace conditions presented to Turkey would become harsher, increased the severity of the situation for the government.

The British Cabinet meeting of 5th January 1920 drew attention to the importance for the protection of the road to India of the Batoum-Baku line on the outskirts of the Caucasus, and the advantages of staying on good terms with the Turks for the benefit of the line in question. Moreover, it also emphasized, as did military circles, the necessity of maintaining the Turks in Istanbul.⁴ Still, in a note of 12th December 1919 evaluating the pros and cons of removing Turkish control from Istanbul, Berthelot, the Secretary General of the French MFA, also referred

3 Br.Doc.VII:422, Appendix 1: Telegram to the British High Commissioner; FO371/5166/E2306/262/44, From Robeck to Curzon, No.358, Istanbul 15 March 1920; Br.Doc.VII:298-9, The Note of the British Minister in the Allied Conference, 28 February 1920.

4 CAB23/37, Conference 18, 5 January 1920, p.121

to the four principles mentioned below which gained the support of the British Cabinet on 5th January:

- The crushing of Turkish militarism, as that of Prussian militarism.
- The custody of the Straits, from the Black Sea to the Mediterranean, to be entrusted to an international organisation which shall effectively secure their neutrality and free passage.
- Freeing of the Armenians from Turkish domination.
- Not to return the Arab and Syrian populations to the domination of the Turk.⁵

When examining the approaches of the British Foreign Ministry, Government and Parliament in general, one can see that the dominant tendency was the belief, in line with the assertion of Lord Curzon, the Minister of Foreign Affairs, that “*She (Armenia) lost no fewer than 800,000 of her people massacred by the Turks since the beginning of the War, not to speak of 200,000 who were expatriated and deported from their own native country to other parts of the Turkish Empire*”⁶. To him, the Armenians, Syrians, Arabs, Kurds and other subject-populations had been misgoverned and it was for this reason that he had foreseen the necessity for certain arrangements and entries involving the minorities in the peace treaty that would end World War I. Curzon believed that the Turks were left by the Peace Treaty those homelands of Asia Minor which were fairly homogeneous in race, in language, and in creed. This territory had been larger than Spain and equivalent to an area three times bigger than Austria. Curzon believed that with the aid of Europe, the Turks, in the future would be able to build ‘a stable and peaceful kingdom’ on these lands.⁷

Curzon evaluated the two states within British policy, *i.e.* the foundation of “Armenia and Kurdistan” within the territory ranging from the eastern point of the

5 Ibid., p.117.

6 PD, House of Lords, Vol. 41, 4 August 1920, p.734.

7 Ibid., p.736.

Mediterranean to the western borders of India, and believed that the political mechanisms that governed this extensive territory needed to be renewed.⁸ In other words, in his assessment of the Armenian Question, he supported the artificial foundation of Greater Armenia, leaning towards a belief in a state, an Armenia, that would be established under the supervision of Britain 'on the condition of annexing Turkish territories'. Nonetheless, when considering this thesis, he drew attention to the fact that great care had been taken not to produce a negative effect on the project for a second artificial state—Kurdistan. According to the British thesis, from a political perspective most of the Kurds were no different from the Turks and were thus under the influence of those who had dedicated themselves to the Turkish National War under Mustafa Kemal. However, although the Kurds who were against the National War were divided amongst themselves, it was believed that if the situation was handled carefully by the British they would be able to take advantage of circumstances and use the Kurds '*as a counterpoise to Kemalism, Bolshevism and forces of sheer disorder*'. Then again, the Allied powers were quite apprehensive due to the advantages they had granted the Armenians, the borders of the region they planned on giving the Armenians and the act of including a big section of the region populated by the French or the probability of partitioning the area in question between Britain and France; for these reasons they were to be drawn closer to the Turks and establish a close relationship with them.⁹

Meanwhile, Prime Minister David Lloyd George, inspired by the Greek President Venizelos, had a variety of schemes concerning this matter. Venizelos's telegram of 5 October, which had been passed on to the Cabinet by Lloyd George himself, had evoked the vision that the proposed State of *Pontus* would be virtually a *Greek* State and that this new State, collaborating with Armenia and Georgia, would form a solid barrier set against Pan-Islamism, and, eventually, against Russian Imperialism.¹⁰

8 CAB24/107, C.P.1434, The Memorandum of Curzon: 'The Future administration of the Middle East', 8 June 1920, p.1.

9 See WO106/1505/Appreciation of the Situation in Turkey, 9 March 1920; FO371/5056/E12474/3/44, From Robeck to Curzon, No.1349, Istanbul 28 September 1920, Appendix: "Memorandum by Ryan".

10 CAB23/22, Vol.54 (20), 12 October 1920, pp.262-4.

Lloyd George believed that the arguments contained in the Turkish thesis – as defended by Montagu – had removed any possibility that peace conditions be just, and believed that this had led to it being unfairly sacrificed for the sake of the Greeks, Armenians and others. According to the British Prime Minister, some operations were being undertaken independently by the Greeks, while others, at necessary points, had been carried out with the collaboration of both the Greek and British forces under British command. These attempts had been for the sake of all non-Turkish populations, in order to release them from Turkish sway. At this point, everyone, whether inside or outside of the British Parliament, had been in consensus; even so, the issue of leaving Istanbul to Turkey had been discussed quite vigorously, even on the eve of signing the peace treaty. Yet again, according to Lloyd George, the only difficulty they were up against was the matter of Armenia. He stated that he had wished the difficulty would be overcome without trouble, stating that “*If we allowed Mustafa Kemal, or any man of his type, to organize forces in order to break down that policy, Europe would have failed dismally in its duty.*”¹¹ Lloyd George reminded of the fact that it was not necessary to exaggerate the force and capacity of Turkey, and that, compared to the total sum of 80 thousand Turks, the power of the Allies had been equivalent to 160 thousand soldiers; he did not neglect to reprove, saying that if 2 soldiers of the Allied powers, whether French, British, Italian or Greek, were unable to defeat 1 Turkish soldier, then, under such circumstances, one should ask the Turks to determine the peace proposals.¹²

On the military side, the Secretary of State for War, Winston Churchill, and the Chief of General Staff, Henry Wilson, warned the Foreign Ministry that the occupation of Istanbul and the resources to be used for this means would not be worth the expense and would cost the British their existence in Batoum and the Caspian Region. They were worried that Turkish politics would thrust the Turks into the embrace of the Bolsheviks, and the effects of this would be felt in all of

11 PD, House of Commons, Vol. 130, 23 June 1920, pp.2259-60.

12 Br.Doc.VII:416, The Note of the British Minister in the Allied Conference, 5 March 1920.

the Middle East and India. Churchill believed that the occupation of Istanbul would needlessly burden the Turkish side and in accordance with this opposed the act, stating that to pursue such a goal would be too expensive and serve no purpose.¹³

In short, Churchill felt quite anxious as he believed that Turkey would not accept severe conditions unless there was further military intervention and the financial means to back this up. Churchill's approach was probably due to the British-French defeat experienced at the Battle of the Dardanelles in 1915. At that time Churchill had become so desperate that in a communication to his colleagues on 20 October 1915, he suggested the use of 'mustard gas'¹⁴ in great amounts to break the Turkish defense lines. What is more noteworthy is the fact that in his efforts to try to find an excuse for the use of such an element, he had referred to 'massacres conducted against the Armenians by the Turks'.

The Secretary of State for India, Edwin Montagu, questioned how and where the British planned to provide the required military force, stipulating 'not from India'. He emphasized that not even 20 or 30 divisions could be gathered together when necessary, expressing the opinion that from the perspective of layout, it was inevitable in the case of the Christian Chaldeans in Armenia and Eastern Anatolia "for Christians under Muslim and Muslims under Christian rule". For this reason, he believed that one should not support both sides in order to maintain an aggressive attitude, and that it was certain that no great state would accept an Armenian mandate. Moreover, unless the borders of Armenia were not formed from the eastern section of Erzurum, war and chaos would continue; thus Montagu believed in and defended the importance of the Kurdistan project to protect the Chaldeans. Lastly, Montagu added that it was wished to extend Armenian borders during the present Turkish peace, and this would create a great threat for

13 See CAB23/21, Vol. 24(20), 5 May 1920; E.L. Knudsen, *Great Britain, Constantinople and the Turkish Peace Treaty 1919-1922*, London 1987, pp.190-1; M. Kent; *The Great Powers and the End of the Ottoman Empire*, London 1984, pp.191-2; P.C. Helmreich; *From Paris to Sevres*, Ohio 1974, p.279.

14 M. Gilbert; *Churchill: A Life*, London 1991, p.327.

the minorities which, in actual fact, were considered as the main element to be protected.¹⁵

When looking at the discussions on the Armenian Question that occurred in the British Parliament, one can easily come across some interesting and unique comments that were made in the House of Commons on 26 February 1920. For instance, Bonar Law suggested that there would be possible risks – *such as Mustafa Kemal ignoring altogether the instructions from Istanbul or the possibility of further massacres* – in the matter of protecting minorities through monitoring by the Turkish government in Istanbul; however, he emphasized the fact that it would be quite wrong to assume that controlling Istanbul and evacuating the Turkish elements would not eventually mean that the minorities would also be free of the Turks. Major Earl Winterton also related that he met a lot of Christians during his stay in the Ottoman Empire. They had all stated that they did not want any Turkish subjects to be exiled from Istanbul, and they did not think nor believe that this circumstance would mean a safer environment for Christian lives. It was just the opposite; according to Earl Winterton, they had wanted the Powers to show consideration in not presenting any conditions to the Turks that would upset and thus agitate Islamic fanaticism.¹⁶

At this point, Sir Donald Maclean presented a fierce outburst on the matter of the Armenians, questioning what was being done to prevent the massacres designed against them. Sir E. Carson, likewise, asked how it was planned to protect the Armenians and how solutions were to be realized in reality and not just on paper. Furthermore, Lord Robert Cecil, who did not find the severe policies of Lloyd George oriented against the Turks – in a sense – harsh enough, among many criticisms called attention to the importance of Cilicia for the future of Armenia and demanded a clear explanation as to whether the borders of Armenia were to

15 CAB24/103, C.P.1046, From Montagu to Hankey, Memorandum by the Secretary of State for India, 9 April 1920, p.194.

16 PD, House of Commons, Vol. 125, 26 February 1920, pp.2012-3, 2051-3.

be extended or not.¹⁷

In answer to all the criticisms and questions, Lloyd George reminded everyone of the warning he had issued; 'Istanbul was left to the Turks, however, they would take it back if massacres recommenced. Whilst supporting the policy of freeing the non-Turkish communities from the Ottoman influence, as well as areas mainly populated by Greeks, Armenians, Kurds and Arabs from Turkish rule, he drew attention to the necessity of bearing in mind the fact that the old feeling of "*Christendom against the Crescent*" might be re-awakened and find voice even in India. Whilst Istanbul was left to the Turks on the condition that there would be no threats concerning the minorities, he added that great consideration was given to leaving Turkey without a naval force and that the Turks were no longer in charge of supervising the Straits. In addition to this, he suggested that there were advantages in contacting and attending peace meetings with Ottoman administrative circles in Istanbul - a region under Allied supervision and open to the world - rather than attending these conferences in a setting such as Konya, isolated from foreign or international influence as the Sultan's center of administration.¹⁸

Air Commodore Surtees also suggested that rather than supporting any kind of development that would result in Bursa and Konya becoming the center of the Ottoman Empire, Istanbul should be left as it was - the center of the Turkish administration - and be monitored without any difficulty, and that the matters of *Istanbul*, *Armenia* and *Anatolia* be assessed as three different issues. Colonel Wedgwood also thought that rather than having the Sublime Porte in Konya as the new center of administration, it would better serve the Armenian's benefits if Istanbul was under the guns of the British fleet.¹⁹

Amongst British Parliamentary discussions, the questioning of two members of

17 PD, House of Commons, Vol. 125, 26 February 1920, pp.1951-5, 1958, 1971.

18 PD, House of Commons, Vol. 125, 26 February 1920, pp.1963, 1966-70.

19 PD, House of Commons, Vol. 125, 26 February 1920, pp.2020, 2023.

parliament who had been to the Near East and Anatolia gave rise to an interesting analysis of the situation. Aubrey Herbert, who had served in the Near East, drew attention to the fact that the notion of a Greater Armenia could not be realized by provoking the Kurds to rebel or by removing the Turks from Istanbul. He also mentioned that the whole country was well armed and prepared to fight, and it would be quite wrong to create an atmosphere that would put the Armenians or other Christian minorities located in these regions (such as Sivas, Konya, Afyonkarahisar etc) to any risk or danger. In fact, it would be better to assess circumstance from the perspective of whether the British Empire would remain true to the promises they had made to the Muslims rather than considering it within the context of whether to allow Muslim idealism to blossom or not.²⁰

The evaluation of Lieutenant Colonel Guinness, who served in Turkey, was also quite striking. He spoke of 'Asia Minor', a very complex and mountainous region between Asia and Europe measuring about 900 miles from East to West and about 300 miles from North to South, as a state which is inhibited by many religions and races and which has witnessed many conquests and migrations. He also added that the Armenian plateau, with its civilization, was to be united to Russian Armenia as the Republic of Erivan, '*so it need not really concern us in our picture of the conditions of Asia Minor, nor need we consider for the moment Cilicia. We hope France will take a mandate for the control of that area, and that she will take the largest possible powers for looking after the interests of the religious minority*'. Guinness warned that within the context of the present situation, this in reality did not concern Britain in any way. Moreover, bearing in mind British interests, he wondered why a force was not sent to Turkey, to take full control of the region and subject Turkey to certain reforms under British guidance; basically to become more active within the region. Referring to the Christians in Turkey, Guinness stated that conditions for those who lived in Western Anatolia was good, however conditions in the mountains and villages situated in southern Armenia was pretty bad; adding that there had been Christian minorities living under conditions of

20 PD, House of Commons, Vol. 125, 26 February 1920, p.2002.

terrible grinding slavery and most of them had consisted of Chaldean Catholics, Nestorians, and Jacobites pertaining to the Chaldean race. Moreover, he drew attention to the fact that these people, who were very little known, lived under far worse conditions than those Armenians in Cilicia.²¹

Towards the month of March, parallel to the issue of the foundation of a Greater Armenia, another subject that had also frequently engaged the agenda of discussions was the significant progress recorded in the matter of Istanbul's statutes. A change in policy concerning the occupation of Istanbul by the Allied states on 16 March made *bloc*²² policy that much more difficult and thus impossible to execute. In reality, indicators of these developments had been given one month previously by the British authorities. During the conference of the Allies, on 28 February 1920, Lloyd George threw light on the matter and showed everyone that he chose to have a harsh attitude regarding Turkish policy. In order to protect the Armenians, to restore the reputation of the Allied powers and due to the Armenian incidents in Cilicia, he stated that '*if necessary, the Grand Vizier and his Secretary of War (or Secretaries), together with other Ministers will be arrested.*'²³ Approximately one week later, there arose the possibility of applying a comparatively lenient policy (such as the *bloc* policy) within the Allied circle which had materialized at about the same time as the rise to power of Grand Vizier Salih Hulusi Pasha on 8 March. That is, when the three Allied High Commissioners—Robeck, de France and Imperali—met on 3 and 4 March, they emphasised that it would be impossible for the Allied states to occupy Istanbul or maintain an assertive attitude of similar harsh measures at that time or in the near future, however serious the events in Cilicia. Nevertheless, there were severe requirements associ-

21 PD, House of Commons, Vol. 125, 26 February 1920, pp.1990-1, 1994-5.

22 The *Bloc* policy had involved assisting those who had been against the National War by assembling the comparatively lenient circles of the Sultan, to be protected by the Allies. In this respect, the Allied High Commissioners had presented a peace involving more lenient conditions. Br.Doc.VII:413, The Note of the British Minister in the Allied Conference, 5 March 1920. These comparatively lenient conditions allowed for Turkish suzerainty, at least over a substantial portion of the Eastern provinces of Asia Minor, in Izmir and Eastern Thrace-including Edirne. Br.Doc.VII:379, The Note of the British Minister in the Allied Conference, 3 March 1920, Appendix 2 (from Robeck 29 February 1920).

23 Br.Doc.VII:302, The Note of the British Minister in the Allied Conference, 28 February 1920.

ated to the foundation of an independent Armenia which would also include the Erzurum region within its borders, amongst decisions which were made when considering the future of the Ottoman Empire.²⁴

According to the report of the British Secretary of State for War, before the actual occupation of Istanbul - when assessing the probable strength, military force and political tendencies of the Turks - the issues of power settlement, indigent communication and financial difficulties had all affected the method and process of those who had devoted themselves to the National War. Parallel to this was the fact that if Istanbul was occupied by the Allied powers, the Turks would maintain a policy of attrition against the Powers by staging attacks on the Greek population in the Thrace (Trakya) region, Istanbul and Izmir, and on the French located in Cilicia. They would also strike Armenia and Mesopotamia and attack the Christian population using guerrilla tactics. Moreover, they would utilize general defense tactics, or just stand by to await the development of events.²⁵

High Commissioner Admiral de Robeck, who had also been on duty in Istanbul, drew attention to the fact that the occupation of Istanbul and partitioning of Turkish territories for Greece and Armenia would have set the Near East and Central Asia on fire. In light of developments in Cilicia, Robeck criticized the attitude of the Allied Council regarding the Turkish peace conditions, and presented this situation as an unsound policy which had meant the construction of an attempted peace with permanent solutions on the back of an 'event'. In his opinion, if the occupation of Istanbul was known it would produce the risk of massacres being triggered within Anatolia. Nevertheless, under existing conditions and as the lesser of two evils, an 'Allied' occupation would be better than a 'Greek' one.²⁶

24 FO371/5042/E1093/3/44, Robeck=>Curzon, No.191, Istanbul 5 March 1920; FO406/43/E946/3/44, From Curzon to Robeck, No.187, London 6 March 1920.

25 WO106/1505, Appreciation of the Situation in Turkey, 9 March 1920; Br.Doc.XIII:29, The Memorandum of General Staff, 15 March 1920.

26 Br.Doc.XIII:53-4, Robeck=>Curzon, No.317, Istanbul 1 April 1920; Br.Doc.XIII:19, from Robeck to Curzon, Istanbul, 9 March 1920.

Lord Curzon, on the other hand, answering a question as to why the Allied Council allowed the Sultan to stay in Istanbul announced that the Sultan was kept as a hostage by the Council against the prospect of future problems.²⁷ In this regard, he believed that the British had two choices. They were either to maintain a harsh attitude toward the issue as suggested by Lloyd George, or to have a comparatively more lenient approach as put forth by the High Commissioners. However, he also suggested that these lenient peace conditions would eradicate all hope for a reconstituted Armenia.²⁸

In short, prior to March 1920, Lloyd George and Curzon informed that they could keep Istanbul in pledge to prevent any possible Armenian massacres that could arise in the future.²⁹ In other words, the apparent justification of the 'temporary' occupation of Istanbul by the Allies was to be expressed as to punish the misconduct in Cilicia of those who partook in the National War. On 15 March the High Commissioners held their last meeting before the occupation; next day Istanbul was occupied³⁰, after which Grand Vizier Salih Hulusi Pasha reminded of the fact that the Turkish National Movement in Anatolia had been founded as a result of the atrocious events that had occurred during and after the occupation by the Greeks, which later had been fueled by the rumors of the intention to create a Greater Armenia and a Greek Pontus State and could do nothing else but to irredeemably condemn the occupation of Istanbul.³¹

CONCLUSION

The analyses in British documents under the headings of the 'Armenian Question' or the formation of the 'Greater Armenia' mainly consisted of politically-natured

27 Br.Doc.VII:298-9, The Note of the British Minister in the Allied Conference, 28 February 1920.

28 Br.Doc.VII:413-4, The Note of the British Minister in the Allied Conference, 5 March 1920. Curzon assessed the realization of an Armenia of a certain size which was to be constituted as an alternative peace which could be pursued through revision.

29 See Br.Doc.VII:414 (for Curzon), 417 (for Lloyd George), the Note of the British Minister in the Allied Conference, Istanbul 5 March 1920. Lloyd George, *ibid.*, Vol.II, p. 832.

30 FO406/43/E1693/3/44, from Robeck to Curzon, No.238, Istanbul 16 March 1920.

31 Br.Doc.XIII:43, from Robeck to Curzon, No.247, Istanbul, 18 March 1920.

theses and arguments. In terms of items of a '*political*' nature, one can possibly also obtain this kind of data from sources belonging to other related countries. That is, when the political theses of the great powers, including Great Britain, in the 19th and 20th centuries are considered, it can easily be seen that during this time there was a logic and consistency in their policy relating to the handling of the issue of the Eastern Question within the context of the 'dissolution of empires—with the expected inclusion of the Ottoman Empire' at the top of the list. Since the Cold War, however, the nature of the issues concerning the Armenian Question is quite different from that of the past two centuries. The current problem is not due to the varying political designs or interests of the great powers, but rather to global imperialism with a pseudonymous cast. For this reason, it would be constructive to make a 'conceptual analysis', instead of concentrating solely on blaming the policies of Turkish side or the Armenian side or those of the great powers. Further to this, one can assess the terminologies used within the Armenian Question under four general headings:

1. Massacre – Atrocity – Deportation – Genocide:

Whilst acknowledging the developments related to the Armenian incidents of 1915 and 1920, the first three of the above terms are to be found in British documents from the Mudros Armistice Era (1918-1922). The last term (*genocide*) was intensively used subsequent to the political panorama of the Cold War, starting in 1945; an era when the international imperial theses involving the topic of the so-called *Armenian 'genocide'* started to become quite popular.

The political expression of Armenian 'massacres or acts of cruelty' conducted by the Turks increased during the first quarter of the 20th century. In the Cold War era, however, severe accusations started to gain weight, even referring to the conduct of the Turks as an act of 'genocide' against the Armenians. This can be interpreted as an attempt to create controversy regarding the matter of the 1915 Relocation adopted during World War I; when considering the era which had characterized the incident as massacre or atrocity, the governmental decision of

Relocation and Settlement of 1915 cannot even be considered an act of ‘*deportation*’, moving people out of their homeland.³² On the contrary, it should be perceived as a temporary *evacuation* towards ‘assigned and allocated locations’ in the direction of Syria and Palestine, which were both within the borders of the Ottoman Empire at that time. This Relocation³³ was an act originating in a state of emergency and the necessities of War, and enforced on the understanding that of people would return to their homes after the Great War. Therefore, the 1915 Relocation should not be confused with ‘deportation’, which implies the banishment, exile or expulsion of ‘natives or foreign residents’ from a country. The Ottoman use of the term ‘deportation’ meant temporary ‘forced relocation’ within the territories of the country; and was thus distinctly different than expulsion from the national territory. The Relocation was used as a ‘temporary governmental solution’ to deal with war-time *regional security-related issues* during the last Ottoman era. Furthermore, it was not applied specifically to the Armenians or to any other natives of the regions, but was enforced for the sake of the security of all inhabitants of the regions, which had become extremely agitated by war-time chaos and internal conflicts.

Moreover, when considering the events in Marash and the region of Cilicia at the beginning of 1920, one can clearly see that a standing army was not established by the Turkish side until the end of that year. During the Marash incidents, a Turkish paramilitary resistance, predominantly civilian in character, not a regular Turkish army, defended the lives and rights of the civil population against the unrestrained attacks of the French standing army in collaboration with Armenian guerilla battalions.

32 E. Aslan, for instance, emphasized the importance of preparing a specialized dictionary, with explanatory notes, of Turkish and International concepts involving Turco-Armenian Relations. Esat Aslan, “Fransa Ulusal Meclisinde ‘Ermeni Soykırım Yasası’nın Kabul Edilmesinden Sonraki Yeni Değerlendirmeler”, *Osmanlı’dan Günümüze Ermeni Sorunu*, Ankara, Yeni Türkiye Yayınları, 2001, pp.238-9. Sonyel also referred in detail to false reporting or miscommunication for propaganda purposes. Salahi Sonyel, *The Great War and the Tragedy of Anatolia*, Ankara, TTK Publications, 2001, Section 6.

33 The decision of the Ottoman administration can be expressed as ‘*the Provisional Law of Relocations*’. Sonyel, *The Great War and*, p.114.

2. Occupation – Invasion – Annexation:

An *occupation* aims at overseeing or controlling strategic points (such as train stations, bridges, harbours, communication networks, military barracks, police stations, administration centers) by military force. An *invasion* is the rearguard of an occupation, with a dimension of pillage, including material gain.

The project for a ‘Greater Armenia’ was a project of *annexation*, being far removed from an attempt to ‘occupy’ or ‘invade’. It involved international imperialistic plans to incorporate the Eastern Anatolian territories of the Ottoman Empire into the Erevan Republic in the Caucasus –that is, the *annexation* of “*vilayati sitte* (the six provinces-*Erzurum, Elazığ, Diyarbakır, Sivas, Bitlis, Van*) and Cilicia by Armenia.

3. Turco-Armenian Relations/ Turkey-Armenia Relations/ The Armenian Terror:

When referring to Turco-Armenian relations in the strictest sense, one should bear in mind that it signified the position of the ‘Ottoman-Armenian *millet*(*religious community*)’ within Ottoman society, and its interaction with the State; or, at present, diverse subject headings such as the political and socio-cultural interaction of the Armenian ‘citizens’ in the Turkish Republic.

‘*Turkey-Armenia relations*’ refers mostly to the versatile and ‘governmental/state’ dimension of external relations.

The fundamental question that arose for the Turkish Republic during the Cold War era, and which needs to be assessed apart from the two concepts mentioned above, is the problem of *terror*. This reflects the intrigues of the powers from an imperialistic dimension over the Armenians and not as an ethnic problem, *i.e.* the Armenian Question, caused by the ‘Armenian’ identity.

Therefore, the so-called ‘Armenian terror’ should not be regarded simply as an

ethnic-based Armenian activity directed against the Turks and caused by the 'Armenian' desire for retaliation. Instead, it should be regarded as an international political turbulence resulting from imperialistic greed against humanity and world peace. Thus it would be perhaps more appropriate not to label the problem as the 'Armenian' question, which wrongly defines the problem as if it were an 'ethnic' one.

4. Neo-Colonialism (1914-45) and the Dissolution of Empires:

In general terms, the Neo-Colonialist Era which fell between the two world wars witnessed the '*dissolution*' of the empire and not its '*fall*'. In this respect, Neo-Colonialist approaches had started to restructure after the 19th century, ultimately triggering a process of partition which was put into practice through the formulas of '*mandate* and '*colony*' designed during the 20th century. For this reason, due to the conditions of the Neo-colonialist era, it would not be out of place to see Anglo-French projects for partition in particular (along with those of the other great powers) within the context of expressions consisting of certain '*ethnic*' approaches concerning the 'Armenian' Question described in British documents during the 1920s.

Greater Armenia and Kurdistan were two artificial projects of state which were designed by the great powers of the era to partition the Ottoman Empire. These plans, however, could not be put into action due to the military, diplomatic and political success of the Turks, as well as to the rivalry among the Allied powers themselves. These two political themes reappeared during the Cold War to confront Turkey from a different angle, that of *terror*. The probable goal of these projects seems to involve the adoption of a method to draw upon political designs reflecting international competition rather than, for example, the need for or belief in the creation or otherwise of a greater Armenian state to serve for Armenian interests.

In other words, as 20th century political competition, which was perceived as having the *most 'complex cast' and intricate connections of all time*, had probably accurately assessed; for the Turks did not massacre the Armenians as claimed, and those who were evacuated or transferred were moved towards Syria-Lebanon within the terms of the Relocation of 1915 - though on condition that they did not come up against any hardships associated to natural difficulties, or any unforeseen disruptions or problems with individuals caused by the harsh conditions of the era during the journey. On the other hand, if it was commonly believed that the reports of so-called 'massacres' were true - and not that a transfer had taken place in 1915 in the direction of Syria-Lebanon - then *terror* would not have consciously and/or deliberately chosen the territories of Lebanon, the epicenter of ASALA and the PKK terrorists, as the logical location for the manipulation and production of incorrect declarations or propaganda by misusing Armenian sensitivity. To considering the information on the issue under discussion from a different angle; if the intention of the Ottoman administration was to 'massacre' the Armenians, then why did they go to such lengths to protect those who had been transferred to such a distant destination, trying to assure the safety of the route for approximately 900 km by air (the approx. distance as the bird flies), *nor* would they have picked Lebanon as the location for the transfer as it had an Armenian population that could easily verify whether the transferees had arrived at the intended destination or not.

In the final analysis, the expression of the '*Armenian Question*' also included the artificial justification which had given the emphasis to imperialism and the political theses that had been established regarding the 'Armenian identity' with the struggle in question and international rivalry of the era. In fact, if the Armenian Question had been a 'historical fact' and not a 'political thesis', the Ottoman territories which had been intended to supplement the territories of Armenia in the Caucasus within the terms of the 'Greater Armenia' project during the first quarter of the 20th century (an era which is also included within the present study) would not have been incorporated -this time- within "the PKK terrorists' dream

of a ‘Kurdistan’” at the approach of the Cold War era. In short, if the ‘Armenian Question’ had been solely assessed according to *historical readings* and *scientific facts*, it would not have been an issue that was carried through the political arena within the framework of overlapping ‘artificial state’ theories referred to in different processes, devoid of historical basis and confronting the contradictions within itself.

THE REFORMS TOWARDS ARMENIANS IN THE SIX PROVINCES (VILAYAT-I SİTTE)

Dr. Ramazan Yıldız

Researcher
ramazanyildiz@gmx.at

Abstract:

In the region called Vilayat-ı Sitte (Six Provinces), especially after the 1877-78 Turkish-Russian War, the European countries and first and foremost Russia, encouraged the Armenians to be part of adversarial activities against the Ottoman Empire. The Armenian Patriarchate and other Armenian organizations that were founded successively, tried on the one hand to increase the Armenian consciousness among the population and on the other hand to ensure the support of the big powers. They demanded reforms and also sent delegations to Europe in order to ensure that European countries exerted pressure on the Ottoman Empire regarding the reform. Russia outlined a special reform plan regarding the Armenians in the Ottoman Empire. However, other countries consider this plan was in contradiction with their own interests and made significant changes on it. This article analyzes the activities of Russia and the European countries regarding these reforms examine how the original reform plan proposed by Russia was changed.

Key Words: Vilayat-ı Sitte, Ottoman reforms, Great Powers, Armenian Question, Eastern Anatolia

Introduction

The demands to make reforms on regulations in force to improve life conditions of Armenians on Ottoman territory; attempts, meetings, demonstrations, revolts and internal or external affairs caused by these in order to make “Vilayat-ı Sitte” (the six provinces) firstly autonomous, and finally an independent Armenian country, are all known as “the Armenian Problem”. The powerful states of the era, especially Russia needed pretexts to weight in the internal affairs of Ottoman State. The Armenian problem was developed as one of those pretexts.

Historically, Bitlis, Diyarbakır, Erzurum, Mamuretü'l-aziz, Sivas and Van provinces are named as “the six provinces” (Vilayat-ı Sitte). Armenian Patriarchate gives number of the Armenian population in the region of the “six Armenian provinces” as 1,630,000 by the year 1882; and all Armenian population living in Ottoman territory as 2,660,000¹. The Patriarchate gives the populations 1,018,000 and 2,100,000 respectively, by the year 1912². There is a difference of 612,000 people for the population of the Vilayat-ı Sitte and of 560,000 people for the all Ottoman territory. Moreover, if the normal population growth is taken into consideration, naturally these differences increase. Even this shows that the numbers are given in a completely fictitious way and without any criteria. We will be content with a few sentences about this issue which is a subject of another article. Bernstein states, according to Ottoman statistics, that the total number of Armenians living in the Ottoman territory was between 700,000 and 800,000. After noting this statistic, Bernstein adds that “However the Turkish authorities in the region were understating this number to pay fewer taxes to Istanbul, whereas the Armenian population was more than 2,000,000”³. It is not reasonable to grant that Ottoman government had not noticed that Turkish authorities’ announcing a number 1,500,000 people less than the number given by the Armenian patriarchate when it needed money most. Nevertheless, other statistical information of Armenian Patriarchate verifying the Ottoman figures is also present: Armenian patriarchate gives the number of the Armenian students attending to school as 59.513 boys, 21.713 girls and total 81.226 on the entire Ottoman territory. There were schools on almost all Armenian allocation units. It is said by both Armenians and European authors that literacy level was high. In this case, even if it’s granted that only one student attended to school from each household, Armenian population on Ottoman territory had to include from 80,000 to 100,000 households, by the year 1901. If it is accepted that each household consists of five to eight people, it is seen that numbers given by the

1 Anahit Barikian, *Die Entwicklung der Armenischen Frage im 19. Jahrhundert*, Unpublished Ph.D. thesis, Universität Wien, 1948, Appendix II.

2 Anahit Barikian, *Die Entwicklung ...*, Appendix III-IIIa.

3 Eduard Bernstein, *Die Leiden des Armenischen Volkes und die Pflichten Europas*, Berlin, 1902, p. 20.

Ottoman State, which is between 700,000 and 800,000 Armenians, among the numbers above, is the one closest to the correct number.

In fact, all these speculations about the Armenian population arose with the Armenian problem. Actually, until the time 10 years prior to 93 Russian-Turkish war, there was neither in Anatolia nor in Rumelia such a thing like Armenian Problem. Perfect friendship was seen between Armenian and Turkish families until that time. If a Turkish man in Anatolia went to a journey for any reason, he asked his Armenian neighbor to watch his family. Equally if an Armenian man went to a journey, he recommended his family members to Turkish neighbor's care. Armenians were treated as loyal citizens of the state and, important administrative tasks and degrees were given to them.⁴

After the domination of Turkish rule on the places in Armenians live, privileges like carrying out their religious activities freely, establishing private schools and making their own judgments according to their own law to solve their individual conflicts were given to Armenians. Armenian Patriarch had right to speak on Armenians and other minorities in Bâb-ı Âli. Whereas Armenian Patriarchs had been tortured in various ways before Turks came to Anatolia. For instance, Khatolikos Ter Chacik, who remained under Greek rule for six years and dead on 4th April 1066, was taken to a belief examination by passing through fire.⁵ Christian people were equalized to the Muslims completely by administrative reforms known as Tanzimat Fermanı on 1839 and Islahat Fermanı on 1856. On the year 1863 the right to elect an Armenian Council, which consisted of 140 people, was given to the Armenians⁶, who was named as Millet-i Sadıka, by a new regulation, and these rights were enlarged by Kanun-i Esasi (1876). Because of the 1877-1878 Turkish-Russian War these rights were abolished.⁷

4 Ahmed Djemal Pascha, *Erinnerungen eines Türkischen Staatsmannes*, München, 1922, p. 313.

5 Josef Markwart, *Die Entstehung der armenischen Bistümer*, Rome, 1932, p. 7.

6 Ahmed Djemal Pascha, *Erinnerungen eines ...*, p. 317.

7 Artem Ohandjanian, *Armenien*, Wien, 1989, p. 20.

However the Christian people of the Balkans' securing their independence by the support of Russia and Europeans, had increased the Armenian hope and desire of independence. Especially Armenian intellectuals affected by the "Independent Armenia" ideas inspired by Russia, tried to start independence war in contact with the European organizations. These activities executed on two paths. The first one was the activities of the Armenian students attending to school in Europe and affected by the national movements in Europe. These students established several Armenian organizations which are protected by various formations. For instance, they opened a branch office of "Odd Fellows" Masonic lodge of Manchester City in Istanbul with the name of "Hayk and Oriun" in 1862; and a branch office of "Grand Orient de France" Masonic lodge in Istanbul with the name "Ser" in 1866. Armenian students established "Vatanperverler Cemiyeti" in 1881, Moscow; "Marxist Hunchakians" organization in 1887, Geneva; and "Tashnak Party" (Armenian Revolution Federation), which was working with close interactions with a radical Russian organization, named "Narodjana Wolja", in 1890, Tiflis. The second path of the activities comprised by the independence war was the activities of the people who opened schools in Turkey namely of foreign missionaries, spies and Christian students to whom nationality and independence ideas has inoculated in these schools.⁸

Armenian Reform Attempts

The background of the demands on reforms were underlaid by the complaints concerning the violation of law those uttered by Mkrtiç Krimian who was elected Armenian Patriarch and for this reason came from Van to Istanbul on August 28, 1869. Krimian had started working to activate the Armenian Council, which was not working according to him, after he came to Istanbul. He established a commission to investigate the violations of law, which he asserted he was well informed about, in Armenian-inhabited provinces. This commission started working on 14th December 1870 and consisted of four spiritual and five non-spiritual members; led by Archbishop Nerses Varjabedian. At the end of a research

⁸ Artem Ohandjanian, *Österreich-Ungarn und Armenien 1914-1918*, Wien, 1986, pp. 4-5.

of ten months, commission prepared two reports consist of complaints and suggestions, and presented these to Armenian council which was expected to offer them to the government. Complaints consisted of four articles and comprise the points below⁹:

1. Unpleasant manner of tax collection and ambiguity of the principles which determine the behavior of officers to Armenians.
2. Officers' utterance of calumnies around about Armenians.
3. Legal invalidity of witnessing of Christians and non-Muslims.
4. Occurrence of many exploitations and plunders in Armenian provinces.

The report of commission including suggestions consisted of seven articles below¹⁰:

1. Armenians should be enlisted in the army instead of paying military tax; by doing this they could prove that they have civic consciousness. It should be known that Armenians could sacrifice their blood without hesitation with their Muslim friends.
2. Taxes should be collected by government directly, not by tax collectors.
3. Mortgage limitations on real-estates should be canceled.
4. Objective researchers should be assigned to see the real conditions by interviewing all public strata in the provinces.
5. Civil law should be translated to the Armenian language.
6. Issues about debt collection, land, commerce and murders should be handled by civil lawyers, not according to Islamic law.
7. Kurdish people and other highlanders (Circassians added to these highlanders in recent years) harmed seriously not only Armenians but also other peoples and especially values of the government. These people were carrying arms, did not give soldiers to the army and did not pay taxes to the government. Moreover, they

⁹ Anahit Barikian, *Die Entwicklung ...*, p. 67.

¹⁰ Anahit Barikian, *Die Entwicklung ...*, pp. 68-69.

were rebellious. However, other peoples could not carry arms, give soldiers to the army and bounded to pay tributes to these rebellious people. Government should disarm Kurds and other peoples armed, or should give the right to be armed to all people. Only after this, the region could be saved from actual bad situation.

8. The reports that were prepared, discussed and accepted on the meeting of Armenian Council on 18th February 1872, and were presented to the grand vizier. Because of the reports, government established a research commission, half of which elected by Patriarch, to wipe out the complaints, and took steps on the detections and suggestions of the commission. However, Armenians had presented a similar report to the government in 1876 because they had the belief that it is not enough what have done.

Krimian, through the activities stated above, directed the ones who will come to the same place and caused the awakening of a revolutionary spirit. Expectedly, Nerses Varjabediyani who became Patriarch after Krimian, carried the Armenian problem to Europe; demanded and prompted European countries' intervention to the Ottomans about this issue. Anyway, European countries and especially Russia had demanded the fulfillment of the former promises from Ottoman State in a strict manner after the affairs in the Balkans. In accordance with this demand, Sultan declared by utterance on 2nd October 1875 and by an imperial edict on 18th December 1875, that pointed in the Tanzimat Fermanı would be realized¹¹. Nerses regarded all these as an opportunity to reach his dreams and tried to exploit the situation of Ottoman State.

When the possibility of Russian victory in 93 War arose, which started by Russian declaration of war, Armenian council prepared a paper including the points below, to be presented to Russian Tsar¹²:

1) Russia should not leave the "Greater Armenia" lands, which lie towards Eu-

11 Anahit Barikyan, *Die Entwicklung ...*, pp. 65-76.

12 Anahit Barikyan, *Die Entwicklung ...*, p. 109.

phrases, to the Ottomans and Tsar, in his Royal Highness, should treat to this land as a part of his country and bond it to the Ararat province.

2) If the annexation of the region could not be possible because of the assurance of the Tsar, in his Royal highness, by saying “We were not making war to occupy land”, then the privileges Bulgarians gained by the help of the Tsar, in his royal highness, must be provided for Armenians in Turkish-Armenia; and Armenia should be under Russian Tsar’s protection.

3) In the case of leaving back this territory to the Ottomans, fiscal reforms should be done and equality should be constituted between the citizens. In this regard, Russian army should not leave the region before making sure that the reforms done and applied. The conditions about the reforms were as stated below:

- a) Most of the police organization should be consisted of Armenians.
- b) Armenians should have regular army training also.
- c) Kurdish and Circassian people should either be exiled from the region completely to other places or the ones in highlands should be carried to the villages and towns; they might not be policemen.
- d) Armenians should be employed for all public institutions without any discrimination, especially governors of provinces and districts should be Armenian. Russian army should leave the region only after securing the practice of the reforms.

There is not any evidence of collaboration with a country which is making war with their country, more obvious than this. This custom of Armenian Patriarchate continued for the later years.

When the Russian army had come near Istanbul and the decision of ceasefire had been taken on 19th January 1878, in Edirne; Nerses, the Armenian Patriarchate of Istanbul, assigned Pater Georg, the highest Armenian spiritual in Edirne, to present Armenian problem to Nikolai Nikolajeviç, the commander of Russian Army, and to Ignatief, Russian delegate of Bâb-ı Âli (Delegate was in Edirne at that time). At the same time, he wrote a letter with nine bishops and sent one copy to

Crown Prince Nikolajewiç and one copy to the Tsar Alexander II. The letter was written on 1st February 1878 and included the requests below¹³:

1. A general governor who is member of Gregorian sect should be assigned to Armenia. Governor should be chosen by the Sultan with the agreement of the Tsar and should have equal degree to the other governors.
2. Civil officers of the Armenian provinces and districts should be also Armenian and among the members of Gregorian sect and these should be chosen by the Armenian members of parliament; the names chosen should be presented to Bâb-ı Âli for authentication.
3. Public security and public peace of the region should be provided completely by Armenians, security affairs should be carried out by Armenians in rotation¹⁴.
4. Adjudication should be independent of Islamic Law and should be under the chairmanship of Armenians.
5. The privileges of the Kurdish people must be abolished.
6. Taxes should be split again fairly.
7. The law of Charity foundations (wakf) should be rearranged and the law of Property must be controlled.
8. Turkish People in Armenia should be disarmed.
9. The new arrangement in Armenia should be accepted by Sultan and Armenia should be under The Tsar's protection.
10. As the city of Zeytun which has had self-government for centuries, Armenia should be autonomous.

After a few days, these desires of Armenians, was expressed in the 16th article of the Treaty of Ayastefanos in this way: "Disorder and chaos in the European provinces of the Ottoman State is continuing in the same way in then Anatolian provinces. As a measure Sultan assures establishing autonomous governments in the Armenian inhabited provinces (Erzurum, Muş, Van, etc.) which has at the bor-

13 Anahit Barikian, *Die Entwicklung* ..., p. 121.

14 Possibly Gregorian, Protestant and Catholic Armenians are implied.

der of Caucasia and making appropriate modifications in the Law of Provinces. This issue is completely under Sultan's responsibility." All European Countries, especially England and Austro-Hungarian Empire, annoyed by the advantages of Russia gained with this treaty and the six great countries of Europe (England, Russia, France, Germany, Italy and Austria) arranged Berlin Conference to discuss the problem. Conference resulted in Berlin Treaty on 4th June 1878. Abdulhamit the 2nd assigned the treaty on 15th July 1878. In order not to lose the great advantages gained by the Treaty of Ayestefanos and provide the confirmation of them by Berlin Conference, Armenians sent a delegation led by Pater Krimian to Europe to interview about the Armenian problem in England. The delegation is consisted of Krimian Hairik, Mgr. Khoren Narbey von Lusignan, Stepan Papaziyan and Minas Tschraz¹⁵. Pater Krimian, as many Armenians, regarding England as the most important ally of Armenians. However, on this journey he saw how Englishmen playing two-sided. Englishmen kept Armenians on their side by giving hopes and promises on one hand, and they did not want to be opposed to Ottomans on the other hand. Instantly, Englishmen were providing information to the authorities about Armenians about the issues important for Bâb-ı Âli¹⁶. To play this double-sided game, formerly they sent their missionaries to Anatolia; they opened religious schools and colleges like Robert College in Istanbul, Anatolia College in Merzifon, Euphrates College in Harput, and Central College in Antep. The aim of these was to increase the religious conflicts in Turkey, to develop the national consciousness among Armenians and direct them to anarchist activities. Englishmen treated Armenians as a means on all occasions but even when they were in an effective position on Istanbul, they did nothing for Armenians. It is an historical fact that they did not interested in Armenians after they played on Armenians in order to occupy Cyprus and use it as a military base. England treated the Armenian inhabited area as an outsentry to prevent the Russian expansion; Russian and English ascendances struggled on Armenians¹⁷. On June 1878, a liberal member of the parliament said to Foster, who wanted a

15 Yves Ternon, *Tabu Armenien*, Frankfurt, 1981, p. 45.

16 Anahit Barikian, *Die Entwicklung ...*, pp. 109-126.

17 Hans Ludwig Wegener, *Der britische Geheimdienst im Orient*, Berlin, 1924, pp. 132-133.

support from him in Berlin Conference, “Do not offend your neighbor Russia. Here, in England, do leave your affair to neither liberals nor conservatives. It is difficult for England to protect such a far Armenia away from England. There are not enough Armenians inhabited in the south of the Black Sea. England can protect only the ones inhabited near the coast line. I ask you, ‘do they have the power of maintaining their independence in the case that it is given to Armenians? Are there enough Armenians, who have this power, inhabited in the inlands? Do not trust the help of England’¹⁸. Indeed, England was carrying on secret deals with Ottomans while the Berlin Conference was going on. Consequently England assigned a secret defense treaty with Ottomans on 4th June 1878. According to this treaty they assured that England would give military aid to the Ottoman State if Russia exceeded the borders determined by the last contracts. Correspondingly, Sultan promised that he would take measures needed in the Christian inhabited areas to provide their protection and security. Moreover, to apply this treaty, England would occupy Cyprus and govern it directly.¹⁹

Armenian delegation worked hard to describe Armenian problem to the European states but it could not find what it expected. Their aim of talking with Bismarck was refused by the reason of: “Bismarck wants to stay neutral in the conference”.²⁰ At the 15th session of the conference, on 8th June 1878, as the 61st article of the treaty, without discussion²¹ by the offer of England Armenian problem was expressed like this without discussion: “Bāb-ı Āli guarantees making necessary restorations and reforms in the Armenian inhabited provinces in accordance with the local needs and without any delay, and ensures the protection of them against Kurds and Circassians. Bāb-ı Āli allows the steps taken for this aim to be controlled regularly.”²² Based on this article of the treaty, England sent a military consul to Anatolia to supervise the application of the reforms.²³ After this assign-

18 Anahit Barikian, *Die Entwicklung ...*, p. 138.

19 Yves Ternon, *Tabu Armenien*, p. 43.

20 Artem Ohandjanian, *Österreich-Ungarn ...*, p. 25.

21 Yves Ternon, *Tabu Armenien*, p. 46.

22 Johannes Lepsius, *Armenien und Europa*, Berlin, 1896, p. 75

23 Artem Ohandjanian, *Armenien*, s. 28.

ment Armenians, with new dreams, established secret organizations stated in the introduction above, started to attack public institutions and military troops and worked up rebellions which sometimes turned to mutual armed conflicts in the Armenian populated areas.²⁴

By a paper with the date of 24th September 1895, Armenian Patriarch Mateos offered to European delegates that the European states must control the application of the reforms in the Armenian inhabited provinces. Only five days after that paper, on 30th September 1895, a few thousands of Armenians started to walk towards Bâb-ı Âli in order to present a petition containing certain requests to grand vizier. A conflict occurred between the community and this group. After these conflicts which caused deaths, European Countries increased their repression on Sultan Abdulhamit about the reforms. Unsatisfied by the steps taken, Armenian students occupied Ottoman Bank in Istanbul to call attention of European Countries on 26th August 1896.²⁵ By the intervention of European States students evicted the bank and they were sent to Europe. Afterwards, Pastirmacıyan, who joined to this raid as a student told Westenenk, a general inspector of The Netherlands: "Armenians were killed in front of the delegates of the great powers although a promise given that nobody can even touch them."²⁶ As it is seen, if the Armenians had not fallen into the trap of the European Countries, it would have been better for them because Armenians were committing actions which distort the public security and order, and they were exposed to the intervention of the police. Patriarch of that period confessed how they were deceived by the external powers by a telegraph he sent to the Sultan after the raid of the bank in this way: Foreigners tried to commit murders in the name of our people, in a way confusing our people. We reproach the guilty ones. The Patriarchate is the guarantor of the honesty of the Armenian people. In spite of all these upsetting events, Armenians will prove their loyalty. We are asking for mercy the amnesty

24 Joseph Pomiankowski, *Der Zusammenbruch*, Leipzig, 1928, p. 157.

25 Artem Ohandjanian, *Armenien*, pp. 30-31.

26 Artem Ohandjanian, *Österreich-Ungarn ...*, p. 32.

of Armenians arrested for the events.”²⁷ However it was not possible to prevent or control incidents completely. Correspondingly Sultan was exposed to a bomb attack on 21st July 1905. 24 people were dead at that attack, 58 people injured, and many of these were dead afterwards because of their serious injuries. While it is presumed that the attack committed by the Bulgarian or Armenian revolutionists and Young Turks,²⁸ on following day in Berlin, Armenian revolutionists undertook the attack by sending a manifest to the embassy of the countries those assigned the Treaty of Berlin. They claimed in the manifest that 300,000 Armenians killed by Abdulhamit and they said “Against the oppressions which went unpunished, we will continue making retaliatory more. Although this contradicts to our principles, the situation forces us to the use of violence. There is no way other for Armenian revolutionists because of the hopelessness of Armenian people. We have the decision of not to lay down the arms until our requests are satisfied.”²⁹ At the end of the inquiries it is revealed that the attack was planned by Geneva Armenian revolutionary Committee and the members of the revolutionary committees of Caucasia and Istanbul, and particularly committed by the members of Caucasia Revolutionary Committee.³⁰ These Armenian revolutionary committees, especially Tashnaks were trying to organize Armenians, those in Van at first hand, by the gangs which arrange secret operations. Armenians in Van was equipped by enough modern arms and bombs. Whenever their leaders wanted they were ready to take action under their orders. The Gangs were walking around the villages and looking for followers and financial support for their purpose. Their final purpose was however, to obtain the administration of Van.³¹ Armenians asserted that they were activating these gangs to defense themselves and to take their own rights because of the fact that European Countries were not interested in their problems honestly.³²

When the activities of Armenians were going on with the support of Russians,

27 Artem Ohandjanian, *Armenien*, p. 32.

28 Wien, Haus- Hof-, Staatsarchiv, Politisches Archiv XII 187, Jeniköy, 26 Juli 1905, Nr. 37 B.

29 Wien, HHStA PA XII 187, Beilage zu Bericht, 26 Juli 1905, Nr. 37 B.

30 Wien, HHStA PA XII 188, Jeniköy, 13 September 1905, Nr. 45 E.

31 Wien, HHStA PA XXXVIII 357 Trapezunt, 17. September 1912, Z. 34/P.

32 Artem Ohandjanian, *Österreich-Ungarn ...*, p. 35.

in a memorandum given by Russia to Ottoman State on 26th November 1912, Russia demanded³³ essential arrangements from Ottoman government with the claims of that the promises³⁴ in the circular note of Abdulhamit declared on 20th October 1895 was not fulfilled adequately, there were oppressions against Armenians, murders were occurring, and women were being forced to be Muslims. England, on the other hand, had the opinion that Russia exaggerates the security and public order problems which it had introduced as a reason for reforms. According to English ambassador in Paris or other large cities of Europe, same number of murders was occurring in a shorter period.³⁵

The memorandum given by Russia caused great powers organize a conference in London. Many Armenian spirituals and Armenian local notables joined to the conference, in which the reforms in Turkey about Armenians were discussed, and which was done at ambassadors' level. Many Armenians from different places sent telegrams to European statesmen and requested them to interfere Bâb-ı Âli about the reforms.³⁶ In the opinion of the European countries, the real reason of the Russian interest in Armenians was its desire to spread towards the south. They want Armenians to cause pandemonium in order to generate a ground for this desire. In this respect European Countries never let Russia to apply its own policy³⁷ about the matters connected with Turkey, and they prevented the reforms from being under the framework Russia wanted. Because of this Armenian problem acquired an international character.³⁸

Indeed, the aim of Russia was not the security, autonomy or independence of Armenians. If the final aim of Russia were the reforms, then it would have not blocked the steps taken by Lord Salisbury, the English foreign minister, as a result of public opinion in England started to interest in Armenian problem and began

33 Ahmed Djemal Pascha, *Erinnerungen eines ...*, p. 337.

34 Johannes Lepsius, *Armenien und Europa*, p. 10.

35 Wien, HHStA PA XII, 463 Jeniköy, 10. Juni 1913, Nr. 33/D.

36 Artem Ohandjanian, *Armenien*, Wien, 1989, p. 49.

37 Wien, HHStA PA XII, 462 Wien, 21 Jänner 1913, P. d. Nr. 395.

38 Wien, HHStA PA XII, 463 Rom, 6. Juni 1913, Nr. 338.

to press on the English government about the activation of the reforms. When England declared to Ottoman State that it would send its navy on Istanbul if the reforms were not activated, Russia told Ottoman Sultan that it would help Ottoman State if England made such an attempt. As it is seen above, Russia was trying to keep the initiative about Armenian problem, to continue its expansion, and to come towards Istanbul as a final goal.³⁹

At the same time, in order to ease European countries, Russia was saying on all occasions that it sided on the territorial integrity of Ottoman State and did not want the independence of Armenians in Turkey, only wants the activation of reforms for the public order beyond its borders because of the fact that there are 1,500,000 Armenians inhabited in Russian lands.⁴⁰

In fact Anatolian Armenians did not want the problem to be left to only Russia; they want all European Countries to control the region, instead. However, they stated that they would compulsorily have to rely on Russia if the European states did not do this.⁴¹ According to Giers, Russian ambassador in Istanbul, the six provinces had to be gained a statue like Lebanon. Giers assigned the embassy chief interpreter, Mandelstam, who knows Turkey very well, in order to prepare an Armenian reform project in this way.⁴² Mandelstam prepared a project like a constitution consisted of 22 articles, by attributing to the decisions taken in the former conferences and to Constitution of Lebanon.⁴³ Russian Ambassador delivered this project prepared by Mandelstam, bearing the date of 8th June 1913, to the embassies of the other countries on 1st July 1913. According to this project the six provinces that inhabited by Armenians (Bitlis, Diyarbakır, Erzurum, Harput, Sivas and Van) would become privileged provinces and would be governed for five-year periods by a general governor, who is Christian-European or citizen of Ottoman State- and affirmed by the great states of the period and by

39 Wien, HHStA PA XII, 463 Jeniköy, 28. Juni 1913, Nr. 35/A.I.

40 Wien, HHStA PA XII, 463 Petersburg, 15 Juni 1913, Nr. 211.

41 Wien, HHStA PA XII, 462 Trapezunt, 30. Jänner 1913, Z. 9.

42 Wien, HHStA PA XII, 463 Jeniköy, 23. Juni 1913, Nr. 311.

43 Ahmed Djemal Pascha, *Erinnerungen eines ...*, ss. 340-347.

the Sultan. This general governor could supervise the administrative units, would have determination on the police and the gendarmerie, and could order the military forces.⁴⁴ Russia was doing these operations to carry the game, which it played in Macedonia, to the provinces of Northern Anatolia and Russian Ambassador was meeting to the Armenian Patriarch frequently to reach this purpose.⁴⁵

In order to provide the acceptance of the Russian offer, Sasanow, Russian Foreign Minister delivered a memorandum,⁴⁶ which points out the necessity of the reforms, to the Ambassadors of the European Countries. However, other countries did not want negotiations to result quickly. Therefore, they left the problem to the commission of negotiation which they established by assigning one officer from each country. Austrian ambassador Pallavicini assigned Panfilli, the consultant of the embassy, to join this commission and prescribed him to retard the working of the commission as possible without evincing to the Russian side.⁴⁷ The suggestion of establishment of an autonomous Armenian province with a local parliament and assignment of a governor with enlarged competence to this province was refused by the representatives of embassies, on the ground of: "Such an action means violation of the sovereignty rights of the Sultan."⁴⁸

While the Russian project was being discussed, Armenian archbishop Hemayak, and Kelekiyan who was the editor of the newspaper Sabah and the member of the Armenian "Conseil Mixte" had given two memorandum to Austrian embassy, in the name of Patriarch. One of them was about the Armenian migration wave in 1913, occurred on Ottoman lands. The second one was the memorandum written by The Gregorian Armenian Patriarch and it included the requests below⁴⁹:

1. The development of the Armenian inhabited provinces into one large Arme-

44 Wien, HHStA PA XII, 463 Jeniköy, 1. Juli 1913, Nr. 36/A.

45 Wien, HHStA PA XII, 463 Jeniköy, 10. Juni 1913, Nr. 33/D.

46 Wien, HHStA PA XII, 463 Petersburg., 9. Juli 1913, Nr. 244.

47 Wien, HHStA PA XII, 463 Jeniköy, 11. Juli 1913, Nr. 38/C.

48 Wien, HHStA PA XII, 463 Jeniköy, 11. Juli 1913, Nr. 38/B.

49 Wien, HHStA PA XII, 462 Jeniköy, 22. Juli 1913, Nr. 41/E.

nian province in the Eastern Anatolia.

2. Assignment of a general governor to this large province that appointed by the acceptance the Powerful States.
3. Representation of Muslims and Armenians equally in the Province Parliament, administrative delegation and governmental offices.
4. Publication of the law in Armenian language and the use of Armenian language in the courts.
5. Introduction of the reforms in the Law.
6. Return of the extorted lands back to Armenians.
7. The European control over the large province.

There is a close resemblance between this memorandum prepared by Patriarch and the project prepared by Mandelstam. This resemblance is the most obvious evidence of that these two texts prepared together. Armenians' studies which are so close to Russians, naturally plunged Turkish People and Turkish administrators into despair and also into anger. Besides, this caused Turkish People to stop shopping from the Armenian stores and to boycott Armenians. Moreover, an official boycott was offered but not accepted by competent authorities.⁵⁰

The president of the Tashnak Party, Akuni found this anger unfair and accused government by saying "Turkish government has to analyze the reasons for the conversion of the sympathy for Turkish people, which present until the year 1908 among Armenians, to the sympathy for Russians." He claimed that the situation was closely related with the activation of reforms, and the danger of attachment of the Armenian provinces near the Russian Border to Russia would disappear completely, if the reforms activated.⁵¹ As stated above, all of the European countries had the opinion that the suggestion that the six Armenian inhabited provinces to become a state would not be accepted by Turks. Accordingly they changed the Russian suggestions as below:⁵²

50 Wien, HHStA PA XXXVIII, 365, Trapezunt, 29. Jänner 1914 Z 8/P.

51 Wien, HHStA PA XII, 462 Smyrna, 14. August 1913, Nr. 46 Pol.

52 Wien, HHStA PA XII, 463, Jeniköy, 22. Juli 1913, Nr. 41/E.

1. The control of European States on the application of reforms (the style of the control can be discussed with Bāb-ı Āli).
2. The conservation of the clauses about representation in the old Law of Provinces.
3. Allowance to the use of Armenian language in the courts, and to the publications of the Laws in Armenian language.
4. Liberation of all nations about opening schools.
5. Abolishment of the Hamidiye horsemen troops.
6. Assignment of consultants to governors, district governors and administrators which elected from religious minorities.

These articles which prepared by the delegates of the European Countries and which palliated the offers of Russia did not satisfied Russia. Moreover, Russia understood that it could not impose its own articles to the commission. Because of this it brought a new offer to the commission by softening some points except the ones important for Russia. The important points according to Russia were:⁵³

1. The acceptance of the great powers has to be taken for the assignment of the general governor (there may be two governors, if necessary).
2. General Governor has to have the power of assigning and unseating the officers.
3. The Great Powers have to supervise the operations of the General Governor.
4. Muslims and Christians have to be represented equally in the Province Administration Committee.

If these points, which taken as important by Russia, had been accepted by other countries, the goal would have been achieved, on the side of Russia. The six provinces would have become one large province, General Governor would have equipped with extra authorization, and Ottoman Government would have been out of action by the great powers' supervision of the administration. Finally, the

⁵³ Wien, HHStA PA XII, 463, Jeniköy, 2. September 1913, Nr. 50/E.

region would have de facto become an independent state.

In order to prevent the Russian pressure on the commission and prevent the decisions that Russia wants, Turkish government proposed to England to send two inspectors to the region to check the application of the reforms in the Armenian inhabited provinces. However, England refused this offer of Turkish government because Russians had declared to Englishmen that they would not welcome such a decision.⁵⁴

While these negotiations were being done in Istanbul, information were coming about how Armenians were becoming armed and working up a rebellion. For instance, in Halep, Austrian consul Dardini said “Armenians become armed considerably and they have large amount of explosives. The entrance of arms to the city increased exceptionally on recent days”⁵⁵ and Pomianovski, Austrian military attaché in the same place wrote in the letter, which he sent to Austrian embassy in Istanbul, that there were tales in the city that Armenians would take arms with the support of the Russians on spring, the number of the rioters would exceed 100,000, Armenians had large amount of weapons and ammunition, and this ammunition were increasing on each day by the amounts sent from Caucasia. Then he adds “These tales are not groundless, illusory, false tales. Armenians are not happy about the government and they are constantly introducing weapons, ammunition and explosives to the city illegally. My Russian counterpart also says on all occasions that Russia has to come to Iskenderun and occupy Armenian provinces.”⁵⁶

Moricz, Austrian consul of Trabzon, notes in his message: “Russians promised to give autonomy to Armenians like the autonomy of Finland. By the time reforms become active, Russians will treat Armenians as a means against Turks. They are spending much money for this purpose and they are arming revolutionists se-

54 Wien, HHStA PA XII, 463, Paris, 6. Dezember 1913, Nr. 105/G.

55 Wien, HHStA PA XXXVIII, 358, Aleppo, 15. Dezember 1913, Nr. 38 res.

56 Wien, Kriegsarchiv, Präsidial Akten 47-1/33 Aleppo, 18 Jänner 1914.

cretly. They will interfere to the region after an Armenian rebellion. The studies about the Armenian reforms are managed from Eçmiazin and Patriarch working in accordance with Russians.”⁵⁷

What happened was that the negotiations had stopped because Ottoman State refused the reform offerings. After a long break, at the end of September, the idea appeared that Russia and Germany would restart negotiations by discussing with Grand Vizier until they reach an agreement. To set a ground for negotiations Russia and Germany confirmed six articles. According to these articles, Sultan would assign European inspectors to eastern provinces which split to two reform areas, inspectors who would be offered by Strong States and who has the power of supervise, assign and unseat the officers and judges in the region under their control; all officers, judges and also administration committees would be consisted equally in Muslims and Christians; Bāb-ı Āli would entitle the strong States to supervise the application of the reforms. The negotiations which started on this ground remained inconclusive because Bāb-ı Āli did not find some articles unacceptable, especially the one about the” entitlement of the strong states to supervise the application of reforms.

Wangenheim, with a new initiative, wanted to provide the start of the negotiations between Giers and Grand Vizier. Meanwhile Russia made a study of new project. According to this project the general inspectors would be Ottoman, the assistant secretaries would be Christian. However, all the authorities hold by the assistant secretaries. This offering did not find acceptance under the opinion that it could cause many conflicts and problems in practice and it is decided the inspectors to be foreigners⁵⁸. When the negotiations were running, Wangenheim went for a long furlough because there was an agreement on important articles. Russian ambassador Giers wanted to benefit from the absence of Wangenheim and brought up the issues which were out of agenda and which were discussed

57 Wien, HHStA PA XII, 363, Trapezunt, 30. Jänner 1914 Z 9/P.

58 Wien, HHStA PA XII, 463, Konstantinopel, 29. Dezember 1913, Nr. 82/F.

before and made decision about. Russia forced Ottomans to act in a way they want factor about the subject of German Military Mission, by exploiting Armenian problem as a pressure. Thus when Russia had gained its expectations on this issue, it began to act in a more tolerant manner and confirmed the modifications offered by Bâb-ı Âli by abandoning some of its requests. Giers went for a furlough to Paris when there was only one article on which there is no agreement. The Article to be discussed and to be settled was the one according to which %50 of the province administration committees would consisted in Christians. Ottomans expressed in a decided tone that they can agree with this only for Bitlis and Van, because in the other Provinces the Christians were the %30 of the population at most; they could never accept such an application. Meanwhile, negotiations stopped again because of Giers's journey.⁵⁹ By the expression of Pomiankowsky: "the delay of the agreement on Armenian reforms is caused by Russia's intent of keeping this door open for the conflicts in the future. The declarations of Saaonof about the so-called massacres in Armenia also have the same intent. None of these are in accordance with truth."⁶⁰

The Text about Armenian Reforms on which Turkish and Russian Governments Had Agreement on February 1914.

According to the text on which Turkish and Russian governments had an agreement, Eastern Anatolia would be divided to two parts, Erzurum, Trabzon⁶¹ and Sivas would be the one division, Bitlis, Diyarbakır and Harput would be the other. A foreign inspector would be at the head of each region. These would have the right of supervising the administration, police, courts, and gendarmerie. If the public order could not be protected existing security units, then military troops would be given under their command. Inspectors could change the officials those are determined as bad and insufficient at their work, dispatch the ones to the courts if any of them committed a crime, and reassign officials instead of them.

59 Wien, Kriegsarchiv, Präs. 47-1/24 Konstantinopel, 28 Jänner 1914.

60 Wien, Kriegsarchiv, Präs. 47-1/24 Konstantinopel, 28 Jänner 1914.

61 The inclusion of coastal city Trabzon to this reform project should be a concession to Russians because of lightening of Russian project.

They would offer names to Sultan for higher positions. When they unseat the officials they inform the situation by a telegram without any delay, and send the whole written documents in eight days. If it was necessary, they could temporarily unseat the high officials whom they do not have the right to dismiss, however, they would inform the ministry of justice.

If an entitlement conflict occurred between the governor and inspector, the inspector would inform this to the ministry of interior, and the ministry would take the necessary measures within four days. The land problems would be solved under the surveillance of the inspector. The detailed regulations about the rights and tasks would be prepared with the contribution and after the assignment of them. If one of the inspectorships would become vacant in ten years Bâb-ı Âli would assign a new inspector among the names offered by the strong states. The Laws, guidelines and open instructions would be published in local language for both divisions. If the inspector approved people would have the right of speaking in their own language in courts and offices. Court decisions would be written in Turkish, if the inspector approved, again, they could be translated to Armenian language.

An appropriate portion from the budget of education of the province would be assigned for each people in accordance with the tax they paid, central government would not prevent religious communities to open and protect their own schools.

Each Ottoman citizen would perform the military duty in the garrison which is in the place where he resides in the peace time. However, if necessary, government could call soldiers from these regions as from all of the country, and could send them to distant places like Yemen or Neced, or could give them under the command of navy. Hamidiye regiments would be transformed to reserve cavalry. Their arms would put in depots, and would be handed only in training times and military mobilization periods. During the training and military mobilization

periods these troops would be dependent on the regulations of discipline. They would be under the command of related corps commander directly. In the peace time, troop leaders and regiment leaders would be taken as military officers to the standing army. Soldiers would be responsible for a one-year actual military service. The soldiers who could guarantee keeping a ready horse with all its equipment would be exempted of this responsibility.

General population census would be done under the inspection of inspector, not later than one year; the proportions of the peoples and the languages spoken would be determined for each division. Until then, the members of the provincial administration committee of Bitlis and Van would be consisted equally in Muslims and Christians. Unless population census was done in Erzurum in one year, the same system would be applied there, too. In Diyarbakır, Harput and Sivas, the provincial administration committees would be constituted according to existing election lists, proportionally. In the provinces where the provincial administration committees constituted with proportional system, minorities would be represented by all means. Administrative councils would be consisted equally in Muslims and Christians, as it is so far. If no block would come out, in both divisions Muslims and Christians would be taken equally under the control of the police, this measure would be followed when the positions opened. The same principle would be valid for all other public bodies as possible.⁶²

Differences between the Russian Plan Prepared by Mandelstam and the Plan Accepted as the Result of Negotiations

If the project of Armenian reforms prepared by Russian Embassy on 8th June 1913 compared with the accepted plan, it is seen that no points that are important for Russia have been accepted. Instead of unifying the six provinces under a large province, assignment of a general governor with exceptional power as a head of the province, formation of a Provincial Parliament; the related provinces were split into two parts and an inspector was assigned as a control instrument. The

62 Wien, Kriegsarchiv, Präs. 47-1/42 Konstantinopel, 11 März 1914, Appendix.

proportion of Muslims and Christians in the numbers of the officers, gendarmerie or police, who would be assigned, completely left to the Turkish authorities. Turkish language remained the official language for the courts and public offices, it was said that texts could be translated to local languages if it was possible. Hamidiye regiments were not abolished and only demobilized for the peace periods. The right of Strong States to control the application of the reforms had been vetoed by Bāb-ı Āli strictly and that article was completely removed from the text. The Program that was constrained largely, was sent formally to the Strong States for assignment, meanwhile discussions made with Sweden the Netherlands and Belgium about the names proper for the inspectorships.⁶³

We can state the differences between the Russian Plan prepared by Mandelsteim and the plan accepted as a result of negotiations, as articles below:⁶⁴

1. The Russian plan anticipated that the Armenian inhabited provinces would become a large autonomous province with a governor offered by the strong states, assigned by Sultan. According to the accepted plan they split into two parts and two inspectors assigned for each.
2. According to the Russian Plan within the provinces mentioned above, the borders of the districts and sanjaks would be redefined in accordance with the ethnographic situation, and all tenants were given under the control of the governor who had extra powers. However, in the accepted plan the division of districts remained untouched.
3. In the Russian plan the general governor was thought as the head of the executive organ. He would have the power of assigning and unseating of all officers, including the judges. He would be the head of the police and the gendarmerie and military troops would be given to his command if he wanted in order to establish the public security and public order. However in the accepted plan two inspectors were decided to be assigned, and only the right to supervising of the

63 Wien, Kriegsarchiv, Präs. 47-1/42 Konstantinopel, 11 März 1914.

64 Wien, HHStA PA XII463, Konstantinopel, 2. März 1914, Nr.15/P-H.

administration, the courts, the police and the gendarmerie were given to them. Governors remained as the head of the executive organ. When they unseat an officer, inspectors had to inform the related ministry which would take the final decision. The right to assign officers limited to the low-position ones, for the high level officers they could only suggest names.

4. The project prepared by Mandelsteim provided a Provincial parliament consisted in Muslim and Christian members in equal numbers, instead of provincial administration committees. On the other hand, according to the plan accepted, the old practices remained and the proportion of population of the peoples taken as basis for the distribution of the members.

5. Russian plan was including the rearrangement of the communities on the ethnographic basis and demanded that the manager of the district must be chosen among the major group, according to the plan accepted the existing application protected.

6. The Russian plan included special points on the term of office, meeting, abolishment and the authority of provincial parliament. Especially, it put the decision that the proposal of laws which presented to Sultan for the confirmation would be treated as confirmed if they would not be confirmed in two months. However, in the plan accepted there was nothing about the meeting and abolishment of the provincial administration committees. It was decided that the power of the committee would be arranged according to the Law of Provinces.

7. Russian plan ordered that the police and the gendarmerie consisted in Muslims and Christians by half, and that they would be commanded by the European army-officers in the employment of Turkey. The plan accepted did not point out this issue.

8. According to Russian plan Armenians would be under military service only in the peace times and only in the Armenian provinces. In the plan accepted there was no phrase such as "Armenian Province". Moreover, for navy and the troops in Yemen and Necef, as it was in the other parts of the country, enlisting of the soldiers to the army from the six provinces was recorded.

9. The Russian plan demanded the abolishment of the Hamidiye regiments. How-

ever, in the plan which was accepted the regiment mentioned transformed to the reserve cavalry who could bear arms in the training and mobilization periods.

10. The plan of Mandelsteim demanded that the half of the judges and half of all of other officers to be Christians; in the accepted plan this subject was not pointed out.

11. Russian plan brought the investigation of the land conflicts by a special commission as a condition; the plan accepted left these to the general inspectors.

12. Russian Plan forbade the habituation of migrants into the six provinces. The creator of the project, Mandelsteim persistently emphasized this point. However this issue was not put in the accepted plan.

13. According to Mandelsteim's plan a commission including the delegates of Ottomans and the other States, would prepare regulations for the Armenian provinces. However in the plan accepted, it was decided that Bâb-ı Âli would prepare regulations for the general inspectors.

General Inspectors

The negotiations between Russians with Turks resulted in the assignment of the treaty of Gulkiewiç-Said Halim on 8th February 1914.⁶⁵ Armenians were very happy about this treaty. The reform program was prepared by a collective work of Armenian Patriarch a Russian Ambassador in Istanbul, General Governor in Caucasia, and Katholikos in Etchmiadzin. Exchange of views continued during the negotiations. Consequently, they were waiting for the start of the reforms as soon as possible.⁶⁶

When it was decided⁶⁷ that the inspectors would be from Belgium, Denmark, the Netherlands and Norway;⁶⁸ Russia offered the names below, in order two of

65 Ahmed Djemal Pascha, *Erinnerungen eines ...*, p. 349-351.

66 Wien, HHStA PA XII, 463 Petersburg,, 23. März 1914, Nr. 85.

67 Wien, HHStA PA XII, 463, Konstantinopel, 9. Februar 1914, Nr. 10/P-E.

68 I did not find the reason for choosing these countries. Probably the reasons were that they were in good relations with Ottoman state, wer not included in contrivances against Ottomans or were small states unable to exert power on Ottoman state.

them to be chosen⁶⁹:

1. Brigadier General Guise from Belgium,
2. Lieutenant Henri from Belgium (He was the substitute of Kongo Governor),
3. Dormann, General Secretary of Ministry of War of the Netherlands,
4. Westenek, Provincial governor in Nether-India.

At the beginning of April, Russia offered one more name for the general inspectorship: Norwegian Major Commander Hoff⁷⁰. The representatives of the Strong States presented the list of the inspectors to Bâb-ı Âli on 7th April.⁷¹ The Grand Vizier announced to the presenters of the list, that Westenek from the Netherlands and Hoff from Norway were chosen,⁷² and demanded the arrival of the chosen ones to Istanbul.⁷³ The inspectors came to Istanbul due to this demand.⁷⁴ The Armenian inhabited provinces were shared as follows: Erzurum, Trabzon and Sivas were given to Westenek; Bitlis, Diyarbakır, Harput and Van were given to Hoff. The rank of “Bala” (it was a rank close to major general) was given to the both.⁷⁵ Austrian Ambassador Pallavicini declared that he learned from the Embassy of the Netherlands, that conflicts occurred between Inspector Westenek and Bâb-ı Âli, about the working conditions of Westenek. He wrote in a letter which he sent to Wien that Bâb-ı Âli did not want to give the authorizations those had to be used by general inspectors, inspector refusing to assign a document in which his authority and activity field were unclear, inspector wanted 5000 liras annually but Ottoman government offered 3000 liras temporarily; and moreover, Government wanted to give him a flat and travel allowance but inspector did not accepted any other one rather than the current regulations about the travel allowance.⁷⁶ After all these conflicts were overcome, then another con-

69 Wien, HHStA PA XII, 463 Berlin, 20. März 1914, Nr. 1216

70 Wien, HHStA PA XII, 463 Berlin, 4. April 1914, Nr. 117.

71 Wien, HHStA PA XII, 463 Pera, 7. April 1914, Nr. 140.

72 Wien, HHStA PA XII, 463 Pera, 15. April 1914, Nr. 149.

73 Wien, HHStA PA XII, 463 Konstantinopel, 22. April 1914, Nr. 28/P-G.

74 Wien, HHStA PA XII, 463 Konstantinopel, 16. Mai 1914, Nr. 35/P-C.

75 Wien, HHStA PA XII 463, Konstantinopel, 3. Juni 1914, Nr. 42/P.E., Bezug auf Bericht Nr. 38/P.G. vom 25. v.M.

76 Wien, HHStA PA XII 463, Konstantinopel, 16. Mai 1914, Nr. 35/P.C.

flict occurred that whether the official inspectors would be responsible directly to the government or to general inspectors. However the certain attitude and the solid manner of general inspectors Westenek and Hoff, brought success and the contract assigned as they wanted.⁷⁷ Inspectors stayed in Istanbul until their rank and work fields announced in the official journal.⁷⁸ Public officers from Armenian community were assigned to help inspectors. The public officers⁷⁹ assigned to help inspector Hoff were the four people stated below:⁸⁰

1. Heygasun Beygyan: (assigned as agricultural consultant) He was a manager in ministry of Agriculture until then.
2. Astik Efendi Gözübügyan: he was civil inspector until then.
3. Krikor Efendi Şahinciyan: he was a translator in general security Bureau in Istanbul
4. Mattheos Efendi Ebligacan: he was the Judge of the court of original jurisdiction in Van.

Armenians were waiting the arrival of the inspectors with great expectations. The bishops committee united in Van and assigned a committee of 14 people to help Hoff who sent as a general inspector to Southern Anatolia. This committee consisted of the representatives of three political parties (Tashnaks, Hinchaks and Rangavars), merchants and local notables.⁸¹ The names of the 14 people in the committee were as stated below:⁸²

1. Iskan Mihaelyan: The president of the Tashnak Part in Van, Migrated from Caucasia to Van, entered to Ottoman Citizenship and had close relations with

77 Wien, HHStA PA XII463, Konstantinopel, 25. Mai 1914, Nr.38/P.G.

78 Wien, HHStA PA XII463 Yeniköy, 20. Juli 1914, Nr.51/P.G., zu Bericht 42/P vom 3. Juni 1.

79 I could not encounter the names of people appointed to Westenek's quarters. However I guess that some Armenian officers were appointed to help Westenek.

80 Johannes Lepsius, *Deutschland und ...*, p. 18.

81 Lepsius did not place the names of these 14 persons in the book he published German Foreign Ministry Archives. It is very often that Lepsius change the statements or omit the names whenever there is a threat to his thesis.

82 Wolfgang Gust ve Sigrid Gust, *Der Völkermord an den Armeniern 1915/16 Dokumente aus dem Politischen Archiv des Deutschen Auswärtigen Amts*, <http://www.armenocide.de>, 1914-08-11-DE-001-V.

the Russian consul

2. Aram Manugyan: one of the other managers of Tashnak Party, he was more patriot and honest than Iskan.

3. Mihran Terlemezyan: one of the effective and decisive members of Tashnak Party, educated, speaks French and German. He was the principle of Armenian official schools.

4. Tabip Aşod: a member of Tashnak Party educated in Germany known as liar and opportunist.

5. Tabip Cingos: Sympathizer of Tashnak party, he was affective, intelligent but trickster.

6. Şavarş Hovivyan: Vice president of Ramgavar (Conservative) Party. He was a less educated but reliable person.

7. Ardaşes Solakyan: A member of Hınchak (social democrat) Party, teacher of Jeremian School, he was a popular, narrow-minded but reliable person.

8. Mirzahan Mirzahanyan: A member of Hınchak Party, Lawyer. His character was not known well because he settled Van recently.

9. Riştumyan: Not member of any party. He worked as a teacher in the school of Tare Golzagan and American college of Van; he was educated in Edinburgh, a reliable person.

10. Avedis Tertzibaşyan: No party had large lands, member of provincial administration committee, opportunist, and president of various school and aid organizations. He was a friend of Russian consul.

11. Set Kapamacyan: No party, a great merchant. He hated Tashnaks because they killed his father (He was the mayor of Van) in the year before. He was not very intelligent but virtuous and had a strong character.

12. Mihael Minassyan: No party, an important pedagogue. He lived in America for 12 years on and had the degree of doctorate on human relations.

13. Iknadyos Hüssyan: stockowner, He was a reliable person.

14. Margos Jeramyan: He was narrow-minded but very rich.

These were the people who would protect Hoff. Even though the Ottoman State

assigned inspectors and Armenian public servants, Armenian organizations preferred to employ the people on the high positions in politics, commerce and bureaucracy in order to canalize inspectors to the way which would serve them. However these plans of them did not come true because short after the eruption of World War 1, the contracts of the general inspectors cancelled by the İrade-i Seniyye of the Sultan on 3rd -16th September 1914.⁸³

Conclusion

Teba-yı sadıka (loyal citizens), who served to the country by occupying in arts and commerce with the advantage of the citizenship of a stable State because of the fact that Turks established States which lasted for centuries after they came Anatolia, and also with the advantage of having trusty and honest neighbors and fellows whom they can entrust everything, lost their loyalty and fidelity to their country and neighbors after the independence movements awoken by the Wien defeat of Ottomans in 1683, reinforced by the French Revolution of 1789 and got wild after the weakening⁸⁴ of Ottoman State in a way that it could not defend himself against European States and even could not cope with his own governor (Kavalalı Mehmet Ali Paşa) without external help, and started to move together with the European States and especially Russia. Nevertheless these States which wanted to terminate Ottoman State and to share its territory began to exploit the Armenians on the way of their aim.

The Patriarchs, who were the spiritual leaders of the Armenians with their support to the illegal organizations established after Berlin Conference and with the support and provocation of the external powers, started to work against the State and demanded impossible requests from the government, they performed activities that disturbed the people and the government and distorted the public order. Consequently, public body was agitated in some places and caused impetuosity which victimized Armenians, and government has taken measures

83 Johannes Lepsius, *Deutschland und ...*, p. 18

84 Ramazan Yıldız, *Die Migration Kaukasischer Muslime und ihre Ansiedlung im Osmanischen Reich im 19. Jahrhundert*, Unpublished PhD thesis, Universität Wien, 2004, p. 94.

and punished the criminals. Then Armenians showed these events as evidence and by asserting that they faced persecution because their being Christians, they called European States for help. Russia, who was looking for an opportunity to interfere Ottomans and who gave this tactic to the Ottoman-Armenians, prepared a project to heal the so-called life conditions of Armenians because of this call of the Armenians for help. Contrary to the Russian requests, it was decided that Armenian inhabited provinces were to be divided into two parts and assignment of Europeans inspectors to each one after the intervention of the European States who treated this reform project as a violation of their interests, and who treated the existence of the Ottomans as a block on the way of Russia preventing its spread down to the south even it was weakened on economy and military. Consequently, Armenian problem attained an international character even if it must remain as an internal affair of Ottoman State.

THE ESTABLISHMENT AND ACTIVITIES OF THE FRENCH LEGION D'ORIENT (EASTERN LEGION) (NOVEMBER 1916 – MAY 1917)

Mustafa Serdar Palabiyik

Research Assistant Middle East University
Department of International Relations

Abstract:

This article is written in order to examine the developments regarding the Eastern Legion from November 1916 to May 1917. This period is significant because of the transformation of the Eastern Legion from a small fugitive community to a full scale military batallion which had become ready for attacking the Ottoman Empire. This article aims to analyze this transformation and to illuminate the details about that. Within this framework, the substance of this article is the French attempts to provide volunteers for the Eastern Legion. Main themes of the article are the activities of the delegates sent by France to North and South Americas, the propaganda facilities that were organized by these delegates to attract volunteers, the discussions between the French Foreign Ministry and the Ministry of War on the legal status of the Eastern Legion and the details about the Monarga camp established for the Legion in Cyprus.

Key Words: Eastern Legion, France, Armenian Question, Monarga Camp, United States of America

INTRODUCTION

This article is the follow-up to the essay entitled 'Establishment and Activities of the French Legion d'Orient (Eastern Legion) in the Light of French Archival Documents' that was published in the 10th volume of Review of Armenian Studies. The previous article offered a general evaluation of the Armenian-French relations within a time span that began in the last quarter of the 19th century and ended with the last months of the year of 1916. Accordingly, the activities of Armenian committees organized in French cities since 1880s were investigated and on the basis of official documents, it was revealed that French authorities not only

overlooked these activities, but also supported them. The role of these committees in the Armenian rebellions within the Ottoman Empire was also analyzed. Moreover, the article also addressed several other issues: the replacement of the Armenians who were abducted from Cebel Musa to a camp in Port Said of Egypt by French vessels, the emergence of the idea that a military battalion could be created out of these Armenians to be used against the Ottoman Empire, the process through which Eastern Legion was established. In other words, that essay, which constituted the first part of a series of articles, covered the period up until the official establishment of the Eastern Legion in November 1916.

This article, in turn, departs from where its precedent left in the sense that it deals with the developments, concerning the Eastern Legion, which occurred during the period between November 1916 and July 1917. This period is remarkable since it accounts for the transformation of the Eastern Legion from a small fugitive community to a full scale military batallion which was enabled to attack the Ottoman Empire. Henceforth, this article aims to analyse this transformation and to point out its details. . Within this framework, the substance of this article is the French attempts to provide volunteers for the Eastern Legion. Main themes of the article are the activities of the delegates sent by France to North and South Americas, the propaganda facilities that were organized by these delegates to attract volunteers, the discussions between the French Foreign Ministry and the Ministry of War on the legal status of the Eastern Legion and the details about the Monarga camp established for the Legion in Cyprus.

All the documents related to the issues brought up in this article have been gathered up from the archives of the French Foreign Ministry. Special emphasis is paid to the material acquired from the files numbered 891 and 892 that address the issue of Eastern Legion. The essay proceeds chronologically since these documents were themselves organized as such. Approximately 400 documents from two volumes have been critically scrutinized, which produced the interpretive data that led to the formation of this article. In short, the issues addressed in

this work do not rely on secondary sources based on arbitrary discernment that is formed through a common process of brainstorming, but on the contrary it makes use of primary sources which are analytically lined up via a strict and detailed documentation for as much as the author believes in the necessity to employ such a methodology if one attempts to shed light upon the dark pages of history.

1. Colonel Romieu's Report Dated to 4 December 1916: The Composition and Problems of the Eastern Legion

Colonel Romieu, who was, in the last days of 1916, tasked to establish the Eastern Legion sent a comprehensive report to the French Foreign Ministry where he supplied mainstream information about the location of Eastern Legion in Cyprus, how much soldiers it comprised of in the first stage, how the camp was maintained and how its various military needs were met. The report states that the camp of the Eastern Legion was in Monarga which is 24 kms to Famagusta and 2 kms to Trikomo. It held 54 Armenians who used to work as masons or carpenters. The residents' clothes and other needs were supplied from Port Said and English shops in Alexandria. Romieu mentions 600 rifles being brought to the island for the Legion's use. According to the report, Armenians volunteers had not still taken up military training because they were waiting for the French officers¹.

The second main point is the fact that Armenians of Cebel Musa, who constituted the core of the Eastern Legion, were not regarded sufficient for the efficient operation of the Legion. This paved the way for the dispatch of some representatives of Armenian committees in Egypt to the United States for the task of signing up volunteers among the Armenian and Syrian originated citizens. Since Romieu was aware of the impact of political fractions among the Armenians, in his report

¹ The letter addressed by Defrance, the French plenipotentiary minister to Egypt, to French Minister of Foreign Affairs, Aristide Briand, (involving Colonel Romieu's report dated to 4 December 1916), 18 December 1916, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion D'Orient II (Décembre 1916 – Mai 1917)*, p.20

to the French Foreign Ministry where he listed the names of those who would be sent to the United States, he stressed that it would be beneficial to their cause to incorporate representatives from different Armenian political groups in order for them to appeal to the variety of the political views of the Armenians living in the US and to enjoy the advantage of mitigating these divisions through a reference to anti-Ottomanism. In accordance with that, he recommended the following names: M.M. Tekyan from Ramgavar (Armenian Democrat Party), and M.M. Anslanian and Sapaghulian, heads of two fractions of the Hinchak party.

Probably, the most interesting point made in the report is where Romieu clearly states that the representatives of the Hinchak party took part in Armenian terrorist activities of 1895 and that they played a role in the Zeytun uprising². The fact that a serious accusation such as that of terrorism was made by the very French Commander of the Eastern Legion stands very striking.

Another crucial issue was the participation of not only Armenians, but also the Syrians as volunteers to the Eastern Legion³. In line with Romieu's report, a note prepared by French Foreign Minister Briand indicated that the Legion would consist of Armenians alongside Syrians. Moreover, it was also pointed that a Syrian by the name of Dr. Lakkat was charged with the task of conscripting Syrians into the Legion, and that the number of troops could be augmented by hiring more soldiers from especially the Syrian populated South American communities⁴.

In sum, one of the most important features of this report is that it underlines

2 The letter addressed by DeFrance, the French plenipotentiary minister to Egypt, to French Minister of Foreign Affairs, Aristide Briand, (involving Colonel Romieu's report dated to 4 December 1916), 18 December 1916, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion D'Orient II (Décembre 1916 – Mai 1917)*p. 25

3 The letter addressed by DeFrance, the French plenipotentiary minister to Egypt, to French Minister of Foreign Affairs, Aristide Briand, (involving Colonel Romieu's report dated to 4 December 1916), 18 December 1916, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion D'Orient II (Décembre 1916 – Mai 1917)*p. 26

4 French Foreign Ministry, Cabinet Note, 7 December 1916, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 3

the presence of Arab-originated Ottoman citizens along with Armenians. The Legion conscripted both Muslim or Christian Arabs. However, one other striking element is the absence of the name “Arab” in the archival documents, while it was replaced with geographical or tribal labels such as Syrian (*syrien*), Lebanese (*libanais*), Maronite (*maronite*) and Ensari (*ansari*). The background of the French lead in the foundation of the Syrian and Lebanese states in the aftermath of the World War I could be traced back to this detailed classification. Put in differently, the latter can be interpreted in a way that France can be thought to have designed plans about the future of the Ottoman Empire as early as in 1916. Another interesting finding is that France did not distinguish between Muslim and Christian Arabs. As a matter of fact, many Muslim Arab-originated Ottoman citizens fought against their Empire by joining the Eastern Legion. In short, all these volunteers who came from different religious and ethnic roots were united under one banner: anti-Ottomanism

In the conclusion of Romieu's report, he stated that the Legion would be constituted by four squads: two of which would be formed by Cebel Musa Armenians, one by Armenian volunteers in Egypt, Armenian originated military fugitives who were Ottoman subjects and Armenian war prisoners in India; while the last one was to be organized out of Lebanese volunteers in Egypt⁵. Thus, though not finalized, the composition of the Eastern Legion was beginning to take its shape by early 1916.

2. Efforts of Incorporating Volunteers from America

The first and foremost problem encountered by the Eastern Legion was the small number of volunteer turnout. Realizing the necessity of new initiatives in order to solve this problem, French authorities decided to dispatch an Armenian committee to the American continent in line with Colonel Romieu's report⁶. This com-

5 The letter addressed by DeFrance, the French plenipotentiary minister to Egypt, to French Minister of Foreign Affairs, Aristide Briand, (involving Colonel Romieu's report dated to 4 December 1916), 18 December 1916, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion D'Orient II (Décembre 1916 – Mai 1917)*, p. 30

6 Letter addressed to French plenipotentiary minister to Egypt, DeFrance, by French Foreign Ministry, 7

mittee would consist of M.M Tekyan from Ramgavar Party, Sapahgulinan from Hinchak Party and Ardabast Khatchig Hanemyan from Tashnak Party⁷. Later on, Tekyan was replaced with Mihran Damadyan as the delegate of the Ramgavar Party. Daha sonra Ramgavar Partisi'nden Tekyan yerine Mihran Damadyan delege olarak seçilmiştir⁸. As it was mentioned above, all these delegates were known for their anti-Ottoman views and that they had taken part in rebellions against the Ottoman Empire as instigators.

Immediate to this decision, France informed her embassies in Washington, Buenos Aires, Rio de Janeiro, Montevideo and Caracas about the Armenian committees' mandate and demanded them to do whatever was at their disposal to facilitate the work of the delegations⁹. A similar briefing about the Eastern Legion was in order for the French ambassador to St.Petersburg¹⁰. However, the correspondence about these delegates has been confidential. Specifically, French authorities tried to prevent their American fellows from getting the information about a committee being sent to gather volunteers. Upon the completion of these correspondences, Hanemyan and Sapahgulinan left for Marseilles from Port Said on 2 January 1917 as the first stage of their journey to America¹¹.

Next, on 11 January, French Foreign Minister Aristide Briand¹² sent a telegramme

December 1916, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 1

- 7 Encrypted telegramme from DeFrance, French plenipotentiary minister to Egypt, to French Foreign Ministry, 10 December 1916, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 6
- 8 Telegramme from French Foreign Ministry to French ambassador to Washington, Jusserand, 2 February 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 99
- 9 Confidential telegramme addressed to French embassies in Washington, Rio de Janeiro, Montevideo, Buenos Aires ve Caracas from French Foreign Ministry, 13 December 1916, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 16
- 10 Confidential telegramme addressed to French ambassador to St. Petersburg from French Foreign Ministry, 17 December 1916, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 17
- 11 Encrypted telegramme from DeFrance, French plenipotentiary minister to Egypt, to French Foreign Ministry, 8 February 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 45
- 12 Aristide Briand (1862-1932): Nobel-Prize winner French statesman. Having been educated in law, Briand

to French ambassador to Washington, Jules Jean Jusserand¹³, in order to introduce him Hinchak Party representative Sapahgulian and Tashnak Party delegate Hanemyan and inform that they were leaving France for United States. In this document, Briand refers to Sapahgulian as a “valuable orator” and someone who “defends the interest of Armenians living in Turkey”¹⁴. In another telegram sent to Jusserand, it was stated that Mihran Damadian and Hanemyan were Ottoman citizens while Sapahgulian as of Iranian nationality¹⁵. In other words, Damadian and Hanemyan set sail to the New World with the task of signing up troops who would fight against their own state.

In Colonel Romieu's report dated to 19 January 1917, more details have been revealed about Mihran Damadian in the sense that he was told to be a hardworking, moderate and energetic person. He used to be the director of one of the Armenian schools in Van region and that he was referred as playing an active role in Sason uprisings¹⁶. The fact that almost all Armenian delegates picked by France were revolutionary komita members should be regarded as a significant policy choice.

The French opt for sending delegates to recruit volunteers from America is very interesting for it displays the military hardship she was going through. Especially the bloody Somme War which ended in November 1918 had consumed up a large extent of French military reserves. The scarcity was so problematic that

served ten times as the Prime Minister between 1909-1929. He also held the position of Foreign Minister between 29 October 1915 – 20 March 1917 during World War I.

- 13 Jules Jean Jusserand (1855-1932): French writer and diplomat. Having joined the foreign service in 1876, Jusserand was then appointed to London as consul general in 1878. He proceeded his career as a top diplomat when he was appointed as the French ambassador to Copenhagen in 1890 and to Washington in 1902 where he stayed in office for 23 years until 1925.
- 14 Telegramme addressed to French ambassador to Washington, M. Jusserand, by French Foreign Minister, Aristide Briand, 11 January 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 65
- 15 Telegram addressed to French ambassador to Washington, Jusserand, by French Foreign Ministry, 2 February 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 99
- 16 Telegramme sent to French Foreign Minister, Aristide Briand, by French Minister of War (involving Colonel Romieu's report dated to 19 January 1917), 6 February 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, pp. 108-109

France was interested not only with Armenians or Syrians in America, but also with Syrian-originated Ottoman citizens who had been taken as war captives by the British. In a letter sent to the French ambassador to London, Paul Cambon¹⁷, by the French Foreign Ministry; Briand, after giving information about the Eastern Legion, asks Cambon to launch initiatives to give away captured Syrians who were willing to fight against the Ottomans to the French command¹⁸. To put it simply, since she had used her own troops against Germany, France now wished to send regional volunteers to the Middle East instead of French troops in order to attack the Ottoman Empire.

3. Structural Problems of the Eastern Legion: Debates of Legal Status

Because of World War I's burdensome economic legacy, France could not spare a decent budget for the Eastern Legion. In an encrypted telegramme he sent to his Foreign Ministry, French plenipotentiary minister to Cairo, Albert Defrance¹⁹, argued that Colonel Romieu had received a project and some directives related to the organizational aspects of the Eastern Legion from the Ministry of War. According to him, a daily allowance of 2 francs would be paid to the soldiers in order to compensate for their food expenses and their salary, yet this was by no means sufficient²⁰. What is more, in case of injuries, sickness or inability to work any longer because of an accident, there was no provision of pensions or any kind of payment for neither the soldiers, nor for their families²¹. Defrance complained

17 Paul Cambon (1843-1924): Diplomat and member of French Academie of Sciences. He was appointed as the French plenipotentiary minister to Tunisia in 1882, as ambassador to Madrid in 1886, to Istanbul in 1890 and to London in 1898. He continued to serve in his last post throughout World War I.

18 Telegram addressed to the French ambassador to London, Paul Cambon, by French Foreign Ministry, 13 December 1916, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 14

19 Albert Defrance served as the French High Commissioner for Alliance between 30 January 1919 and December 1920 after he replaced Franchet D'Esperey, who was appointed to this post to Istanbul in November 1918. The occupation of Istanbul on 16 March 1920 was carried out during Defrance's office.

20 Encrypted telegram addressed to French Foreign Ministry, by Defrance, the French plenipotentiary minister to Cairo, 10 December 1916, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 7

21 Encrypted telegram addressed to French Foreign Ministry, by Defrance, the French plenipotentiary minister to Cairo, 10 December 1916, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 7

that these conditions discouraged volunteers from joining the Legion and that, especially when compared to the standards of the British voluntary military system, they seemed as minimal provisions²².

The Foreign Ministry forwarded DeFrance's telegramme to the Ministry of War, where it received many critics. General Hubert Lyautey²³, a veteran soldier, who was the Minister of War on 12 December 1916 and who had served in many French dominions such as Algeria, Indonesia, Madagascar and Morocco, submitted a letter to the Foreign Minister Briand, where he wanted to point out DeFrance's errors. The letter argued that DeFrance was suffering from a misconception in the sense that, based on the French Recruitment Law issued on 16 August 1915, France could not, in her army, employ citizens of countries with which she was in war. Thus it was stated that the Eastern Legion could not be treated as a direct component of the French Army, but it could rather be labelled as a complementary or an auxiliary force. In other words, it was not legally possible to recruit Armenians or Syrians who were Ottoman citizens, in the French Army since France was waging war against Ottoman Empire. That was why the soldiers serving in the Legion were paid 2 francs a day, as was the case with all other complementary forces. Furthermore, the same situation applied to the case of no pension or payment provision in case of injuries, sickness or inability to work any longer. Same rules were valid across all auxiliary forces, which meant the Armenians were not subjected to any kind of discrimination²⁴.

22 Encrypted telegram addressed to French Foreign Ministry, by DeFrance, the French plenipotentiary minister to Cairo, 10 December 1916, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 7

23 Louis Hubert Gonzalve Lyautey (1854-1934): Having graduated from the famous French academy of Saint-Cyr in 1873, Lyautey served in Algeria, Indochine and Madagascar since then until 1907. Holding the post of the French governor of Morocco between 1907-1912, he was then appointed as the military governor of the French mandate of Morocco where he served between 1912-1925. In the meantime, he was recalled to the Motherland in 1917 for three months (12 December 1916 – 14 March 1917) when he was entrusted with the office of Minister of War.

24 Letter sent to French Foreign Minister, Aristide Briand, by French Minister of War, Hubert Lyautey, 24 December 1916, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, pp. 39-40

To put it short, the Ministry of War wanted to respond to the Foreign Ministry's critics by highlighting the legal code of conduct of the French army. In response, French Foreign Minister Briand submitted a letter to the Minister of War where he stated that this problem was perceived as discriminatory by the Armenians, and indeed the current conditions allowed French army officials to enjoy compensations and bonuses while the Armenians, who were of the same religion, were denied to such rights. He argued: "Our ability to create the Eastern Legion is dependent on the sacrifices we might make for the sake of reaching a consensus of the improvement of recruitment conditions"²⁵. Briand also underlined the importance of the timing of a possible enhancement of these arrangements considering that France had been dispatched delegations to America in order to come up with volunteers²⁶.

While this debate continued between these two political institutions, on the first day of 1917, Colonel Romieu, via Defrance, sent another report from Cairo to the Foreign Ministry, where he reflected on the conditions of the Eastern Legion. He reported that there were 300 armed and equipped Armenian, led by Lieutenant Bouffe in Monarga camp, Cyprus. They were organized under troops consisting of 100 soldiers and that they were going to reach a number of 450 in three weeks. Romieu pointed out that out of 150 volunteers that were gathered up by the Armenian committees in Cairo, he qualified 42 of them who were from Cebel Musa to be eligible to join the Legion, whereas he also contacted the British authorities for the placement of war-captive Armenians²⁷ in El-Ariş and Magdaba camps under the Legion's command²⁸. Armenian-originated captives must have

25 Letter addressed to the Ministry of War by French Foreign Minister, Aristide Briand, 2 February 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (D cembre 1916- Mai 1917)*, Sayfa p. 98

26 Letter addressed to the Ministry of War by French Foreign Minister, Aristide Briand, 2 February 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (D cembre 1916- Mai 1917)*, Sayfa p. 98

27 These Armenians are those who were captured by the British while they were fighting for the Ottoman Empire against Britain.

28 Letter sent to French Foreign Minister, Aristide Briand, by the French plenipotentiary minister to Egypt, Defrance, (involving Colonel Romieu's report dated to 1 January 1917), 9 January 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (D cembre 1916- Mai 1917)*, p. 50

been of such great interest to France that in a telegramme addressed to Foreign Minister Briand by DeFrance on 23 January, he asserted that the number of Armenians who were kept in camps located in Mesopotamia and India exceeded 200. He also noted that Thogrom, who was an Egyptian Armenian, had visited these captives in India and that they were reported to be willing to join the Legion²⁹. In other words, DeFrance personally sent an Armenian to India in order to connect a direct bound with war captive Armenians and to re-incorporate them to the war through propaganda. He also stated that since not all of these Armenians were in good health so to enable them to join the military service, only those who were suitable and fit should be let to register for the Eastern Legion³⁰.

Colonel Romieu submitted another report to the French Foreign Ministry on 19 January 1917, in which he supplied information about the Syrians that were going to join the Legion. His tone is a very critical one because he argues that 50 Syrians, who were brought to Cyprus, set up a camp just 1,5 km away from the Monarga camp, yet unlike the Armenians, they do not want to either work or receive training. Five of them even escaped from the camp on 12 January. In a note sent to the Foreign Ministry by the Ministry of War, the former was asked to warn Romieu to be more attentive about the Syrians³¹.

Meanwhile, the success stories of Colonel Romieu had been praised in French military and political environments. The Chief of the French Military Mission in Hijaz, Edouard Bremond, prepared a report for the French Foreign Ministry where he applauded Romieu by virtue of his ambitious efforts to shape up the Legion in such a short span of time. Moreover, Bremond also glorified the Arme-

29 Telegramme sent to French Minister, Aristide Briand, by the French plenipotentiary minister to Egypt, 23 January 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 78

30 Telegramme sent to French Minister, Aristide Briand, by the French plenipotentiary minister to Egypt, 23 January 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 78

31 Telegramme addressed to French Foreign Minister, Aristide Briand, by French Minister of War (involving Colonel Romieu's report on 19 January 1917), 6 January 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 105

nians in the camp thanks to their excitement, courage, intelligence and energy in the sense that they would generate a powerful force under the French commandship. On the contrary, the Syrians received negative comments since it was believed that sectarian fractions among them resulted in a weaker race with small power³².

On 6 January 1917, the Ministry of War issued a confidential regulation on the matter of the establishment of the Eastern Legion, in which certain features of the latter were listed: an auxiliary force that was based on voluntarism, comprised of Ottoman subjects, especially Armenians, Syrians and Arabs, was formed on 15 November 1916, under the commandship of French officers in Cyprus³³. The Legion's legal basis would be laid down by the regulation 7.966 9/11 on 26 November 1916.

These legal arrangements, however, could not end the debates over the status of the Eastern Legion between the Foreign Ministry and the Ministry of War. As a matter of fact, both ministers had to hand over their offices to their new fellows in March 1917: Minister of War Hubert Lyautey replaced by Lucien Lecaze on 14 March, and Foreign Minister Aristide Briand with Alexander Ribot on 20 March. Nevertheless, the debate did not cease with the new ministers. In the letter sent by the Ministry of War to Foreign Ministry on 25 March 1917, Lacaze, in defying Ribot, stated that to equalize the status of the Armenians and of the Syrians with that of other soldiers would be against both the Recruitment Law of 16 August 1915 and the statements made in the Senate session on 3 July 1915 when the law was discussed³⁴. For that reason, no payment would be in order concerning the soldiers' families. However, it was decided that if a soldier becomes unable to

32 Letter sent to the French Ministry of Foreign Affairs by the Chief of the French Military Mission in Hijaz, 12 February 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (D cembre 1916- Mai 1917)*, p. 118

33 The French Minister of War's regulation entitled 'Instruction sur les Conditions de Reception en France des Volontaires d'Origine Ottomane Destines a la "Legion d'Orient"', dated to 6 January 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (D cembre 1916- Mai 1917)*, p. 75

34 Letter addressed to the French Foreign Minister by the Minister of War, 25 March 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (D cembre 1916- Mai 1917)*, p. 159

work anymore as a result of injuries, then 500 francs would be paid to his wife, while 400 francs would be spared for his father, 200 francs for the mother, 150 francs for sons under the age of 18 and 100 francs for unmarried daughters below the age of 18³⁵. Such an arrangement symbolizes the compromise that was struck between the Foreign Ministry and the Ministry of War.

4. Efforts of Gathering Volunteers in the American Continent

While on the one hand, France was debating the legal status of the Eastern Legion, on the other hand, the Armenian delegations had arrived America on January 1917 and had started to work for signing up voluntary soldiers for the Legion. However, there was a serious problem since the United States had not yet entered the War³⁶ and that it was forbidden by the US law for the waging parties to seek voluntary troops in American soil because it would automatically imply that the US was taking part. That is why French ambassador to Washington, Jusserand, in his letter addressed to the Foreign Ministry, could not hide his frustration vis-à-vis what had been asked from him.

“Given the uncertainty of a war between the US and Germany, it should have been necessary for us to refrain from every initiative that could put us and our interests in a dangerous position. However, it is to my great astonishment to realize that the tasks with which I am entrusted nowadays involve breaching the laws of the country to which I'm accredited, as if it was natural to do so”³⁷.

Jusserand also pointed to the fact that the Lebanese and the Armenians in the US were being followed by Turkish and German agents. Thus the secret character of the recruitment for the Legion could not be maintained for a long time³⁸. In

35 Letter addressed to the French Foreign Minister by the Minister of War, 25 March 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 160

36 The United States entered World War I by declaring war on Germany on 6 April 1917.

37 Letter sent to French Foreign Ministry, by the French ambassador to Washington, Jusserand, 11 February 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 110

38 Letter sent to French Foreign Ministry, by the French ambassador to Washington, Jusserand, 11 February 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai*

another letter written by Jusserand a week after the previous one, he repeats his warnings and states that the British does not support Armenians to be recruited even in Egypt which is completely loyal to them³⁹. The French Foreign Ministry, in turn, underlined that France could not remain indifferent to this Armenian initiative on the Eastern Legion and that the French missions in “both Americas” would not be violating their host countries’ laws by offering any sort of help to these Armenian delegates⁴⁰. Jusserand is known to have met with the Armenian delegates on 2 March 1917 and advised them to refrain from any activities that could risk France to get into trouble⁴¹.

Actually, what Jusserand was cautious on was a very serious matter. The codes of war states that if a waging party recruits in the territories of a non-waging party, the latter could be regarded as having entered the war as well. In other words, if it is revealed that delegates appointed by France signed up volunteers from United States to fight in the French Army, this could amount to the inclusion of the US in the war.

5. Syrian Voluntary Recruitment in American Continent

When the Armenian delegates set foot on America in February 1917, the French authorities decided that a similar path should be followed concerning the Syrian recruitment from America, meaning Syrian delegations would be dispatched. French plenipotentiary minister to Egypt, Defrance, was tasked to choose the delegates. It was stated that two Arab delegates had been contacted and that one of them had accepted the mission⁴².

1917), p. 110

39 Letter sent to French Foreign Ministry by the French ambassador to Washington, Jusserand, 20 February 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 110

40 Letter sent to the French ambassador to Washington, Jusserand, by the French Foreign Ministry, 22 Şubat 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 119

41 Letter sent to French Foreign Ministry by the French ambassador to Washington, Jusserand, 2 March 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 128

42 Letter addressed to French ambassador to London, Paul Camdon, by the French Foreign Ministry, 19

The Syrians were not the only community in America that France had aimed for. For lower costs, she wanted to begin recruiting Syrians from Egypt. However since the latter was occupied by the Britain, the French Foreign Ministry had to receive British approval in order to commence signing up from Egypt. Within this framework, the French ambassador to London, Paul Cambon, was requested to inform the British government on the matter. In a letter submitted to the French Foreign Minister Aristide Briand, Cambon asserted that he had accomplished his mission to inform the British government about the establishment of the Eastern Legion on 28 February 1917, yet, under the existing war conditions, it was not possible for the British to offer any kind of support⁴³. In other words, the British were not keen on the idea of the Eastern Legion at all, to the extent that they thought it could posit a threat to them. In a letter dated to 6 March, the French plenipotentiary minister to Egypt, Defrance, informed French Foreign Minister Briand that he tried to talk British High Commissioner of Egypt, Sir Francis Reginald Wingate⁴⁴, into allowing the Syrians in his province to be recruited for the Legion, but that his response had not been affirmative⁴⁵. Upon that Defrance notified Colonel Romieu to give up this initiative at least for the moment. Wingate told Defrance that they did not want to be deprived of the Egyptian Syrians' workforce because they could be used for British Workers Union⁴⁶.

In order to compensate for the British negative answer, France, one again, turned its face to the American continent. In a letter addressed to the French Foreign

February 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 117

43 Letter addressed to French Foreign Minister, Aristide Briand, by the French ambassador to London, Paul Cambon, 28 February 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 127

44 Sir Francis Reginald Wingate (1861-1953): Enrolled in the British army as a cannoner instructor in 1880, he served in India, Yemen, Egypt and Sudan between 1881-1889. Ten years after he was appointed to the British troops, he became the British governor for the province, where he remained in Office until 1917. Being fluent in Arabic, Wingate served as the governor of Egypt between 1917-1919.

45 Letter sent to French Foreign Minister, Aristide Briand, by the French plenipotentiary minister to Egypt, Defrance, 6 March 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 129

46 Letter sent to French Foreign Minister, Aristide Briand, by the French plenipotentiary minister to Egypt, Defrance, 6 March 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 130

Minister Briand, the French plenipotentiary minister to Rio de Janeiro, Paul Claudel accounts for 8000-10000 Syrians living in South Brazil, according to the statement of M. Trad, the head of the Syrians Committee in Brazil⁴⁷. However, Claudel held that once the first enthusiasm is over, the recruitment process was understood to be very problematic since the Syrians living in Brazil had no affiliation with guns or any type of military practices. Despite that, by the time the letter was written, approximately 200 Syrians had been signed up for the Eastern Legion⁴⁸.

Claudel offered another interesting finding in the sense that recruitments from the American continent were not a new business. In the same time, a Czech committee in Argentina had been manipulating Czech-originated Argentinian citizens into fighting against Austria⁴⁹. He also added that such efforts could have been much easier if they were carried out in Brazil where the Ottomans had almost no representation in the country, except one whose mandate was at best ambiguous⁵⁰. He also attached the reports of the French consuls to Bahia and Sao Paulo to his letter. The Bahia consul, Orlandi, reported that a Lebanese by the name of Michel Chalhoub had established a three-persons committee in order to start recruiting for the Eastern Legion⁵¹. The consul to Sao Paulo, Birlé, in turn, informed that he had gathered up 200 volunteers under the framework of the Union of Syrian Patriots⁵².

47 Letter sent to French Foreign Minister, Aristide Briand, by the French plenipotentiary minister to Rio de Janeiro, Paul Claudel, 10 March 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 138

48 Letter sent to French Foreign Minister, Aristide Briand, by the French plenipotentiary minister to Rio de Janeiro, Paul Claudel, 10 March 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 138

49 Letter sent to French Foreign Minister, Aristide Briand, by the French plenipotentiary minister to Rio de Janeiro, Paul Claudel, 10 March 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 139

50 Letter sent to French Foreign Minister, Aristide Briand, by the French plenipotentiary minister to Rio de Janeiro, Paul Claudel, 10 March 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 138

51 Letter sent to the French plenipotentiary minister to Rio de Janeiro, Paul Claudel, by the French consul of Bahai, Orlandi, 22 February 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 140

52 Letter sent to the French plenipotentiary minister to Rio de Janeiro, Paul Claudel, by the French consul of Sao Paulo, Birlé, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre*

Meanwhile, Syrian delegates who were supposed to go to America in order to recruit for the Legion were also determined in the early March, 1917. Dışişleri Bakanı Briand'ın Fransa'nın In a letter sent to the French plenipotentiary minister to Egypt, DeFrance, the French Foreign Minister, Aristide Briand, stated that Sheikh Yusuf Kazen and Cemil Merdan Bey were invited to France, for they were chosen to be sent to America⁵³. In his reply, DeFrance pointed that both Syrians had accepted the task, they had left for Paris and that 2000 francs had been paid to each⁵⁴.

On 28 March, DeFrance sent a letter to the new French Foreign Minister Ribot, where he argued that the British had started to soften their hardliner attitude on the matter of the recruitment of Egyptian Syrians for the Eastern Legion. Accordingly, a prominent local gentry of Cairo had visited Sir Francis Reginald Wingate in order to ask for the Syrians to fight on the French side. Wingate's reply was meaningful: "I assure you that the French are doing nothing but to strike a deal with us, and we do nothing but to attain the same"⁵⁵. But still, the French Foreign Ministry complained about the British uneasiness about the Egyptian Syrian recruitments and that this attitude was treated as a biased campaign against the French policy of Syria. (*une campagne préjudiciable à notre politique en Syrie*)⁵⁶.

In the meantime, Syrians and Armenians living in France appealed to their Foreign Ministry that they wanted to recruit volunteers in France for the Legion. An

1916- Mai 1917), p. 142

53 Letter sent to the French plenipotentiary minister to Egypt, DeFrance, by the French Foreign Minister, Aristide Briand, 13 Marh 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 150

54 Letter sent to French Foreign Minister, Aristide Briand, by the French plenipotentiary minister to Egypt, DeFrance, 17 March 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 155

55 Letter sent to French Foreign Minister, Aristide Briand, by the French plenipotentiary minister to Egypt, DeFrance, 28 March 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 161

56 Letter sent to the French plenipotentiary minister to Egypt, DeFrance, by the French Foreign Minister, Aristide Briand, 16 April 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 176

Armenian living in Marseilles by the name of Sahatjian and a Syrian, Paul Daher, referred to the military authorities in Marseilles for the voluntary participation of Syrians and Armenians to the Eastern Legion⁵⁷.

In a letter submitted on 18 May by the Foreign Ministry to the Ministry of War, it was stated that Syrian Dr. Cesar Jean Lakkah, Maronite Sheikh Joseph el Khazen and Muslim Lebanese Merdan Bey had departed for Lisbon as the first stage of their journey to Latin America in order to facilitate Syrians in the continent to join the Legion⁵⁸. The letter also came up with proposals on how to transfer the volunteers, who would be gathered by this committee, to France. According to that, the French representations in Latin America did not have the right to issue documents certifying that volunteers wanted to volunteer for the Legion service. The mandate belonged to the regional committees. The volunteers would be subject to physical examination in order to see whether they were fit for the military practice. Furthermore, they would be transferred to France in ships where they would travel in 4th class cabins while committee members would have the 3rd class. The committees would also hand over a list, comprising of the volunteers' names, surnames, ages and travel expenses, to the French Consulate. Upon the volunteers' arrival to France, the Foreign Ministry would inform the Ministry of War and the leaders of the Armenian and Syrian committees. If there was a possibility for the secret identity of volunteers to be revealed, important documents would not be sent by the same ships in which they travelled. One of three French ports (Bordeaux, Marseilles and Le Havre) would be used for unloading the volunteers, who were to be met by representatives of Syrian and Armenian committees. These representatives, in turn, would be selected out of the respected Armenian and Syrian residents of the aforementioned cities⁵⁹. Port authorities

57 Letter addressed to the Ministry of War by the French Foreign Ministry, 11 May 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (D cembre 1916- Mai 1917)*, p. 194

58 Letter addressed to the Ministry of War by the French Foreign Ministry, 18 May 1917 Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (D cembre 1916- Mai 1917)*, p. 205

59 Indeed, in the telegramme sent to the Governor of Bordeaux by the Foreign Ministry, it was requested that one or two well-respected local Armenians living were to be assigned to welcome the new arrivees. Archives of French Foreign Ministry, File No: 892, *Turquie: Legion d'Orient III (Juin 1916 – Octobre 1917)*, p. 13.  ukr  Ganem, the President of the Syrian Central Committee, wrote a letter back to the

were supposed to send a telegramme stating the number of the passengers and the name of the ship that transported them, to the French Foreign Ministry every time there was a new delivery. These telegrammes, in turn, would be immediately forwarded to Ministry of War and Syrian and Armenian committees⁶⁰.

In the telegramme sent by the Foreign Ministry to the French representations on the American continent the same day, information was provided on the dispatch of Syrian delegates to the Americans and that these French missions were asked to facilitate the operation of these committees. By the way, an important detail about Dr. Lakkah is significant since he was told to have been honoured by the most important French medals, “Légion d’Honneur” and “la Croix de Guerre”⁶¹.

On 19 May 1917, the French plenipotentiary minister to Egypt, Defrance, sent a telegramme to his Foreign Ministry in which he was asking for the latter’s assistance because he thought the Armenian delegate Hanemyan, who would gather up 5000 people for volunteer work, could suffer from some problems regarding their transportation⁶². In its reply, the Foreign Ministry informed Defrance that necessary measures would be taken in relation to that problem.⁶³ However, a number of 5000 was an exxageration and it would be soon observed that Hanemyan could not sign up that many volunteers.

On another letter dated to 20 May 1917, Defrance recommended his Foreign

French Foreign Ministry where he informed the latter that a respectable Syrian by the name of Dr. Samné was appointed to this task. Archives of French Foreign Ministry, File No: 892, *Turquie: Legion d’Orient III (Juin 1916 – Octobre 1917)*, p. 19

60 Letter addressed to Ministry of War by French Foreign Ministry, 18 May 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d’Orient II (Décembre 1916- Mai 1917)*, p. 205

61 Telegramme sent to French Consulates and Diplomatic missions in the Americas by the French Foreign Ministry, 18 May 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d’Orient II (Décembre 1916- Mai 1917)*, p. 208

62 Telegramme addressed to French Foreign Ministry by the French plenipotentiary minister to Egypt, Defrance, 19 May 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d’Orient II (Décembre 1916- Mai 1917)*, p. 209

63 Telegramme addressed to the French plenipotentiary minister to Egypt, Defrance, by the French Foreign Ministry, 20 May 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d’Orient II (Décembre 1916- Mai 1917)*, p. 218

Ministry to take initiatives targeting the placement of the Cebel Musa Armenian camp at Port Said under French administration. Accordingly, he stated that most of the men living in this camp had been transferred to Cyprus and had taken up military training, thus leaving the camp to a large extent for women and children, who wished to be managed not by the British, but by the French. Given that, Defrance advised his Ministry to start spreading French ideas and the language in that area⁶⁴. These opinions were also shared by Colonel Romieu, who argued that it would be just for France to be the guardian of the families, who had been left behind when the men of Cebel Musa Armenians, who he thought to be the most disciplined squad of the Eastern Legion, went to Cyprus⁶⁵.

In a letter sent to the French Foreign Ministry by the Ministry of War on 22 May, it was pointed out that the Syrian delegate Zeki Arnouk, who had just returned from the USA, stated the sheikh of the Pennsylvanian Ansaris⁶⁶, Abdulhamid, was ready to support the Eastern Legion with 500 volunteers⁶⁷. The Ministry of War decided to make a payment of 6000 francs (1200 francs for 100 Ansari volunteers) to Abdulhamid in return for his support⁶⁸.

The French plenipotentiary minister to Rio de Janeiro Ortaelçisi, Claudel, sent a telegramme to his Foreign Ministry in which he informed the latter about the transfer of 22 Syrian volunteers to France with the ferry called Samara⁶⁹. In another telegramme he prepared two days later, Claudel told his Foreign Ministry

64 Telegramme addressed to French Foreign Ministry by the French plenipotentiary minister to Egypt, Defrance, 20 May 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 221

65 Letter addressed to the French plenipotentiary minister to Egypt, Defrance, by Colonel Romieu, 19 May 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 222

66 A Shiah tribe living around Lebanon, Palestine and Syria.

67 Letter sent to the French Foreign Ministry by the Ministry of War, 22 May 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 227

68 The decision of the French Ministry of War, 22 May 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 228

69 Telegramme sent to French Foreign Ministry by the French plenipotentiary minister to Rio de Janeiro, Paul Claudel, 26 May 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 233

that the French consulate to Rio de Janeiro told him the French representatives were not authorized to recruit Syrians and thus an arrangement had to be formulated in order to cope with the increasing number of volunteers. It was also mentioned that 12 Syrian volunteers were waiting in Santos for being transferred⁷⁰. The French consulate to New York, Liebert, in turn, stated that 4 Syrians left Bordeaux on 2 June with the French ship Touraine⁷¹. On 26 June, a Syrian was sent to Bordeaux from New York with the Chicago ferry while 20 Syrians were transferred to Le Havre from Rio de Janeiro with the Ceylan ferry⁷².

In a secret report he filed for the Ministry of War, Colonel Romieu made the following remarks for the Armenian who arrived in Cyprus to join the Eastern Legion: "In the light of the recent developments, we should no longer wait for Armenian and Egyptian Syrian volunteers. The recent arrivees are already of poor-quality (de valeur très mediocre). Six Armenians came from Marseilles and two of them were horrible French citizens who had lived in the city and had been imprisoned before they volunteered for the job. Therefore, I had to ask for their return to France and be put under observation⁷³.

In a telegramme addressed to the French Consulate to New York, it was stated that the magazine called Al-Hoda had published the photos of the Syrians volunteered for Eastern Legion on its issues of 28 April and 3 May. It was highlighted that such publications would trigger Turkish hatred against Syrians⁷⁴. Given this warning of his Foreign Ministry, Consulate Liebert alerted M. Mokarzel, a prom-

70 Telegramme sent to French Foreign Ministry by the French plenipotentiary minister to Rio de Janeiro, Paul Claudel, 28 May 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 236

71 Telegramme sent to the French Foreign Ministry by the French consulate to New York, Liebert, 2 June 1917, Archives of French Foreign Ministry, File No: 892, *Turquie: Legion d'Orient III (Juin 1916 – Octobre 1917)*, p. 2

72 Letter sent to the the Ministry of War by the French Foreign Ministry, 26 June 1917, Archives of French Foreign Ministry, File No: 892, *Turquie: Legion d'Orient III (Juin 1916 – Octobre 1917)*, p. 32

73 Telegramme, involving the secret report of Colonel Romieu dated to 1 May 1917, addressed to French Foreign Ministry by the Ministry of War, 28 May 1917, Archives of French Foreign Ministry, File No: 891, *Turquie: Legion d'Orient II (Décembre 1916- Mai 1917)*, p. 238

74 Telegramme addressed to the French consulate in New York by the Foreign Ministry, June 1917, Archives of French Foreign Ministry, File No: 892, *Turquie: Legion d'Orient III (Juin 1916 – Octobre 1917)*, p. 4

inent Syrian in the US, that this kind of propaganda activities should never be repeated again in the future⁷⁵.

In a letter sent to French Ministry of Domestic Affairs by the Foreign Ministry on 13 June 1917, it was argued that most of the Armenians and Syrians who had come to France to volunteer for the Eastern Legion, were proven unfit in medical examinations for the military service, and that some arrangements were required to provide for their return⁷⁶.

Meanwhile, the expenses for the transfers of volunteers from Americas to France were initially covered by these regional committees, which were then compensated by the French Foreign Ministry out of the state budget. For instance, a regional committee by the name of Lebanese League for Progress sent three Lebanese to Bordeaux from New York with the Rochembeau ferry on 21 April 1917⁷⁷. Their travel expenses costed 431,91 francs which was billed by the Lebanese league⁷⁸. A similar register was sent to the French Foreign Ministry in order for the latter to make the payment for the travel costs of two Lebanese persons, Joseph Frangieh and Saideh Kabalam Michel⁷⁹. The Foreign Ministry forwarded the bill for 314,44 francs to the Ministry of War⁸⁰.

Conclusion:

- 75 Telegramme sent to the French Foreign Ministry by the French consulate to New York, Liebert, 9 June 1917, Archives of French Foreign Ministry, File No: 892, *Turquie: Legion d'Orient III (Juin 1916 – Octobre 1917)*, p. 8
- 76 Letter sent to French Ministry of Domestic Affairs by the French Foreign Ministry, 13 June 1917, Archives of French Foreign Ministry, File No: 892, *Turquie: Legion d'Orient III (Juin 1916 – Octobre 1917)*, p. 15
- 77 Telegramme addressed to the French Foreign Ministry by the French consulate to New York, Liebert, 11 July 1917, Archives of French Foreign Ministry, File No: 892, *Turquie: Legion d'Orient III (Juin 1916 – Octobre 1917)*, p. 56
- 78 The travel bill of the Lebanese League for Progress on 2 July 1917, Archives of French Foreign Ministry, File No: 892, *Turquie: Legion d'Orient III (Juin 1916 – Octobre 1917)*, p. 57
- 79 The travel bill of the Lebanese League for Progress on 30 June 1917, Archives of French Foreign Ministry, File No: 892, *Turquie: Legion d'Orient III (Juin 1916 – Octobre 1917)*, p. 62
- 80 Letter sent to French Ministry of War by the French Foreign Ministry, 13 July 1917, Archives of French Foreign Ministry, File No: 892, *Turquie: Legion d'Orient III (Juin 1916 – Octobre 1917)*, p. 61

This article has dealt with the process through which the Eastern Legion was transformed from a small community to a big battalion from November 1916 to May 1917. The following main points constitute the fundamental events of the process:

- In this period, France suffered from a serious military shortage. Especially at the end of two years of the war, the elite squads of the French army had been severely damaged on the French-German border. This is why, for her war strategy in the Middle East, France, instead of her own forces, preferred to use the local troops whose common point was to challenge the Ottoman control in the region. Thus, the Eastern Legion, which had been planned to be constituted by only Armenians of Cebel Musa, incorporated Muslims, Christian Syrians and Lebanese soldiers.
- France aimed to recruit not only Armenians and Syrians from the Middle East, but also their fellows who had immigrated to the American continent throughout 19th and 20th century and who formed considerable communities there. For that purpose, Armenian and Syrian delegations were established and dispatched to America, with all expenses covered, in order to conduct propaganda activities. Bu nedenle Amerika'ya gönderilmek üzere Ermeni ve Suriyeli delegasyonları oluşturmuş, bunların bütün masraflarını karşılayarak Amerika'da propaganda faaliyetlerine girişmesine vesile olmuştur.
- The French was aware of the fact that these Armenian delegates had instigated some of the Armenian rebellions which pervaded the last 30 years of the Ottoman Empire, for they themselves stated that these delegates had been involved in terrorist activities.
- The French campaign for volunteer recruitment in the US was against the rules of the international law because the efforts of a waging party to recruit troops in a non-waging third country would automatically make the latter a war-party. That is why the delegates carried out their mission in great secrecy. However, it is still

very difficult to argue that the US was entirely unaware of the situation, since she could be argued to have given signals of her entry to the War on the side of the Allied Powers by remaining silent against recruitment activities.

- There was a debate between the French Foreign Ministry and Ministry of War on the legal status of the Eastern Legion. While the Foreign Ministry asked for the Armenian status to be elevated to that of French soldiers, the War Ministry reminded that it was impossible, according to the French law, to recruit soldiers from the countries against which France was waging war and thus the Armenians could not be granted the same rights enjoyed by the French troops.
- In the meantime, although they were allies, a strife between France and Britain on the matter of recruitments was most obvious. The fact that Britain obstructed French efforts to recruit Syrians living in Egypt can be regarded as proof to that.

A CRITICAL ANALYSIS OF ARMENIAN GENOCIDE RESOLUTIONS SUBMITTED TO THE AMERICAN CONGRESS AND RESOLUTION H.RES.106

Oya Eren

Researcher
Institute for Armenian Research
oeren@eraren.org

Abstract:

This article provides a critical evaluation of the resolutions submitted to US legislative institutions on the matter of the recognition of the “Armenian genocide”. It does not seek to respond to the allegations, but rather, intends to show how they have been framed since 1975 through conducting text-analysis in a comparative methodology. The article consists of two parts that is organized according to a chronology, meaning the first part deals with the resolutions targeting for the recognition of the “genocide” since 1975, while the second part is designed to provide an evaluation of five drafts that are currently on the table in both the House of Representatives and the Senate.

Key Words: Armenian genocide allegations, US Congress, H. Res. 106, Armenian question.

Introduction

Even though there is a great deal of pressure exercised by the Armenian Diaspora, one of the most important countries which has not so far recognized the “Armenian genocide” is the United States. For 30 years, the Armenians have been trying to obtain a resolution out of American legislative institutions that will acknowledge the “genocide”. Since 1975, certain members of the House of Representatives who co-operate with the Armenian lobby and a number of Senators have submitted many drafts to both the House of Representatives and the Senate in order to attain a decision that would validate the genocide allegations in the country, yet they have, so far, been unsuccessful.

The fact that Democrats won the elections for the House of Representatives in November 2006 and the House is now presided by a pro-Armenian politician, the Californian representative Nancy Pelosi, has revitalized - and could even be said to have facilitated the efforts to make the USA recognize the “Armenian genocide”. The assassination of Hrant Dink, a Turkish Armenian journalist, in January 2007 has also stimulated the Armenian lobby in the US. Currently, there are two resolutions condemning the assassination in the House of Representatives, and one in the Senate. In addition, there are two drafts aiming to achieve the acknowledgment of the “genocide”, one in Senate and one in the House of Representatives.

This article provides a critical evaluation of the resolutions submitted to US legislative institutions on the matter of the recognition of the “Armenian genocide”. It does not seek to respond to the allegations, but rather, intends to show how they have been framed since 1975 through conducting text-analysis in a comparative methodology. The article consists of two parts that is organized according to a chronology, meaning the first part deals with the resolutions targeting for the recognition of the “genocide” since 1975, while the second part is designed to provide an evaluation of five drafts that are currently on the table in both the House of Representatives and the Senate.

1. The Historical Overview of the Resolutions Concerning the “Armenian Genocide” in the USA (1975-2005)

Since 1970s, the Armenian Diaspora in the US has constantly accumulated more and more political power, which has earned it an influential role to play in both the House of Representatives and the Senate. The first resolution introduced for the acknowledgment of the “Armenian genocide” also overlaps with this time-frame since it was submitted simultaneously to both institutions by the New Jersey representative Henry Helstoski from the Democrats on 9 April 1975. The Resolution was entitled to designate “April 24 1975, as National Day of Re-

membrance of Man's Inhumanity to Man and it underlines the "genocide" the Armenians were subjected to"¹.

The reason for the introduction of the resolution by the Armenian lobby to the House of Representatives in 1975 can be expected to lay in the cool-down phase of US-Turkey relations in 1970s. During this period, Turkey allowed opium plantation in 1974 and the US imposed an arms embargo on Turkey because of the latter's peace operation in Cyprus. In 1984, another resolution was submitted by the Californian representative Anthony Coelho from the Democrats. The most important point that distinguishes this resolution from that of 1975 is that it stated the genocide was perpetrated in Turkey between 1915 and 1923². In other words, it can be treated as an attempt to associate Turkey with the "genocide" while at the same time it aimed to slander the National Struggle movement, which started to gain control Anatolia after 1919. This resolution was rejected out of the fear that it might lead to the deterioration of Turkish-American relations, which was highly undesirable because with the end of the détente period in the early 1980s, Turkey's strategic importance was appreciated once again as the US-Soviet relations were tensed again.

As the year of 1990 was declared as the 75th anniversary of the "Armenian genocide" by the Diaspora, lobbying activities in the American legislative organs were accelerated. After 1989, two new drafts to the House of Representatives and one to the Senate were introduced. One resolution handed to the House of Representatives asked the US President to declare 24 April 1989³ as the commemoration day for the "genocide", whereas the other one suggested 24 April 1990⁴ as the desired date. The draft that was submitted to the Senate had the same body with

1 For the full text of H. J. RES. 148, please see http://www.armenian-genocide.org/Affirmation.157/current_category.7/affirmation_detail.html

2 For the full text of H. J. RES. 247, please see http://www.armenian-genocide.org/Affirmation.158/current_category.7/affirmation_detail.html

3 For the full text of H. J. RES 36, 3 January 1989, please see the official website of USA House of Representatives, <http://thomas.loc.gov/cgi-bin/query/D?c101:1:./temp/-c1011OXkHh::>

4 For the full text of H. J. RES 417, 5 October 1989, please see the official website of USA House of Representatives, <http://thomas.loc.gov/cgi-bin/query/D?c101:3:./temp/-c1011OXkHh::>

that of this second resolution⁵. The one introduced to the Senate was formulated by Robert Dole, the Kansas Senator, who was expected to campaign for his candidacy for Presidency in 1992, thus who desired to win over the Armenian votes. The one submitted to the House of Representatives was initiated by Anthony Coelho and Michigan representative David Bonior, yet it failed. Another interesting point about the resolutions was the small number of co-sponsors. It did not even achieve 50, while the number of co-sponsors today exceeds 100, which can be regarded as an indicator of the unwillingness of support received by the “genocide” allegations in American legislative institutions.

One of the most important reasons why no other resolutions were introduced between 1989 and 1995 was Turkish support granted to the US during the Gulf War. However, the foundation of the pro-Armenian American Caucus⁶ in the House of Representatives in 1995 paved the way for even stronger and more organized genocide allegations. On 23 March 1995 David Bonior, this time with 180 co-sponsors, initiated another resolution entitled “Honoring the Memory of the Victims of the Armenian Genocide”, which asked the United States to encourage the Republic of Turkey to take all appropriate steps to acknowledge and commemorate the atrocity committed against the Armenian population of the Ottoman Empire from 1915 to 1923⁷. This resolution, even though it failed, bears significant importance since it is the first one that demands Turkey to acknowledge the “Armenian genocide”.

In 1996, the genocide allegations were this time reflected in a resolution related to economic issues. The resolution entitled “Foreign Operations, Export Financing, and Related Programs Appropriations Act” was accepted in the House of

5 For the full text of S. J. RES. 212, 18 October 1989, please see the official website of USA House of Representatives, <http://thomas.loc.gov/cgi-bin/query/D?c101:2:./temp/-c10110XkHh::>

6 This group, which is currently co-chaired by Frank Pallone, the New Jersey Representative and Joe Knollenberg, the Michigan representative, has approximately 160 members in the House of Representatives.

7 For the full text of H. CON. RES. 47, please see the official website of USA House of Representatives, <http://thomas.loc.gov/cgi-bin/query/D?c104:1:./temp/-c104MVphk6::>

Representatives. Its 574th part conditionalized the use of 22 millions\$ of aid spared for Turkey to her recognition of the Ottoman atrocities committed against the Armenian community between 1915 and 1923 and to undertake appropriate measures in order to honor the memory of the Armenian genocide victims. The Armenian lobby had anticipated to pressurize Turkey into recognizing the genocide since she was suffering from an economic crisis. However, Turkey refused to receive the aid under these conditions.

The resolution that had been introduced by Bonior in 1995 was then re-initiated in 1997 by the Californian representative George Radanovich who preserved the same text and submitted it to the House of Representatives⁸. This resolution's fate took after that of his precedent in failure. The same year also witnessed Carolyn Maloney, the representative of New York, who enjoyed the support of the Greek Cypriot lobby and of Guy Bilirakis, Greek-Cypriot originated representative of Florida, submitting a resolution to the House of Representatives with the title of "Commemorating the 75th anniversary of the burning of Smyrna and honoring the memory of its civilian victims, and for other purposes". Although the resolution did not adopt the word of genocide, there were references to the commemoration of the murdered Armenian and Greek clerics between 1894 and 1923, along with all Orthodox Christians who were slayed in this period⁹. Not to confine the subject of the resolution to the Armenians, but rather to expand it to all Orthodox Christians was a manoeuvre to facilitate and quicken the draft's adoption in sub-committees of the House of Representatives. Nevertheless, this resolution also failed.

By 1999, the Armenian Diaspora had concluded that it was necessary to push for the adoption of a comprehensive resolution that addressed genocide allegations. For that, a resolution entitled "USA records on Armenian Genocide resolutions"

8 For the full text of H. CON. RES. 55, 21 March 1997, please see the official website of USA House of Representatives, <http://thomas.loc.gov/cgi-bin/query/D?c105:1:./temp/-c105X7xYPU::>

9 For the full text of H. CON. RES. 148, 9 September 1997, please see the official website of USA House of Representatives, <http://thomas.loc.gov/cgi-bin/query/D?c105:4:./temp/-c10511AchS::>

was introduced on 28 April 1999 by George Radanovich to the House of Representatives. Its main body which consisted of 30 articles was almost the same with those that had been submitted earlier the same year. In its conclusion, the US President was asked to hand over all documents in the American archives that were related to the genocide issue to the International Relations Committee of the House of Representatives, to the Library of the Holocaust Commemoration Museum and to the Armenian Genocide Museum in Yerevan six months after the resolution was adopted¹⁰. Another resolution with the title of “United States Training on and Commemoration of the Armenian Genocide Resolution” that was passed to the House of Representatives on 18 November 1999 by Radanovich, also requested the President to undertake all appropriate measures to ensure that the staff of the Secretary of State and all other state officials are educated on the matter of the “Armenian genocide”¹¹. Neither resolution received approval in the House of Representatives, yet they provided the basis for further enhanced resolutions.

On 27 September 2000, Radanovich and Bonior submitted another resolution to the House of Representatives entitled “Affirmation of the United States Record on the Armenian Genocide Resolution”. Its title and the policy declaration was almost the same with that of another draft formulated the same year, except for the fact that it was constituted by 33 articles instead of 30. Three articles argued that Ottoman archives included data to confirm the “genocide”, Raphael Lemkin made reference to the “Armenian genocide” while putting forward the definition of the genocide, and that Ambassador Stuart Eizenstadt made remarks about the restoration of Armenian properties. Considering that the resolution as such would be detrimental for Turkish-American relations, the representative of Colorado, Thomas Tancredo proposed to amend the conclusion of the resolution in a way to state that Turkey could not be held responsible for the “Armenian

10 For the full text of H. RES. 155, please see the official website of USA House of Representatives, <http://thomas.loc.gov/cgi-bin/query/D?c106:3:./temp/-c106hBBGSh:>

11 For the full text of H. RES. 398, please see the official website of USA House of Representatives, <http://thomas.loc.gov/cgi-bin/query/D?c106:4:./temp/-c106hBBGSh:>

genocide” because the crime was committed by the Ottoman Empire; and this change was adopted and added to the resolution¹². The draft was passed on to the General Assembly of the House of Representatives from the sub-committees. When it was almost certain that the resolution would be adopted, President Clinton and the American Chief of Staff General Henry Shelton interfered by addressing a letter to Dennis Hastert, the Head of the House of Representatives on 19 October 2000. They jointly wished for the withdrawal of the resolution from the agenda by underlining that the US had vital interests in the region which would be affected negatively if this resolution was dealt with at that time, and it would further generate a setback on the road towards a rapprochement between Armenia and Turkey¹³. Having received these letters, Hastert dropped the draft off the agenda.

On 26 July 2002, this time the Senate witnessed another resolution introduced by New Jersey representative Robert Toricelli. In this draft, the “Armenian genocide” was suggested as an example of genocide acts, yet it also failed¹⁴. Similar resolutions were submitted to both the House of Representatives and the Senate in 2003.

In an attempt to compensate for his failure in 2000, Radanovich handed almost the same resolution with minor changes to it to the House of Representatives in 2005, but the result was not different than it was in 2000¹⁵. A similar draft that was introduced to the Senate in the same year was also defeated¹⁶. The resolution formulated by the Californian representative Adam Schiff on 29 June 2005 was

12 For the full text of H. RES. 596, please see the official website of USA House of Representatives, <http://thomas.loc.gov/cgi-bin/query/D?c106:1:./temp/-c106WvTFIL::>

13 “Tasarının Hikayesi”, *Zaman*, 21 October 2000.

14 For the full text of S. RES. 307 entitled “Reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987”, please see the official website of USA House of Representatives, <http://thomas.loc.gov/cgi-bin/query/D?c107:1:./temp/-c1071418PB::>

15 For the full text of H. RES. 316, 14 June 2005, please see the official website of USA House of Representatives, <http://thomas.loc.gov/cgi-bin/query/D?c109:1:./temp/-c109nlaTv3::>

16 For the full text of S. RES. 320, 18 November 2005, please see the official website of USA House of Representatives, <http://thomas.loc.gov/cgi-bin/query/D?c109:2:./temp/-c1093kRhWD::>

the most comprehensive one submitted to American legislative institutions. Consisting of 46 articles, the resolution did not address only the “genocide” claims, but it also brought up issues in regard to Turkish accession to the EU, Turkish-Armenian relations, and information about non-central genocide-related subjects such as the conference held by Bilgi University on the Armenian Question¹⁷. The conclusion was also exceptionally longer than the usual resolutions (8 articles instead of 3), where the victims of the “Armenian genocide” were commemorated, Turkey was asked to accept the “genocide” crime committed by its precedent, the Ottoman Empire, to normalize her relations with Armenia. Moreover, it was stated that the Turkish bid to the EU would be underpinned only if Turkey recognizes the “Armenian genocide”, normalizes her relations with Armenia, while the EU was asked to encourage Turkey to make her undertake these changes. That resolution was not passed either.

2. Resolutions Submitted to American Legislative Institutions in 2007

After the Democrats triumphed in the last year’s elections for the House of Representatives, it was expected that issues such as troop deployment to Iraq and or a possible intervention to Iran would downplay the issue of “Armenian genocide”. However, the assassination of Hrant Dink on 19 January motivated the Armenian lobby in a way to manipulate and politicize the event so as to make the House of Representatives adopt a genocide resolution as soon as possible. Therefore, Adam Schiff, whose previous draft was not embraced in 2005, introduced a new one by the number of H. RES. 106 on 30 January 2007 to the House of Representatives. It was similar in character to H. RES. 596 which was submitted by Radanovich to the House of Representatives¹⁸. The same document was initiated in the Senate by Senator Durbin on 14 March¹⁹.

17 For the full text of H. CON. RES 195, please see the official website of USA House of Representatives, <http://thomas.loc.gov/cgi-bin/query/z?c109:H.CON.RES.195>:

18 For the full text of this resolution, please see the official website of USA House of Representatives <http://thomas.loc.gov/cgi-bin/query/D?c110:1:./temp/-c110Zg1Ez7::>

19 For the full text of S. RES. 106, please see the official website of USA House of Representatives, <http://thomas.loc.gov/cgi-bin/query/D?c110:2:./temp/-c110Zg1Ez7::>

In the meantime, resolutions in regard to the assassination of Hrant Dink followed each other in both House of Representatives and the Senate. In one of the resolutions submitted to the former, the wording was formulated in a way to accommodate the “Armenian genocide” in order to create a sense of an official American recognition of the “genocide”²⁰. The New York representative from the Democrats, Joseph Crowley, who put forward the resolution, discerned that the odds of his draft being adopted were low since the US had so far been insistent on refraining from using the word “genocide”. That is why he also introduced another resolution with the same title (H. R. 155) to the House of Representatives in which he deliberately omitted the “Armenian genocide”²¹.

Simultaneous to all these developments, Joseph Biden from the Democrats, who is the head of the Senate’s External Relations committee and the Senator of Delaware, submitted a similar resolution to the Senate²². Biden having recently announced his candidacy for the 2008 Presidential elections, his timing for putting forth this resolution in the Senate is remarkable since it coincides with his election campaign’s kick-off.

When the resolution is examined, it becomes clear that many demands have been requested from Turkey besides the condemnation of Hrant Dink’s assassination. Its main body entirely addresses issues related to the assassination and its aftermath. In this part, Hrant Dink is mentioned to stand for a defender of respect for human rights and freedom of press. He is also praised for attempting to break the icy air between the Turkish and the Armenian communities, and also for his newspaper *Agos* that came to represent the voice of Turkish Armenians. In ad-

20 For the full text of H. R. 102, entitled “Condemning the assassination of human rights advocate and outspoken defender of freedom of the press, Turkish-Armenian journalist Hrant Dink on January 19, 2007”, please see the official website of USA House of Representatives, <http://thomas.loc.gov/cgi-bin/query/D?c110:3:./temp/-c110HSVvHO::>

21 For the full text of this resolution, please see the official website of USA House of Representatives, <http://thomas.loc.gov/cgi-bin/query/D?c110:6:./temp/-c110HSVvHO::>

22 For the full text of S.RES 65, entitled “Condemning the murder of Turkish-Armenian journalist and human rights advocate Hrant Dink and urging the people of Turkey to honor his legacy of tolerance”, please see the official website of USA House of Representatives, <http://thomas.loc.gov/cgi-bin/query/D?c110:5:./temp/-c110HSVvHO::>

dition, the resolution underlines certain issues such as Dink being prosecuted for his remarks on the matter of the “Armenian genocide” according to Article 301 of the Turkish Penal Code, the Turkish population protesting his assassination on the streets in order to honor his memory, the Turkish government promising to conduct a full-scale investigation on Dink’s assassination. It is also significant that the resolution put forward in the Senate also avoids the wording of the “Armenian genocide”, as is the case with its fellow that was introduced in the House of Representatives.

The main body of the resolution is followed by the conclusion where certain demands were listed. This part is where the Senate condemned Dink’s assassination as a shameful act, expressed its full support for the Turkish government’s decision to disclose the criminals and pointed out its awareness of the fact that Turkey invited Armenian religious and political leaders to Dink’s funeral.

The most crucial part of the conclusion is Senate’s requests from Turkey, where Article 301 of the Turkish Penal Code is asked to be abolished, while bilateral relations (diplomatic, economic and political) with Armenia need to be constructed. In addition, the Turkish population was requested to honor Dink’s legacy of tolerance. These demands were without any doubt integrated into the resolution by the pressure exercised by the Armenian lobby which saw a window of opportunity in Dink’s assassination. Indeed to ask for the removal of Article 301 amounts to intervening into the domestic affairs of a sovereign independent country. To ask for the re-institutionalization of diplomatic, political and economic relations with Armenia is just one step further of requesting that Turkey opens its Armenian border. On the other hand, it is a fundamental inconsistency to first appreciate the Turkish community’s protests condemning Dink’s assassination, while asking the entire population to honor his legacy of tolerance in the conclusion.

Senator Richard Lugar objected to the declaration since it accommodated the wording of the “Armenian genocide” and succeeded in putting off the voting pro-

cedure. Given that, Joseph Biden altered the text with some changes and re-introduced it to the Committee. One of the major alterations was the replacement of the statement that Dink was prosecuted because of his remarks on the “Armenian genocide” with the clause that “his prosecution was stimulated because he had labeled the 1915 massacres as genocide”. Since the US would have recognized the “genocide” *de facto* if the first version of the resolution had been adopted, it is understandable that the wording was mitigated so as to prevent its negative implications on Turkey-US relations

3. A Detailed Analysis of the Resolution H. RES. 106

As it was mentioned above, Resolution H. RES. 106 was submitted to the House of Representatives by its six members²³ on 30 January 2007. They are the members who have actively strived for the acknowledgment of the genocide allegations in American legislative organs since the second half of 1990s. It is remarkable that Joseph Knollenberg and Frank Pallone are co-chairs of the American Caucus in the Congress, while the other three are from California where the Armenian lobby is most powerful. Even though it has not been brought to the House’s agenda yet, it is still worthy of a detailed analysis of its main articles since they accommodate major errors and prejudices.

First of all, even the first article of its main body displays serious mistakes, where it is stated that the “Armenian genocide” was designed and executed by the Ottoman Empire between 1915 and 1923. It culminated in the deportation of approximately 2,000,000 Armenians, with 1,500,000 of them died, while the residual 500,000 were kicked out of their homes in an attempt to eradicate the Armenian presence from their homeland of 2500 years.

The first mistake in that article is to assert that deportation was carried out be-

²³ These representatives are Californian Adam Schiff, George Radanovich and Brad Sherman, New Jersian Frank Pallone, Thadeus McCotter and Joseph Knollenberg from Mischigan.

tween 1915 and 1923, whereas it actually lasted till 1916 from 1915. As a matter of fact, deportation was employed only as a temporary measure that was planned to be in order until the end of World War I. Even the name of the Relocation Law implied its temporary character: Temporary Law concerning the measures to be taken by military officials against those who violated the government's practice during war-time²⁴. Moreover, relocation was froze on 25 November 1915 and was officially terminated in 1916 when the displaced Armenians were allowed to return²⁵. Therefore, it was a crucial mistake to argue that the relocation process continued until 1923. There are many reasons to believe that such an error was intentionally made in order to put the blame of the Armenian relocation on the National Struggle movement and the newly established Republic of Turkey

Secondly, the Armenians were not deported, but rather relocated. In other words, they were transferred from the region they live in to another one within the borders of the Empire. It has become a common practice to blur these two concepts of the international law. This mistake, in turn, is a further evidence that the resolution was an amateur craft.

Thirdly, it is empirically flawed to argue that the number of the relocated Armenians was 2 millions because even the total population of the Armenian community in 1910s did not reach such a volume. Though some sources account for exaggerated numbers, the volume of the Ottoman Armenian population prior to World War I ranged from 1.056.000 (British Annals) to 2.560.000 (according to Michael Leart who used the numbers offered by the Patriarchy). If we consider these two numbers as two edges of a scala, the overall population of the Armenian community could be calculated as approximately 1.800.000, which is also accepted by the Armenians²⁶. Therefore, it is not correct either to say that 2 millions Armenians were relocated. What is more, not every Armenian was relocated. The

24 This law was adopted on 27 May 1915 and entered into force after its publication in *Takvim-i Vekayi*, which was the government's official paper.

25 Gündüz Aktan, 'Devletler Hukukuna Göre Ermeni Sorunu', for the full text of the article, please see *Ermeni Sorunu: Temel Bilgi ve Belgeler*, www.eraren.org.

26 For example, the retired historian Kevork Aslan gives the same number.

Armenians who were living in Istanbul, Aydın and Edirne, and the Protestant and Catholic ones who had not participated in the committee activities were exempted from the process. Therefore, even though the number of 1.800.000 is accepted, the volume of the Armenians who were subjected to relocation was even fewer than that.

Fourthly, the claim that 1,5 million Armenian were killed is not historically sound. In order to determine the real number of the Armenian casualties, it is necessary to calculate the number of the Armenians who survived after the World War I. According to a report prepared by the British Embassy in Istanbul in 1922, 281.000 Armenians were living within Turkish borders, while the number of war-time Armenian emigrants Armenians was given as 818,873. 95.000 Armenians in turn, were those who stayed in Turkey but converted to Islam and were thus categorized under the banner of Muslims. When piled up together, these three groups amount to 1.183.873 Armenians who survived the World War I in 1922²⁷. Even if the number (1.800.000) suggested by Kevork Aslan is taken into account, the Armenian casualties during the World War I can be calculated at around 620.000. What is important here is that this number does not designate those who were murdered, but rather those who simply died. Put it differently, this data corresponds to those who died because of war-time conditions as well as out of aging, sickness and hunger. In sum, the data of 1,5 million is a number which has not been validated historically through archival inputs.

Finally, the allegation that 500.000 Armenians were relocated is also erroneous since the relocated Armenian people was granted the right to return once the World War was over and that almost 644.000 of them were testified by the Patriarchy to be living within the borders of the Empire in 1918.

The second and the third articles of the resolution suggest that Britain, France

27 NARA 867.4016/816, Kemal Çiçek, "Ermeni Yasa Tasarısı'nın İçeriği ve İddialara Verilen Cevaplar", *Ermeni Araştırmaları*, No. 23-24, 2007.

and Russia had regarded the Armenian atrocities as crimes committed against humanity, in reference to a joint declaration made by these three countries on 24 May 1915. However, it was very natural for these states to issue such a declaration since the only news they received about the “Armenian massacres” were transmitted to them by missionaries operating within Ottoman borders and also by Armenians. In addition, they were propaganda activities against the Ottoman Empire in an attempt of these three countries to appeal to their domestic constituencies. After the World War, the British exiled some prominent Ottoman officials to Malta, where they were put on trial with the charge of undertaking the “Armenian genocide”. Nevertheless, they were all released once it was realized that no sufficient evidence was existent.

The resolution’s fourth, fifth and sixth articles argue that Ottoman Empire held her own officials as responsible for the Armenian massacres and that she put them on trial where they were sentenced afterwards. In other words, some military courts which were set up after the World War found certain Ottoman officials guilty for the execution of the “Armenian genocide”. The Ottoman governments which were formed after the World War I must be treated as loyal puppets whose strings were firmly grabbed by the Great Powers and that the War Cabinets these authorities forged had to be regarded as illegal courts in terms of their form or operation. Their judgment was unfair, biased and made under pressure. This unfair and subjective characteristic of the courts was also noticed by even the Western observers. For example, the American High Commissioner Lewis Heck reported on 4 April 1919 that “most of the trials were to a large extent motivated by personal revenge or manipulation of the authorities of the Allied Powers, especially those of Britain²⁸.”

Another flaw is the seventh article where it was argued that documents to back up the “Armenian genocide” existed among the archives of the Great Powers. It is true that many documents are stored in these archives, yet almost all of them

28 NARA 867.00/868; M 353, roll 7, fr. 448, Kemal Çiçek, ‘Ermeni Yasa Tasarısı’nın İçeriği....

were deliberately created out of Armenian or missionaries' biased testimonies or forged documents. Moreover, it is not even feasible from these documents to sketch out the conclusion that Armenians were subjected to genocide. Indeed, examinations carried out among American archives about 144 Turkish prisoners in Malta did not yield any concrete results. R.G. Craigie, in his letter addressed to Lord George Curzon on 13 July 1922, stated that he could not find any hard data to constitute evidence²⁹. Likewise, the memoirs of the American ambassador to Istanbul, Henry Morgenthau, to which the resolution refers often, could not be viewed as a scientific basis for the validity of the genocide allegations, for most of the information that the book offered had been supplied by Morgenthau's Armenian-originated translator, which has shed doubts over the objectivity and precision of the book. The biased character and flaws of Morgenthau's memoirs have been subject to many historians' pieces³⁰.

Brought up in especially the 11th and 12th articles of the resolution, the activities of the civil society organizations which were established to help the Armenian community after the World War I, could not either stand for validating factors for the genocide allegations. During this period, not only Armenians, but also Turks suffered from hard living conditions and died because of insufficient health care, epidemics, hunger and under-nutrition. Between 1914-1922, Ottoman Empire lost 2,5 millions of its population while the decrease in the Muslim community of Eastern Anatolia, where relocation process was heavily felt, had been 1,5 million. Thus, these civil society organizations, in their reports, documents and photos, focused on the conditions of only the non-Muslim populations whereas they ignored the fact that Muslim communities had to go through the same circumstances.

29 Kemal Çiçek, 'Ermeni Yasa Tasarısı'nın İçeriği....

30 The first one of these works can be reserved to Heath W. Lowry's *The Story Behind Ambassador Morgenthau's Story* İstanbul, ISIS Press, 1990. In addition, for a critic of Morgenthau's comments on Germany, please see Sidney Bradshaw Fay's *The Origins of the World War*, Macmillan, London, 1966 and Harry Elmer Barnes's *The Genesis of the World War: An Introduction to the Problem of War Guilt*, New York, Knopf, 1926.

The 15th article of the resolution houses a reference to Adolf Hitler where he was quoted to say that “Who remembers what happened to the Armenians?” in an attempt to legitimize extermination of the Jews. This citation is a further proof of the general misinformation and subjectivity that pervaded the resolution. Even the Armenian historians highlight the uncertainty whether these remarks had been expressed by Hitler. On that matter, American historian Justin McCarthy’s views are crystal-clear:

“How can someone like Adolf Hitler be considered as a reliable source on Armenian history? Which of his previous statements were found to be trustworthy so that that one can be held reliable? In the political sphere, the word “Hitler” magically stands for a disastrous symbol. To quote him on the Armenian question is an effort to create speculation and to frame Turks as the precedent of the devastation that Hitler unleashed. In today’s world, nothing can be more slandering than associating our foes with Hitler. These attempts are non-sense, which are constructed good enough to fool people who do not have any clue on the subject. At the same time, this is a deliberate distortion of history”³¹.

The resolution also incorporates the idea that Raphael Lemkin’s genocide definition, which paved the way for the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide, holds reference to the “Armenian genocide”. It is possible to argue that Lemkin was influenced by the biased anti-Turkish publications in Europe when he was designing his definition. What is more, it is crucial to note that Resolution 96/1 (11 December 1946) of the UN General Assembly is said to refer to the “Armenian genocide”. Actually, in this UN document no genocide allegations were recognized, contrary to what was told in the resolution. The only decision arrived at the UN on the Armenian question is the adoption of a report entitled “Work on the Prevention of the Genocide crime and the Question of its penalization” by the Sub-Commission on Prevention of Dis-

31 Justin McCarthy, ‘Bırakın Tarihçiler Karar Versin’, for the full text of the article, please see Ermeni Sorunu: Temel Bilgi ve Belgeler, www.eraren.org

crimination and Protection of Minorities in August 1985. This report stated that the Jewish genocide was not the only genocide in the 20th century for it is possible to regard the Armenian massacres of 1915-1916 as acts of genocide. Having investigated the minutes of this meeting, retired Ambassador Pulat Tacar suggested that the overall opinion of the sub-committee on the matter of the “Armenian genocide” was to treat it as a fiercely contested issue. In short, this meeting can not be deemed as one in which the UN endorsed genocide allegations. It was at best a platform where different views were debated.

Moreover the resolution asserts that some US Presidents as Ronald Reagan and George W. Bush have, in their statements, embraced the so-called genocide allegations. While it might be correct that US Presidents have sometimes made pro-Armenian statements under the influence of the Diaspora and the lobby, it is still very hard to argue that they amounted to the acknowledgment of the so-called genocide. Indeed they have so far refrained from expressing remarks that could be highly devastating concerning Turkish-American relations. In their speeches declared on 24 April, the events of 1915-1916 have been labeled as tragedy, with a clear absence of the word genocide.

Many articles of the resolution refer to the previous resolutions that have been examined in the first part of this essay. This is done in an attempt to argue that, far from being new-borns, the views presented in that resolution are long-debated issues in the American political life, thus earning a legitimacy point for the current resolution.

Finally, the resolution points to the international recognition enjoyed by the “genocide”. However, set aside 18 states that acknowledged it as a result of propaganda, misinformation and distorted documentation, it would be extremely erroneous to argue that genocide allegations have received a worldwide acceptance.

Conclusion

Resolutions on the “Armenian genocide” allegations have been on the agenda of the US legislative institutions for the past 30 years. While in the beginning they were limited in scope in the sense of just asking for 24 April to be officially declared as the commemoration day for the “genocide”, in time they escalated to a more sophisticated level whereby resolutions demanded Turkey to recognize the so-called genocide. When investigated, it is hard to miss the point that these resolutions are documents which have been formulated within a subjective, unrealistic, empirically flawed perspective and which are far from projecting historical truths. They display every error of the Armenian lobby’s history-writing. As far as the demands laid down in the resolutions are concerned, they are no longer confined to request Turkey to acknowledge the “genocide”, but they further ask her to normalize her relations with Armenia (to restore diplomatic relations, to open the border, etc).

The timing of these resolutions generally coincides with periods when Turkish-American relations have exhibited a downward path. It is remarkable that the first resolution bringing up the Armenian issue overlapped time-wise with the commencement of an arms-embargo by the US on Turkey; and that the most recent one followed the crisis generated by the refusal of the Turkish Parliament to permit the US troops to make use of the Turkish territories in the Iraqi occupation. In addition, the Armenian lobby does not miss to exploit its opportunities when Turkey goes through hard times. Two examples can be provided: in 1996, when Turkey struggled with a heavy economic crisis, the US aids spared for Turkish use were conditionalized on Turkey’s recognition of the “genocide”; and secondly, in the beginning of this year, five resolutions were submitted just after Hrant Dink had been assassinated..

When the initiators of these resolutions are investigated, they happen to be members of the House of Representatives or Senators, mainly from New York, New Jersey and California, where big Armenian communities have been living. It is

obvious that they have been stimulated by the motive not to lose Armenian political support. Senator Robert Dole in the past and Senator Joseph Biden today have provided great assistance in order for them to win over the Armenian votes for their Presidency campaigns. In other words, these politicians have underpinned the unrealistic genocide allegations not because they had a firm belief in them, but rather because they wished to sustain their political career.

Consequently, it could be argued that the Armenian lobby has constantly gained more grounds in the US since 1975. However, Turkish-American relations still bear significant importance as far as American politicians are concerned. The Democrat Party, which currently holds the majority in the House of Representatives, is assuredly expected to triumph in 2008 Presidential elections. Since it does not possess the government responsibility at the moment, the Democrat Party can easily appeal to the support of the Armenian lobby. Nevertheless, it can be anticipated to undertake a more careful attitude vis-à-vis Turkey once the Party acquires the government. Put it differently, the government responsibility might offer a chance to eliminate the inconsistency inherent to the current policies.

REVIEW ARTICLE

TANER AKÇAM, A SHAMEFUL ACT: THE ARMENIAN GENOCIDE AND THE QUESTION OF TURKISH RESPONSIBILITY, NEW YORK, METROPOLITAN BOOKS/ HENRY HOLT & COMPANY, 2006*

Introduction

Taner Akçam preemptively asserts that the title of his book “A Shameful Act” is a quote from a speech by Mustafa Kemal Atatürk before the Grand National Assembly of Turkey on April 24, 1920, regarding what Akçam calls the “Armenian genocide” (pp. 12-13, 335-336, 348). Atatürk, the founder and first president of the Turkish Republic, never made such a statement, particularly with respect to the 1915 security-based relocation of Armenian civilians from the eastern war zones. What he dismissed as shameful were the claims of the Allied powers regarding the events of 1915.¹ Deliberately provocative and employing his signature polemical tone, Akçam is obviously stressed from the outset to justify his claim that there is “evidence of intent and central planning on the part of the Ottoman authorities for the total or partial destruction of the Armenian people” (p.4). No doubt, A Shameful Act will raise much heated debate and controversy among both scholars and laymen.

Akçam gerry-builds “an account of Ottoman culpability”, as he bold-facedly revises the history of the Ottoman Empire and the Turkish National Movement from the conclusion of the Treaty of Berlin on July 13, 1878 to the signing of the Treaty of Lausanne on July 24, 1923. He focuses on the Armenian relocation of 1915-16, particularly the role of the Ottoman leadership in the ensuing human losses. In an abbreviated preface Akçam enumerates the issues he intends to explore and allegations he intends to prove. Oddly, he provides neither an introduction nor a conclusion, as his book meanders through an unnatural and

1 Consult Nimet Arsan, (ed.), *Atatürk'ün Söylev ve Demeçleri: 1919-1938* (Atatürk's Speeches and Statements: 1919-1938), Vol. 4, Ankara, Türk İnkılap Tarihi Enstitüsü, 1961 and *Türkiye Büyük Millet Meclisi Gizli Celse Zabıtları* (Minutes of the Closed Sessions of the Grand National Assembly of Turkey), Vol.1 (April 24, 1920-21; February 1921), Ankara, Türkiye İş Bankası Yayınları, Second Edition, 1985.

* This article is published by Assembly of Turkish-American Associations as a Position Paper in April 2007.

awkward union of three sections, all being contentious within themselves and with each other.

The first three chapters (Part One) are devoted to the Armenian question before 1915 and discuss the Ottoman state and its non-Moslem populations, the era of the Committee of Union and Progress (the political body that held power in the Ottoman Empire between 1908 and 1918) and the Turkish nationalist movement. Part Two attempts to answer the perennial question of what led to the decision to relocate Armenians and attempts to analyze the decision and its aftermath. The main emphasis in Part Three is the investigations and prosecution of the war criminals. The prose is often dry and overly abstract, perhaps understandably so given the subject.

The author makes effusive acknowledgment in the text and in various endnotes of the help he received from Vahakn Dadrian, Peter Gleichmann and the Zoryan Institute for Contemporary Armenian Research and Documentation (see, for instance, p.465). Even without this explicit acknowledgment, his debt to these various individuals and agencies is patent throughout much of his book and especially in the opinions he offers, as he toes the line of the orthodoxies of the Armenian perspective of WWI history perfectly.

1. Selective Memory, Forgotten Sources

The impressive arsenal of sources in Turkish, German and English, which Akçam claims to have utilized, amazingly fails to reveal itself in his work. Although endnotes demonstrate his access to these wide sources, Armenian sociologist Dadrian's publications are the principal source on which this inquiry is based. The author admits that Dadrian is his "mentor" and that Dadrian "put at his disposal much material on the subject, which he [Dadrian] has collected for close to thirty years" (p.465). Accordingly, Akçam's own investigatory skills are marginalized by his reliance on Dadrian's. Dadrian, also like Akçam, is neither a historian nor a legal scholar, and approaches late WWI history and the allegation of genocide,

from the perspective of a sociologist and an adversary of the Turkish state.

Akçam's is not an objective look at the Armenian Independence Movement and associated revolt and relocation. Akçam exercises selective memory and selective choice of sources as he gerrybuilds evidence to justify his conclusion. An in-depth and independent textual analysis of Akçam's (Dadrian's) source materials is necessary. It will be useful to make an explanation of how representative the sources are, and a discussion of the methods used in assessing and interpreting the information they contain.

a. Russian Sources: Most glaringly, Akçam ignores Tsarist and Soviet Russian archival material, which are accessible to the public for the period under question (1878-1923). It has now been nearly sixteen years since the collapse of the Soviet Union allowed access to both Russian and non-Russian scholars to its files. The opportunity to do insightful work on the history of this country, including its aims and activities in the Caucasus and Turkey, is greater than ever. Important original documents are available to foreign specialists in the Russian State Historical Military Archive at Moscow and State Historical Archive at St. Petersburg. Indeed, most researchers of late Ottoman history, who have acquired the discipline of proper historical research, have found the Russian archives indispensable. Most who have benefitted from the Russian archives have found their earlier hypotheses remarkably affected by the new evidence they have discovered. These central repositories provide historians unprecedented access to fresh materials that deepen our understanding of the Armenian past. Akçam owed it to readers to examine these records and add depth and objectivity to his analysis.

b. French Sources: Equally surprising is that Akçam did not consult the rich and voluminous materials available at the French archives in Paris, Vincennes and Nantes. The French records are extremely valuable, as they contain extensive material on the events in the Near East before and after WWI, which provide a broader perspective in assessing the Armenian Independence Movement.

One also wonders why Akçam did not use published French materials, such as the memoirs of General Henri Gouraud, High Commissioner for Syria and the Lebanon and Commander-in-Chief of the Army of the Levant in 1919-1923, to mention only one. Nor has French newspaper and periodical literature been utilized. The attempt to use French books translated to other languages and relying on secondary evidence has been made but this seems to be little more than a token gesture. French policy should have been researched from main and primary sources that are readily accessible to any serious researcher.

c. American Sources: A further illustration of Akçam's selective handling of sources is his use of quotes from American officials. U.S. Ambassador to Istanbul, Henry Morgenthau, is quoted a dozen times (pp.105-106, 111, 120-121, 126-127, 142, 144-145, 155-156, 170 and 214), but another American, Rear Admiral Mark Bristol, whose reports challenge the credibility of Morgenthau reports, is ignored except on one minor occasion (p.374.). Morgenthau's hearsay reports are exaggerated, while Bristol eyewitness accounting is covered up. Morgenthau never visited eastern Anatolia about which he reported to Washington. Rather, he relied on Arshag Schmavonian, who was not only a translator and legal advisor of the Embassy, but an Armenian activist. Schmavonian accompanied the Ambassador in all meetings with Ottoman officials and assisted him in the writing of his cables to Washington. Morgenthau was largely influenced by the opinions of his Armenian functionary, who did not always agree with the American point of view or have American interests in mind.² In contrast, Bristol was actually dispatched to Eastern Anatolia, and provided a balanced account of crimes committed by Armenians as well as Muslims. This independent-minded admiral-diplomat had very definite ideas on Turkey and the settlement of Near Eastern question.³

2 On Arshag Schmavonian's influence see especially United States National Archives and Records Administration (henceforth referred to as "USNA"), 867.00/1115. Report of Consul-General at London W.S. Hollis on political conditions in Syria, 2 February 1920. For more details, see Heath Lowry, *The Story Behind Ambassador Morgenthau's Story*, Istanbul, The Isis Press, 1990, pp.14-19, 25,33,38,47 and 53-54

3 John DeNovo, *American Interests and Policies in the Middle East 1900-1939*, Minneapolis, University of Minnesota Press, 1963, pp.130-131.

Bristol's role needs to be explored. He, rather than Morgenthau, exerted influence on the outcome of the Armenian question and American policy in the Near East. His dispatches constituted an important source of information to American officials in Washington. Those dispatches did provide a corrective to the flood of anti-Turkish propaganda put out by various interests in the United States and Europe, including Morgenthau's office itself.⁴

Akçam also ignores scholarly work that does not agree with the Armenian point of view. Thus he overlooks the essence of Gwynne Dyer's critical bibliographical study of Turkish and Armenian works on the subject mainly because Dyer -- a British scholar who has done extensive research on the final years of the Ottoman Empire and the early days of the Turkish republic -- does not agree with the Armenian allegation of genocide.

Similarly Akçam dismisses the groundbreaking research of Justin McCarthy, Guenter Lewy, Heath Lowry and Robert Zeidner — all eminent American authorities on the Armenian matter and genocide studies. He does not refer to Ferudun Ata's relevant work, *Isgal İstanbul'unda Tehcir Yargı/amaları* ("Prosecutions for Relocations in Occupied Istanbul").

d. Ottoman Sources: Akçam's citation of Ottoman archival material leaves much to be desired, as he fails to provide basic information such as whether a mentioned source was a letter, an internal report, or minutes from a meeting or, crucially, the date of its writing. This casts doubt on his, or more correctly, Dadrian's archival research. Simply to cite a document as, "BAİDH/FR., 51-215, 1333CA 20" means nothing (p.414 endnote 21). One can only imagine that the author devised his own citation system of referring to Ottoman documents by alphabetical letters and numbers, leaving it to the reader to decipher the citation by

⁴ Laurence Evans, *United States Policy and the Partition of Turkey 1914-1924*, Baltimore, Maryland: The John Hopkins Press, 1965, pp.270-272 and Thomas Bryson, "Mark Lambert Bristol, U.S. Navy, Admiral-Diplomat: His Influence on the Armenian Mandate Question", *The Armenian Review*, Vol.21, No.4-84 (Winter 1968), pp.6 and 11.

consulting a list of abbreviations. Proper citation requires that a document be provided a title, even if the original does not bear one.

Akçam often cites or quotes from Ottoman documents without properly evaluating their contents, again inviting doubt on the credibility of his research. Akçam takes refuge by claiming that the Ottoman archives are “not easily accessible for scholars.” There is no conspiracy here. Quality research is not easy; it is tedious work. Access in any archive is a matter of understanding the archival system and organizing one’s research accordingly. At any one time, several hundred scholars, both Turkish and foreign, are researching in the Ottoman archives in Istanbul. The Archives provide a qualified staff for cataloging and retrieving sources, as well as general assistance. The Archives are divided into general and specific sections and subsections, including ministries and ministry divisions. The Archives provide technology priority to certain topics, including the Armenian Independence Movement, and associated revolt and relocation, the relevant documents of which are available in the original as well as on microfilm. The Archives provide photocopying, printing and binding services on demand.

It should be noted that Turkish requests for access to the archives of the Armenian Revolutionary Federation and other nationalist organizations, which are kept at the Zoryan Institute in Boston, the Armenian Patriarchate in Istanbul and the Catholicosate in Echmiadzin have not been answered⁵

2. Tampering with the Evidence, Examples

Thus, the dust jacket’s assertion that this book is based on a broad and scrupulous investigation is wishful thinking, if not misleading. Akçam frequently misrepresents and misquotes sources and fails to include important contextual information. He goes beyond the bounds of acceptable scholarship by manipulating the

5 Yusuf Sarınoy, “Türk Arşivleri ve Ermeni Meselesi” (Turkish Archives and the Armenian Question), *Belleter*, Vol. 9, No. 257, April 2006, pp.289-310.

sources. These mutations, in what purport to be critical approaches, consist chiefly in distorting most references to the Ottoman Empire and the Turkish National Movement. Such blatant tampering with source material strikes at the very heart of scholarly integrity. Consequently the bulk of the text is replete with wrong and unfair judgments and one-sided accounts. The following examples may suffice to caution readers against accepting Akçam's statements at face value.

a. Ziya Gökalp: Contrary to Akçam's assertion, Turkish nationalism did not have its roots in racism, but in patriotism based on Ottoman self-determination and liberalism based on opposition to Western colonialism (pp.52-53). Turkish nationalism began to grow after the Balkan Wars in 1913, as much of former Ottoman territories had been lost to other nationalist movements, and the Anatolian heartland was threatened by foreign occupation. Turkish nationalism was in reality a political plan of action to provide a basis for the Empire's survival. Akçam refers to Diyarbakir born sociologist and educator, Ziya Gökalp, to support his thesis that Turkish nationalism was racist and expansionist, and that Gökalp "laid the foundations for an expansionist version of Turkish nationalism" (p.53).

Yet Gökalp sought only to encourage pride in Turkish culture. Influenced by French and German liberals, Gökalp argued that the Turkish nation was to be based on common values and culture, and social solidarity, not on racial or ethnic identity.⁶

Rather than the Ottoman Empire, which imprisoned Gökalp for his political thoughts, it was Mustafa Kemal Atatürk, the founder of the Turkish nation who supported Gökalp and adopted his creative thinking to build the new Turkish Republic.⁷

6 On Ziya Gökalp see Uriel Heyd, *Foundations of Turkish Nationalism: The Life and Teachings of Ziya Gökalp*, London, Luzac, 1950; Robert Devereux, *Preface to Ziya Gökalp, The Principles of Turkism*, trans. Robert Devereux, Leiden, Brill, 1968, (originally published in Turkish in 1923) and Taha Parla, *The Social and Political Thought of Ziya Gökalp, 1876-1924*, Leiden, Brill, 1985.

7 http://en.wikipedia.org/wiki/Ziya_Gökalp

Akçam confuses matters further, as he implies a connection between Gökalp's studies of the Armenians and "the Armenian deportations" (p.89). In fact, the Turkish intellectual had expressed his disapproval of the 1915 Armenian relocations during the deliberations of the central committee of the Committee of Union and Progress of which he was a member since 1909. The importance of Gökalp is the impact of his ideas on Atatürk and the Turkish Republic, 1923 onward.

b. The Ottoman Special Forces: Akçam in several instances alleges that the Special Organization played a direct role in implementing what he calls the "Armenian genocide" (see, for example, p.59). The Special Organization, established in November 1913, was used for special military operations in the Caucasus, Egypt and Mesopotamia — all areas suffering from separatist revolts. The Special Organization was employed to stop Arab separatists in Syria. The Special Organization played no role in responding to the Armenian Revolt and corresponding Armenian relocations. Again, a careful reading of the trial's proceedings would show that while the indictment of the 1919 courts-martial linked the Special Organization to the Armenian massacres, the indictment failed and the defendants were acquitted of the charges. Rather, defendants described the Special Organization's role in covert operations behind Russian lines, not behind Ottoman lines. Indeed, the Special Organization was similar to modern day, "Special Forces." The relationship between the Special Organization and the Armenian massacres is nothing more than the uncorroborated assertion of Akçam.⁸

c. The Adana Revolts, 1909: By any standard, Akçam failed to discuss in any meaningful depth, the Adana incidents of 1909. Akçam casually states that "the director of Tarsus American College had been told by Turkish officers that they had received orders to kill the Armenians" (p.70). The American Protestant mis-

8 Ata, *İşgal İstanbul'unda Tehcir Yargılamaları*, pp.193, 199, 201 and 204; Guenter Lewy, *The Armenian Massacres in Ottoman Turkey - A Disputed Genocide*, Salt Lake City, The University of Utah Press, 2005, pp.82-88 and 221; Edward Erickson, "Armenian Massacres: New Records Undercut Old Blame", *Middle East Quarterly*, Vol.13, No.3 (Summer 2006), pp.67-75.

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sionary-educator, Thomas Christie, President of St. Paul's Institute at Tarsus, is better known for his reports regarding Armenian agitation, as in his dispatches to the American Consul-General at Beirut, expressing that it was a cause of great regret that many religious and secular leaders among the Armenians of the Gregorian Church pursued a policy in contradistinction to the new Constitutional Movement. Christie reported that rather than engaging the freedoms of the Constitutional Movement in a productive program, the Armenian leaders rebuked the Ottoman reforms and were preparing for armed revolt. Christie reported that the removal of the prohibition against the sale of arms to private citizens, by the Constitutional Movement, was resulting in the massive acquisition of weapons; he complained that he had difficulty with his Armenian students, who often carried pistols and daggers, even on campus. Christie reported that the hot headed Gregorian Armenian Bishop of Adana, Musheg Seropian, made an extensive tour throughout his diocese, preaching to secret societies and often from the pulpits that the Armenians must take arms and fight for a politically and ethnically pure Armenian state from eastern Anatolia to the Mediterranean. A main supporter of Seropian, was the infamous convict, Karabet Geukderelian of Adana, who had been in prison for twelve years.⁹

d. The Maraş Massacres, 1920: Akçam's interpretation of the events that took place in Maraş in January-February 1920 is wholly inaccurate. He claims that Turks carried out massacres against the Armenians in the area (pp. 300 and 309). The exact opposite was true. It was only when the Armenians attacked the Turkish quarters of town that the Turks began to offer resistance in self-defense. Immediately, the French occupying forces that had enlisted Armenian rebels and civilians in a campaign to take control of Maraş, supported the Armenian onslaught by bombarding the Turkish quarters with artillery. Several Turkish quarters were burned down, and its Turkish inhabitants annihilated. The armed struggle con-

9 USNA RG 84 Records of Foreign Service Posts, Diplomatic Posts Istanbul, Vol.2 16, From Consulates 1 January 1909-30 June 1909, Bie Ravndal (Beirut) to John Leishman (Istanbul), 11 May 1909. Enclosure: Copy of letter of 6 May 1909 from Thomas Christie.

tinued in the streets, and Turkish quarters became scenes of pogroms and racial killings by French troops and their Armenian combatants.

The Ottoman government protested that the occupying French forces, supported by Armenian rebels, armed native Armenians and incited them to commit outrages against the complacent Turkish population. The Ottoman government further stated that the Turkish population, unable to bear the oppressive occupation and to stand by as Turks were massacred, took up arms, not against Armenians as such, but against the occupying French forces that had engineered and led the onslaught. The Ottoman government demanded that the Allies convene a mixed commission to conduct a thorough investigation of the occurrences in Maraş. Frustrated about accusations that Ottoman forces and Turkish civilians were carrying out these massacres, on March 6, 1920, the Ottoman Chamber of Deputies unanimously passed a resolution asking the United States to send an impartial commission to investigate the Maraş incidents and conditions in Anatolia.

Charles Furlong, a United States military official recently returning from a trip to the Near East including Turkey, in a letter of 23 March 1920 to President Woodrow Wilson stated that while investigating conditions in Istanbul and vicinity and through the very heart of Anatolia he saw or was cognizant of the following concerning the Armenian question: "One heard much of Turkish massacre of Armenians, but little or nothing of the Armenian massacres of Turks. There were Armenian troops in Cilicia, organized under the French, occupying Turkish territory where there was no need of such occupation. The Turkish population was helpless under their annoyance and the Turk could not place his hand on one of these Armenians without jeopardizing his safety or life, on account of thereby touching the French uniform. Furlong adds that the so-called Maraş massacres were not substantiated, in fact, in the minds of many who were familiar with the situation, there was a grave question whether it was not the Turk who suffered at the hands of the Armenian and French armed contingents which were occupying that city and vicinity.¹⁰

10 USNA, 867.0 1/34. Copy of Charles Furlong's letter of 23 March 1920 to President Woodrow Wilson.

This frank and honest account is an eye-witness confirmation of what many impartial historians have concluded from a study of the pertinent documents, except of course, Akçam. Furlong shows himself to be an acute observer of the Turkish scene during those crucial times. He gives the nuanced treatment French policy in post-war Cilicia deserves.

e. Eye For Detail: Akçam's research and writing is further marred by numerous factual errors, a circumstance that does not inspire much confidence in a book that claims to be fundamentally concerned with the historical truth. A few examples are as follows: (1) The Ottoman Empire was not called the "Sick Man of Europe" in the 1830s, but after 1844 (p.27). This attribution was first used by the Russian Tsar Nicholas I during a talk with Sir Hamilton Seymour, the British ambassador at St. Petersburg, in 1844. It was a diagnosis that, at that time, was somewhat in error. As a matter of fact, the Empire was then on the way to recovery; (2) Sasun is not in Cilicia but in eastern Anatolia (p.41); (3) Yusuf Kemal Tengirşenk was not the second foreign minister of the Turkish republic but the second foreign minister of the government of the Grand National Assembly of Turkey in 1921-1922 — much before the proclamation of the Republic on 29 October 1923 (p.46); (4) The surname of the Russian foreign minister in 1911-1917 was Sazonov not Sazanov (pp.98-99 and 213); (5) Bahaettin Şakir never served as the chief of the Special Organization (p.149). The only public position he held was membership on the central committee of the Committee of Union and Progress in 1912-1918; (6) Pozantı is not thirty to forty kilometers to Adana but about seventy kilometers (p.158); (7) On 31 August 1915 Ali Münif Bey was not the Inspector but the Undersecretary of the Ministry of the Interior (p.169); (8) An Ottoman province called İçel did not exist in 1915 (p.193); (9) Hovhannes Kachaznuni was not the first president but the first prime minister of independent Armenia (p.198); (10) The governor of the province of

Department of State, 1 April 1920. During the First World War Charles Furlong was an observer with American and Allied forces in the Near East. In 1918 he was named a member of the American delegation to the Paris Peace Conference, and served as a military aide to President Wilson. Again in 1920 he traveled in the Near East.

Van in February 1915 was not called Cevdet Pasha but Cevdet Bey (p.201); (11) Iskenderun's earlier name is Alexandretta not Alexandria (Alexandria is in Egypt) (p.209), and the Ottoman Empire had no colonies but provinces attached to the metropolis (p.227); (12) Izmir was not occupied by the Greeks on 16 May 1919 but on 15 May 1919 (pp.279 and 294); (13) Hüsamettin Ertürk did not direct the activities of a new Special Organization in the armistice period in Ankara but in Istanbul (p.316); (14) In 1918, German army officer, Baron Friedrich Freiherr Kress von Kressenstein, was not general but colonel (p.325); (15) Colonel İsmet did not serve as advisor to the Ministry of War in May 1919 but was indeed the Undersecretary of the Ministry (p.420 endnote 140).

Akçam's poor fact checking is coupled with errors in translation and spelling, for instance, Basbakanlık in Turkish means Prime Minister's Office, not President's Office (p.471 endnote 65). There are inconsistencies in the spelling of Turkish names and surnames, such as two variations of Kazım/Kazim and Biyiklioğlu/Biyikoğlu, sometimes even on the same page (p.426). Typographical errors abound. This reviewer detected more than ten dozen of them. The author has not always been careful in writing. To give but three examples: the middle name of the Turkish diplomat Söylemezoglu is not Kemal but Kemali (p.1 17), the Turkish title of the memoirs of Damar Arıkoğlu is not J-Iatıraiarım but Hatıratım (p.451 endnote 92) and the first name of the Turkish historian, Öztoprak, is not İsmet but İzzet (p.463 endnote 1).

Akçam's scholarship suffers further due to the absence of tables or charts, even on matters central to the study's focus. It also has no illustrations, no chronologies, no glossary of names and terms, no bibliography, and no appendices. The index includes a comprehensive listing of the individuals and places named in the text, but the subject headings are few, overly broad, and give incomplete page references. For example, the index and the text refer to a British representative identified only as "Frew": most readers are unlikely to know that the reference is to Anglican missionary Robert Frew British intelligence official and a leading member of the

Friends of England Society in Istanbul under the Allied occupation (p.3 12). In the absence of a bibliography, the index fails to provide guidance to authors, past and present, in the endnotes totaling 1819 in number. The endnotes are not an adequate substitute. The book is supplied with only one sketch map, which is not detailed. Interested readers will want to keep a good map of the Ottoman Empire handy.

3. The Ottoman Courts-Martial, 1919-1920

Akçam accepts as well as rejects the decisions of the Ottoman courts-martial, in a contradictory and self-serving interpretation of the events. On one hand, he seems to assert that if the criminal convictions are for genocide the tribunals are valid. On the other hand, he is forced by the facts to accept that the criminal Convictions of the tribunals are for violations that do not rise to the level of genocide. At the end of his book, he asserts, “the perpetrators of the Armenian killings” were not brought “to justice to this day” (p.376).

Akçam, neither a trained historian nor a legal expert, contends that Armenian deaths were premeditated and so constituted genocide. He assumes his position on a general reading of the decisions of the Ottoman courts-martial of 19 19-1920, which Akçam claims convicted officials of the government of the Committee of Union and Progress of organizing massacres of Armenians (pp.37 1-373). He offers no primary evidence that proves the elements of genocide as required in Article 2 of the 1948 UN Genocide Convention on the Prevention and Punishment of the Crime of Genocide, particularly the implementation of a plan of extermination with the specific intent to destroy Armenians as such. Furthermore, Akçam does not account for the political motivations underlying the military tribunals, including the insistence of Allied powers to deal retribution for Armenian deaths, or the hopes of the servile Ottoman government that by foisting blame and expending a few members of the Committee of Union and Progress, the Ottoman Empire might receive more lenient treatment at the Paris Peace Conference of 1919.

Further still, if we are to rely on the tribunals for evidence of genocide, a careful examination of the due process (or lack thereof), including rules of criminal procedure, rules of court, and rules of evidence is necessary. There were serious deficiencies, pretrial and trial. Pretrial, defense counsel was denied access to investigatory files and accompanying defendants at interrogations. With respect to the trials themselves, the Ottoman military tribunals lacked fundamental safeguards, such as the right to a trial before an impartial arbiter, right against self-incrimination, right to confront one's accusers and prosecution witnesses, right to cross-examine, right to present defense witnesses, and right to access to the prosecutions evidence. Rather, the arbiter was judge, jury, and advocate in one, questioning the accused and witnesses, presenting witnesses and evidence, and assessing the documentary evidence and testimonies. Indeed, the presiding officers acted more like a prosecutor than impartial judges.

The Ottoman courts-martial convicted 1,376 persons from among the military and civic functionaries, and sentenced them to penalties ranging from a month in prison to capital punishment for outrages and illegal behavior during Armenian relocations. A careful reading of the trial transcripts, something that Akçam does not demonstrate to have done, the vast majority of the charges and convictions were not for crimes against Armenian civilians, but mismanaging the relocations. Indeed, not even within the prosecution-bias criminal system of the courts-martial, and anti-Committee of Union and Progress political environment, were the Ottoman military tribunals able to hold that the evidence constituted a systematic extermination, let alone one administered by the central government with the intent of killing Armenians.

The abuses of the Istanbul courts-martial later resulted in the arrest of four members of the principal military tribunal on charges of obstructing justice and malfeasance. Indeed, when the British government decided to hold new trials on the island of Malta against Ottoman officials on charges of "outrages against Armenians", it declined to use any of the evidence, analyses, and holdings of the

Ottoman courts-martial of 1919-1920.¹¹

4. The British Malta Tribunals, 1919-1922

Akçam conveniently dismisses the Malta Tribunals, which arrested and charged 144 Ottoman government officials with “outrages against Armenians.” When discussing the British decision to release all 144 Ottoman officials, Akçam does little more than regurgitate Dadrian’s conspiracy theory that the Turks “used their British captives as leverage for its own people held on Malta. Ultimately, they succeeded in securing the prisoners’ release” (p.301).¹² The Ottoman prisoners were held in Malta for twenty-eight months while the British searched feverishly for evidence to substantiate their charges. The British appointed an Armenian, Haigazn Kazarian, who was provided complete access to the records of the Ottoman government. Kazarian was unable to discover any documentary evidence that would support the theory that the Ottoman government implemented the relocation or any other counter-insurgency measure with the intention of massacring Armenians. The British High Commission in Istanbul was unable to provide to London any evidence from the Ottoman records that would support a criminal conviction against any of the Ottoman officials. The British state archives and government records also lacked evidence that would support the charges. The British made a final, desperate request for evidence from United States Department of State, which reported back that nothing incriminating turned up that could withstand legitimate court scrutiny. In the end, the British Procurator-General determined that it was “improbable that the charges would be capable of proof in a court of law,” and released all the detainees.

11 A sound analysis of the Ottoman courts-martial of 1919-1920 can be found in Ferudun Ata, *Isgal İstanbul 'ında Tehcir Yargılamaları* (Prosecutions for Relocations in Occupied Istanbul) (Ankara: Türk Tarih Kurumu, 2005). The ATAA Armenian Research Committee has recommended that Ata’s work be translated into English, in order to enhance better understanding of the Armenian relocations and the prosecution of Ottoman officials for violations arising from the administration of the relocations.

12 Vahakn Dadrian, “Genocide as a Problem of National and International Law: The World War I Armenian Case and its Contemporary Legal Ramifications,” *V. 14 M.2 Yale J. Int. Law* 221, Summer 1989.

5. Marginalizing International Law

Legal analysis brings discipline to understanding and addressing factual issues, particularly controversial issues as whether the Armenian case constitutes genocide under international law. Discipline is lacking in Akçam's work, as he neither discusses nor applies the elements of genocide even with respect to the facts he selectively uses to argue his point.

Akçam downplays the importance of international law with respect to the Armenian case.¹³ The Ottoman relocation was well-founded in the customary international law of the time, and is well-founded in international law today. As Akçam himself grudgingly acknowledges, "the accusations against the Ottoman government concerned its own citizens, a situation not addressed by any international agreement" (p.223). Again in the words of the author, the Hague Convention of 1907 stipulated that "the only exception to the general principle of the binding force of the rules of warfare is in the case of reprisals, which constitute retaliation against a belligerent for illegitimate acts of warfare by the members of his armed forces or of his own nationals" and "this transforms the right of reprisal into a legal principle" (p.223).

With respect to contemporary international law, Akçam provides no serious discussion of what constitutes genocide, despite the large body of work in this field (p.9). Although Akçam says he uses the term genocide "in line with the United Nations definition adopted in 1948," he fails to address in his analysis the key issues of genocide. Most basic to a proper analysis is the chapeau of Article 2 of the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide, which states that genocide means acts committed with the intent to destroy in whole or in part, a national, ethnical, racial, or religious group, as such."¹⁴

13 For an analysis of the Armenian American Public Advocacy Network's aversion to a legal approach on the issue of whether the Armenian case constitutes genocide, see, Gunay Evinch, "The Armenian Cause in America, Today, 2nd Edition," *The Turkish Policy Quarterly*, Vol. 4, No. 4 (Winter 2005), pp.35-50.

14 The Convention on the Prevention and Punishment of the Crime of Genocide (Resolution 260 III A, B, and C) was adopted unanimously by the United Nations General Assembly on 9 December 1948,

The words “as such” hold the essence of the meaning of genocide. It requires that a government kill persons in a protected group for no further reason, or with no further intention, but such persons’ national, ethnical, racial, or religious identity. Armenians were not subject to relocation because they were Armenian as such, but because they revolted against the Ottoman Empire and collaborated with the Allied powers, particularly Russia, to attack the Ottoman civilian population, take private and public property, and partition the Ottoman Empire.

Similarly, Akçam does not address the issue of whether Armenians who were subject to the relocation were a protected group under UN Convention. The Armenians here were subject to a relocation, not because of their national, ethnical, racial, or religious identity, but because they revolted with the objective of creating a politically and ethnically pure Armenian state from the eastern Anatolia provinces. They were, as the Armenian National Movement and Armenian Revolutionary Federation, a political group. The drafting history of the UN Convention shows that though Raphael Lemkin, who coined the word genocide, argued to place political groups within the protection of the Convention, the drafters rejected the proposal and gradually marginalized Lemkin’s participation. They wanted to avoid overlapping genocide with other types of crimes that effect combatants and non-combatants during war.

Akçam even fails to make any reference to the obvious requirement of “intent to destroy.” The element of intent examines the guilty thoughts (*mens rea*) that support the guilty act (*actus reus*). At the time of ratification of the Convention, the Secretary-General of the United Nations Trygve Lie emphasized that the Genocide Convention defines genocide as a crime of “specific intent”. This means that genocide cannot be inferred from actions, but must be proven by direct evidence that the accused party intended to destroy the complainant group. Throughout his work, Akçam utterly fails to identify unequivocally the thoughts

effective 12 January 1951. Since then it is accepted as law by more than 130 countries. For complete text and accessions, see Yearbook of the United Nations 1948-1949 New York, Office of Public Information of the United Nations, 1949, pp.959-960

of the Ottoman government in 1915 (which he admits is “inconsistent”), based on direct evidence, and explain how his belief that the relocation intended to destroy Armenians as such. Akçam is not alone. To date, no concrete and objective evidence of specific intent in the Armenian case is manifest. In contrast, the Ottoman archives in Istanbul is replete with copies of government regulations and instructions that state that the intention of the relocation to stop Armenian civilian support to Armenian rebels, stop Armenian rebel support to the Russian Army, and secure the eastern provinces of the Ottoman Empire.¹⁵

Akçam’s scorn for the determining factor of specific intent is accompanied by his inability to appreciate the importance of Ottoman plans and efforts to conduct a relocation that respected and protected Armenian lives and property. This counter-evidence that negates genocidal intent is demonstrated in thousands of documents in the Ottoman archives, including: (1) specific directives for the army to protect the Armenians against tribal attacks and to provide them with sufficient food and other supplies to meet their daily needs during the relocation and after they were settled; (2) warnings to Ottoman military commanders to avoid certain routes, to avoid or take precautions ahead of anticipated troubles from local tribesmen who might use the vulnerable state of the Armenian relocatees to restore tribe honor and gain vengeance for the long years of Armenian violence against the tribes and their villages; and, (3) protect and care for Armenians until they could return to their hometown after the region had been secured.

Similarly, Akçam provides meager treatment to the efforts of Ottoman General, Cemal Pasha, who commanded the Fourth Army in Sinai, Palestine, and Syria and served as the Governor-General of Syria and Western Arabia in 1914-1917 (p.186). Cemal Pasha saved thousands of lives by diverting Armenian relocatees to southern Syria and Lebanon, and averting areas where local tribes were angry

15 For an in-depth conceptual analysis of the term intent to destroy with all its ramifications see, for example, William Schabas, *Genocide in International Law*, Cambridge, Cambridge University Press, 2000, pp.93-94 and 213-228

at the atrocities committed by Armenian rebels.¹⁶ As yet no erudite biography of this Ottoman officer is available. He deserves one for his personal courage and outstanding military service to render the relocation more in conformity with international legal standards.

Similarly, Akçam ignores the Ottoman Special Claims Commission that recorded the properties of relocated Armenians and sold or rented them at fair rates, with the revenues being held in trust for the relocatees. Remaining Ottoman civilians wishing to occupy abandoned buildings could do so only as renters, with the revenues paid to the trust funds, and with the understanding that they would have to leave when the original owners returned. The relocated Armenians and their possessions were to be guarded by the army while in transit as well as in Syria and Mesopotamia, and the government would provide for their return once the crisis was over.

The Ottoman Empire had relocated Armenians for legitimate national security reasons, and only after more than forty revolts had taken tens of thousands of lives. The relocation never intended to harm, let alone kill, the relocatees. No orders to kill or permit killings, are present in the relocation directives. Furthermore, there were directives not only to alleviate hardships, but to arrest for criminal prosecution or court-martial any civil person or Ottoman troop who engaged in any offense against the persons or properties of relocatees, including but not limited to, murder, robbery or rape. Donald Quataert, a historian of the Ottoman Empire, reminds that these directives and orders exist and can be examined and read.¹⁷

There is no question that during relocations Armenians were subject to attacks by local tribes that Ottoman troops were not able to repel effectively. It is also

16 Ahmet Refik Altınay, *Kafkas Yollarında İki Komite, İki Katal* (Two Committees, Two Massacres in the Paths of Caucasus), Ankara, Kebikeç, 1994, p.39; USNA Inquiry Documents: Special Reports and Studies 1917-1919, Document 819, The Exiling of the Armenians of the Adana District, Elizabeth Webb.

17 Donald Quataert, *The Ottoman Empire 1700-1922*, New York, Cambridge University Press, Second Edition, 2005, p.187

beyond question that in some instances, troops violated the rules of relocation. The gendarmes that were assigned to administer the relocation proved to be insufficient in numbers and training, by reason that the best of the rapidly dwindling Ottoman troops were utilized in the defense of the Empire on at least three fronts: Gallipoli against the Anzac and French, Caucasus against the Russian, and Sinai and Palestine against the British. The conditions of war in the areas of the relocations further exacerbated the difficulties of conducting the relocation, including local tribes who avenged the killings of their members by Armenian rebels, as well as disease, famine, and war. Akçam, for all his sociological training, fails absolutely to address the circumstances that aggravated the difficulties of relocating nearly 500,000 people.

Estimates of those who died during the relocations get short shrift despite its central importance in the book (p.183). Akçam's number at 800,000 regarding Armenian deaths is inflated (p.202). George Montgomery, director of the Armenia-America Society and a Protestant missionary who was highly critical of the Armenian displacements, in a report he drafted in 1919 stated that at the eve of WWI, the Armenian population within Ottoman territories was 1.6 million, and that 1,104,000 of these remained after the war.¹⁸

Akçam also fails to consider Armenian deaths in relation to the total population deficit in Anatolia and eastern Anatolia. Over four million Ottoman Muslims perished during and after WWI, by far the largest in proportion and total numbers of any other side to the war. In eastern Anatolia over one million Ottoman Muslims perished in comparison to approximately 600,000 Ottoman Armenians. The large number of Muslim deaths is indicative of the universality of the conditions of war in eastern Anatolia. In other words, the privations of war were indiscriminate with respect to Muslims and Armenians, as they each were equally effected by military invasions, revolts, intern-communal conflicts, famine

18 George Montgomery Papers, Library of Congress Manuscript Division, Box 21, Armenia-America Society, January-February 1920, Copy of report titled, "The Non-Arab Portion of the Ottoman Empire, 1919."

brought on by desolated farm lands and foreign trade blockades, plague, typhus and other diseases.

Akçam refuses to acknowledge the ten-ton elephant in the room, as he ignores the suffering and deaths of over one million Ottoman Muslims. As the Russian archives provide, the Russian military and government documented extensively its use of Armenian rebels and Armenian civilians in the invasion and occupation of eastern Anatolia. Often, the Russians took exception with the horrors they witnessed committed by the Armenian rebels against Muslims, even when the rebels were in full retreat, such as in the massacres of tens of thousands of innocent Muslims civilians in Erzincan, Bayburt, Tercan, Erzurum, and other towns and villages on the route. Similarly, Akçam ignored the Armenian molestations and massacres in Cilicia, deplored even by their French and British allies, as well as the massacres and forced displacements of two-thirds the Turkish population of the Yerevan province, capital of the Armenian Republic, during the war.

Professor Justin McCarthy's observation underscores Akçam's black-and-white, one dimensional perspective of the human tragedy in eastern Anatolia: "To mention the sufferings of one group and avoid those of another gives a false picture of what was a human, not simply an ethnic, disaster." Moreover, McCarthy finds that "in the east [of Anatolia], the areas of Muslim deaths and Armenian deaths were almost perfectly correlated... In numbers, the Muslims lost many more persons than did the Armenians; in percentage of total population, less. The great mortality of both Muslims and Armenians does not fit into any theory that posits one group of murderers, another group murdered."¹⁹ Akçam writes "the Armenian genocide and the question of Turkish responsibility" without addressing the universality and mutuality of the suffering and killings.

The conformity of Armenian displacements of 1915 with international law is

19 Justin McCarthy, *Muslims and Minorities: The Population of Ottoman Anatolia at the End of the Empire*, New York and London, New York University Press, 1983, pp. 137-138.

only treated in passing. Akçam quotes the joint declaration issued by Russia, Britain and France on May 24, 1915 condemning the relocations and announcing, “They will hold personally responsible for these crimes all members of the Ottoman government and those of agents who are implicated in such massacres” (p.2). In contrast, Akçam accords only one sentence to the Ottoman reply. The author provides a faint appreciation of the Sublime Porte’s response of June 4, 1915 to the Allied Declaration which stressed the right to national sovereignty and self-defense, and declared in return that the Allied powers would be held responsible for their organization of and support for the Armenian rebellion (p.214). The Sublime Porte let it be known that it would not permit interference by any foreign power with respect to its policy to arrest the Armenian revolt.²⁰

In the end, Akçam unexpectedly admits the national security basis of the Armenian relocation: “the decision to deport the Armenians from these regions [Cilician coastal areas] was strongly influenced by information that the British were making preparations to land at Iskenderun” and “it is highly probable that the Unionists, who feared Armenian assistance to British during a possible landing, decided to evacuate the area as a precautionary measure” (p.146). If so, Ottoman policy of removing the Armenians from militarily sensitive zones to the inner parts of the country must be seen as a justified measure of self-defense not genocidal action. Iskenderun had great strategic importance from both a naval and military standpoint. It was a nodal point in the Ottoman railway system, connecting Anatolia with Arab Asia, and the loss of this vital port-cum-railhead together with a thrust toward Aleppo, would have a disastrous effect on the Ottoman war effort in general, and on the movement of troops and supplies in particular.

6. The Ottoman Mind and Armenians

The element of specific intent in genocide is based on malice. In genocide there is no other reason but hatred for the killing of a protected group. Accordingly,

20 Esat Uras, *The Armenians in History and the Armenian Question*, İstanbul: Documentary Publications, 1988, pp.869-870

the place of Armenians in the mind of the Ottoman state presents an essential inquiry. Akçam refers to but dismisses lightly an essential characteristic of Ottoman governance, the unique millet system that provided political autonomy based on religious freedom for non-Muslim minorities (pp.23-24 and 28-31). Following the conquest of Istanbul in 1453, Sultan Mehmet II, organized his non-Moslem subjects into millets or separate religious communities under their own ecclesiastical chiefs to whom he gave absolute authority in civil and religious matters, and in criminal offenses that did not come under the Muslim law. The Armenian millet, with its own ecclesiastic-civil leader and internal administration, had complete charge of its own affairs. The patriarch enjoyed jurisdiction over his community's spiritual administration and officials, public instruction, and charitable and religious institutions, and the civil status. The patriarch and his ecclesiastical subordinates had the authority to inflict both ecclesiastical and civil penalties on his people; matters of litigation were brought before his court, whether such were civil or criminal; and he maintained a small police force and his own jail at the capital. He could imprison or exile clergy at will, and though the consent of the government was necessary to imprison or exile laymen, such approval was generally easily obtained.²¹

As the American author Alexander Powell rightly pointed out, this imperium in imperio or practical self-government secured to the Armenians the right to manage their own affairs. It was a remarkable concession for an all-powerful Muslim ruler to make to a non-Muslim minority the more so as throughout Europe religious intolerance was the order of the day. The millet system also encouraged a community life, which eventually gave birth to an intense longing for a national life.²² The 'Armenian question' was unknown in the Ottoman Empire, from when

21 Avedis Sanjian, *The Armenian Communities in Syria under Ottoman Dominion* Cambridge, Massachusetts, Harvard University Press, 1965, pp.30-31. Professor Avedis Sanjian was born in Maraş in about 1918, left with his father in 1921, going first to Aleppo, then Jerusalem, where he grew up, later to Beirut. At the time of the publication of the book he was teaching Armenian language and literature at Harvard University

22 Alexander Powell, *The Struggle for Power in Moslem Asia*, New York and London, The Century Co., 1923), pp.118-119

they first conquered Anatolia in the 1200s until the middle of the nineteenth century. For hundreds of years the Ottomans ruled Armenians with justice and equity, and allowed them to form an Armenian nation headed by the Armenian patriarch. The Armenians had self-government, and were given additional autonomy under the Armenian Constitution of 1863 that gave them their own national council.²³ In the words of the Armenian scholar Avedis Sanjian, “the new organization and administration of the Armenian millet was a liberal, democratic, and representative system of government, resting on universal suffrage for the election of the legislative and executive bodies. The Constitution was based on the principle of the sovereignty of the people.”²⁴ Hence it is not surprising Gerard Libaridian recognizes that there were large segments of the Armenian population who thought the Ottoman system was preferable to the Russian, since the Ottomans had allowed a millet structure to develop, had given more privileges to the Church and had not tried to assimilate the Armenians.²⁵

Considered the most faithful Christian subjects of the Empire, Armenians were called the *milleti sadika* (loyal community) by the central government in Istanbul. Akçam glosses over the fact that when the Ottoman Empire entered upon a course of modernization, the first Christians to enjoy the benefits of the new regime of equality were the Armenians. The first Christian Ministers and high dignitaries of the Sublime Porte were Armenians. During the times of Resit, Fuat and Ali Pashas, the chancery of the Ministry of Foreign Affairs was almost continuously confided to Armenians; so was almost all the diplomatic correspondence. When, after the Crimean War of 1853-1856, Ottoman statesmen started to work for a constitutional system (about 1860), they granted to the Armenian church and community a regime based on a fundamental law which was intended as an experiment in constitutions and was to form a model for later use. Among those who worked in subsequent years with Mithat Pasha at the establishment and

23 This competent analysis is developed in Emil Lengyel, *Turkey*, New York: H. Wolff, 1942, p.187

24 Sanjian, *The Armenian Communities in Syria under Ottoman Dominion*, pp.40-43

25 Gerard Libaridian, “The Ultimate Repression: The Genocide of the Armenians 1915-1917”, in Isidor Wallimann and Michael Dobkowski, eds., *Genocide and the Modern Age Etiology and Case Studies of Mass Death*, New York: Greenwood Press, 1987, pp.230-231 fn.2o

working of the Ottoman constitution of 1876, a large number were Armenian dignitaries. Among them Odian Effendi particularly distinguished himself. The Ottoman Empire continued to have Armenians as Ministers. Indeed, the Ottoman Minister of Foreign of Affairs in 1912-13, Gabriel Noradounghian, was an Armenian.²⁶

7. The National Pact of 1919 and Turkish Sovereignty

Akçam seems convinced that the Armenian relocation of 1915 was a pretext for genocide, and frustrated that he is unable to identify a state policy of genocide. He struggles to argue that the Armenian independence movement was immaterial, as in his mind, rather than territorial integrity and sovereignty, the Turkish National Movement looked favorably on foreign occupation.

Akçam states with respect to the 1915 relocations, “it is difficult to speak of a single, consistent approach taken by the Turkish National Movement in regard to the Armenian genocide. [T]he main reason is that the National Movement approached the issue as a secondary aspect of what it called the National Pact --that is the creation of a Turkish state within the boundaries established by the armistice agreement in 1918” (p.303).

Since the proclamation of the National Pact by the National Congress held in Sivas on September 4-11, 1919, the Turkish National Movement had clearly rejected and condemned any attempt by any parliament and government to raise the Armenian issue. Although the word Armenian did not figure in the National Pact, there were certain provisions that were designed to protect all non-Moslem minorities in Turkey. The Armenians naturally belonged to this group.²⁷

26 Sommerville Story, ed., *The Memoirs of Ismail Kemal Bey*, London, Constable and Company Ltd, 1920, p.254.

27 The National Pact was the six-article brief document in which new Turkey's maximum and minimum demands were embodied. See translation from the Turkish as printed in the Minutes of the Proceedings of the Ottoman Chamber of Deputies of 17 February 1920 in Lord Kinross, *Atatürk, The Rebirth of A Nation* London, Weidenfeld and Nicolson, 1964, pp.531-532

Akçam argues that the Committees for the Defense of National Rights (Defense Committees) “never intended to fight against the Allied Powers” (p.319) and that they “had a positive attitude toward the British and French occupation forces” (p.320). The Defense Committees that came into being by mid-summer 1919 were dedicated to the defense of the sovereignty and territorial integrity of Anatolia and eastern Thrace, in accordance with the National Pact. Just to give an example, the occupation of the region of Cilicia by the French forces caused deep resentment among the local Defense Committees and opposition to the French occupation as the French authorities moved from military sphere and began to interfere with local administration. During the whole of 1920, French soldiers dealt with the armed activities of the Defense Committees who had mobilized most of the population of Cilicia into detachments of 100 to 150 men. Experienced in methods of warfare still unfamiliar to the French, detachments easily outwitted the French by the ambush of convoys bringing much-needed ammunition and supplies for their garrison, and by the interruption of their communications with French forces elsewhere. During the first two weeks of February 1920, the French suffered in the fighting at Maraş over 600 casualties and were forced to withdraw from the city. Turkish resistance in 1921 was much better organized and more formidable than that of the previous year. The occupation of Cilicia cost the French 5,000 lives. Accordingly, Akçam’s assert that the Defense Committees never intended to fight against the Allied powers, and that they welcomed English and French occupation is absurd.

There is no evidence presented — except a foreign press correspondent’s report — that enables Akçam to contend that the Turkish National Movement offered to “the Great Powers an overall mandate for the former Ottoman Empire” (p.319). The author is on even thinner ice when arguing that the Sivas Congress “would agree to an American mandate if America itself would accept it” (pp.319-320). Although during the proceedings of the Congress there were long discussions on the question of accepting a foreign mandate, Atatürk and other members objected effectively. The principal points in the program of the Turkish National

Movement were all expressions of one fundamental motive -- the desire to be on equal grounds with Western nations. From this insistence on equality the Turkish leadership's proposals led to the demand for recognition of Turkish independence and sovereignty.

According to Akçam, "the minorities question did in fact cause the [Lausanne] conference to break down temporarily" (p.367). Here again the author gives no source. As a matter of fact, it was not the Greek or Armenian questions that disrupted the negotiations in the Lausanne Peace Conference on February 4, 1923 but the capitulations, i.e. extraterritorial juridical rights for foreigners.²⁸ Before his dispatch to Lausanne as the chief Turkish negotiator, Ismet İnönü was instructed at a meeting of the Grand National Assembly of Turkey as to exactly what was desired, wherein he might give way, and the points upon which he must be adamant. The matters upon which he was particularly determined were those that would give any outside power an ability to interfere with the actual government of the Turkish territories. He was particularly not to yield an inch on the suppression of the capitulations. The minorities question was largely settled before the rupture of the Conference. The Turco-Greek compulsory exchange of populations was already agreed by the signing of an accord on January 30, 1923 at Lausanne. Suggestions on the part of the Allied governments for an Armenian national home in Turkish territory had met with a categorical refusal from the Turkish plenipotentiaries, and were not pressed because the Allies had no power to insist on them. Not surprisingly, on February 9, 1923, the Armenian delegations at Lausanne addressed a note to the Allied powers protesting against their abandonment of the proposal to create an Armenian national home.

²⁸ See A Speech Delivered by Mustafa Kemal Atatürk 1927 (Istanbul: Ministry of National Education of the Republic of Turkey, 1963), p.599. Other evidence is in Joseph Grew, *Turbulent Era - A Diplomatic Record of Forty Years 1904-1945*, Vol.1, (Boston: Houghton Mifflin, 1952), p.551. Joseph Grew was a member of the United States delegation to the Lausanne Conference and served as ambassador to Turkey in 1927-1932. Moreover, examine Parliamentary Command Paper 1814. Treaty No. 1 (1923) Lausanne Conference on Near Eastern Affairs, 1922-1923. Records of Proceedings and Draft Terms of Peace (London: His Majesty's Stationery Office, 1923).

8. Open Debate Urged

“[A]n open debate about the Armenian uprisings” is urged by the author (p.196). Indeed a vibrant and enduring debate has been going on in Turkey on this question in recent decades, involving academics and celebrities. The Armenian issue prominently features in Turkish media. Major newspapers and journals run series of pro and con interviews and publish in-depth reports and editorials on the subject. Interestingly enough, Akçam has also been writing for years numbers of feature articles appearing regularly in Turkish dailies and weeklies such as *Radikal* and *Agos*.

Turkish television stations, including state-run broadcasters, devote several programs to the matter inviting historians and intellectuals with different points of view to round table discussions. An Institute for Armenian Research was established in Ankara in February 2001 and its efforts are channeled through a new specialized, bilingual quarterly. The Institute aims to promote the examining of the Armenian themes through research, analysis, publication, and public fora. It also collects data and archival material, and makes its resources open to the public. The Institute has expressed readiness to work with Armenian historians and institutions.

Lately research on Armenians in the Ottoman Empire is experiencing a marked upswing in Turkey. Armenian studies have grown into an important field by the renewed vigor and quality of annual international conferences on the topic. Increasing numbers of scholars conduct inquiries on various distinct aspects of the Armenian saga and the role of the great powers, especially Russia, Britain and France. They hold conferences and seminars. And Akçam himself personally took part in a major academic conference held on “Ottoman Armenians during the Decline of the Empire: Issues of Responsibility and Democracy” at Bilgi University at Istanbul on 24-25 September 2005 and delivered a paper on the state of Ottoman archives. A number of Armenian scholars who had published works describing the relocations of 1915 as genocide also participated in the meeting.

Conference papers will reportedly be published in print and accessible to the public at large.

Conclusion

For a work of history, *A Shameful Act* is singularly lacking in trustworthy fact finding, objective analysis, and historical depth and perspective. The author, Taner Akçam, makes no real attempt to set events in the Ottoman Empire, not all of which occurred in isolation from the outside world, in their historical context. Doubts regarding Akçam's qualities as a historian is raised on several instances, as bad history, as the book under review demonstrates only too well, often involve the bending of facts, or even their suppression.

Akçam's claim that he uses the term genocide "in line with the United Nations definition adopted in 1948," turns out to be little more than lip service, firstly because his analysis lacks an application of the critical elements of the genocide to the facts, and secondly because his recounting of the facts is woefully incomplete. With a self-invented definition of genocide, and by de-emphasizing direct evidence that the intention of the relocation was security-based and ignoring exculpating evidence of Ottoman programs and efforts to protect Armenians lives and property during the relocation, Akçam attempts to pigeonhole the Ottoman Armenian relocation into a genocide conviction, and achieves only a self-fulfilling recount of his own perspective of history, or at most, the expression of ready-made opinions that espouse the orthodoxies of the Armenian perspective of late Ottoman history.

BOOK REVIEW 1

Oya Eren

Researcher
ASAM, Institute for Armenian Research
oeren@eraren.org

TURKISH-ARMENIAN CONFLICT: ARTICLES (TÜRK-ERMENİ İHTILAFI: MAKALELER)

Prof. Dr. Hikmet Özdemir

Ankara: TBMM Kültür Sanat veYayın Kurulu Yayınları, April 2007, 624 Pages.
ISBN: 978-975-6226-29-2

Prepared by Turkish Grand National Assembly Culture, Art and Publication Committee and edited by Prof. Dr. Hikmet Özdemir, this edition includes 30 articles focusing on different aspects of the Armenian question. Majority of these articles analyses the historical reasons leading to Armenian relocation, its execution as well as Armenian rebellions before the relocation and developments after it. Thus, it tries to put forward what had exactly happened in Eastern Anatolia between the years 1915 and 1916. Besides historical dimension, legal and international relations aspects of the Armenian question are examined in this edition.

In the first article penned by Prof. Dr. Sabahattin Özel and entitled 'In the Eyes of Westerners', the author tries to answer why a community being a privileged component of the Ottoman Empire rebelled against the state. Within this framework it summarizes the developments starting from 19th century till the end of World War I with special reference to the role of Great Powers.

The second article written by Dr. Recep Karacakaya carries the title 'Election Alliances' and examines alliance strategies developed by Armenians in the parliamentary elections of 1908, 1912 and 1914 and reveals the cooperation and conflict among Armenian political parties. Dr. Zekeriya Türkmen, on the other hand, focuses in his article entitled 'Forgotten Scenario', on the anti-Turkish atmosphere

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in Europe since 1913 and the work of some inspectors sent by European Powers to Eastern Anatolia for controlling the reform process in the region. Assoc. Prof. Dr. Haluk Selvi examines the Armenian-Russian collaboration on the eve of World War I in his article entitled 'When the War Begins'

Assoc. Prof. Dr. Muammer Demirel focuses on the processes of volunteer gathering and other military preparations of Armenians in order to wage a war against the Ottoman Empire. Dr. Erdal İltter, on the other hand, examined the activities and congresses of Taşnaksutyun party. The seventh article carries the title 'Armenian Administration in Van' written by Assist. Prof. Dr. Şenol Kantarcı, in which the author examines the Great Van Rebellion of 1915 and the subsequent Russian occupation and Armenian administration. Two following articles written by Dr. Hasan Oktay and Dr. Ahmet Tetik focuses on two significant Armenian figures having significant roles in this rebellion, namely Aram Manukyan and Viramyan Onnik Dersakyan.

Prof. Dr. Hikmet Özdemir examines the activities of Armenian bands between the years 1914 and 1916 and Ottoman reaction towards these rebellious activities. Assoc. Prof. Dr. Yusuf Sarıınay, on the other hand, focuses on the Armenian relocation and answers how the decision of relocation had been taken and how it had been implemented.

The next article written by Prof. Dr. Yusuf Halaçođlu examines the costs of Armenian relocation in financial terms while Davut Kılıç focuses on those Armenians held exempted from relocation. The fourteenth article written by Prof. Dr. Kemal Çiçek analyzes the daily lives of the relocated Armenians, some problems of relocation such as security, hygiene and nutrition. Assoc. Prof. Dr. Celalettin Yavuz examines the role of the Commander of Ottoman Fourth Army, Cemal Pasha, in the attempts to eliminate the problems of relocation.

The article written by Assoc. Prof. Dr. İbrahim Ethem Atnur on the situation

of Armenian women and children as well as Armenian marriages in the years of relocation is followed by another article written by Bülent Bakar on the return of Armenian properties after the end of the relocation.

In his article entitled 'The Situation of the Church', Dr. Ali Güler emphasizes the role of Armenian church on the Armenian question. Prof. Dr. Servet Mutlu, on the other hand, tries to reach a sound number of Armenian population in that era through scientific statistical examination of Ottoman population censuses. Assist. Prof. Dr. Erdal Aydoğan examines another controversial issue, namely the activities of the Special Organization (Teşkilat-ı Mahsusa) in the Eastern Anatolia.

Written years ago by Ord. Prof. Dr. Yusuf Hikmet Bayur, the article entitled 'The Great Game' and the following article with the same title written by Assoc. Prof. Dr. Kaya Çağlayan refute Armenian allegations by referring to English, French and Russian archival documents.

The article by Prof. Dr. Selami Kılıç entitled 'History and Testimony' includes full-text translation of another article written by Felix Guse, a German soldier serving in the Ottoman Third Army during the period of relocation. A speech presented in 1984 by former Minister of National Education, Şinasi Orel, also included in the edition and reveals that the telegraphs associated to Talat Pasha are completely fake and produced by Armenians. Prof. Dr. Nuri Bilgin, on the other hand, takes the Armenian 'genocide' as a myth and emphasizes how this myth makes the Turks 'other' in the eyes of the Armenians. Prof. Dr. Hasan Dilan evaluates the sources on Armenian question through a general literature analysis while Prof. Dr. Esat Arslan tries to examine Armenian rebellions and Ottoman precautions developed against it.

Assoc. Prof. Dr. Sadi Çaycı contributes to the edition with an article examining the legal aspect of the Armenian genocide allegations and focuses on why Armenian relocation can not be considered as a genocide. Assoc. Prof. Dr. Sedat La-

çiner, on the Other hand focuses on the international relations dimension of the Armenian question in his article entitled 'Why Are They Wrong?'. Gürbüz Evren focuses on Armenian-French relations before, during and after World War I.

As a result, this edition is very important since it evaluates different aspects of the Armenian question. The articles in the edition mainly focus on historical dimension and utilize archival documents to refute Armenian allegations. In sum, this edition provides the reader with a holistic vision with which different dimensions of the Armenian question could be understood.

BOOK REVIEW 2

Yıldız Deveci Bozkuş

Researcher
ASAM, Institute for Armenian Research
ydeveci@eraren.org

BIG BETRAYAL: ARMENIAN CHURCH AND TERROR, HISTORICAL SEQUENCE

Prof. Dr. Erdal İlter

Ankara: Turhan Kitabevi, 2007, 165 Pages.

Dr. Erdal İlter, whose book entitled *The Bibliography of Turkish-Armenian Relations* has been used as a guidebook for those studying Turkish-Armenian Relations, has been interested in Armenian question and has been publishing many books and articles on that issue. *Armenian Church and Terror*, which has first been published in 1996 in Turkish and in English, and second time in 1999, was published for the third time with some additions.

As known, Armenian Church has always had a national authority on Armenians and played an active role in the formation of Armenian political organizations, i.e. the Armenian state. Therefore this book is quite significant in dealing with the activities of the Armenian church in the late Ottoman Empire as well as the perceptions developed by Lebanon Antilias and Etchmiyadzin Catholicoses regarding Turkey in the aftermath of Lausanne Peace Treaty.

In the first chapter entitled “The Beginning of Ottoman-Armenian Relations”, the author examines the situation of Armenians within the Ottoman Empire and their religious groupings. Accordingly, due to their relocation by Byzantines, Armenians perceived the Turks as saviors. İlter argues that Ottoman-Armenian relations can be initiated with the sultanate of Orhan Gazi between 1326-1362. The Armenian population of the Ottoman Empire and Armenian-Turkish relations

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are also covered in this chapter and, based particularly on foreign resources, it is argued that Armenians had never constituted a majority in the Eastern Anatolia. İlder determines Armenian population within the Empire as 1.300.000 shows the data reached by Armenian scholars and supporting this number.

İlder also argues that since non-Muslims were exempted from conscription they had grown economically and in terms of population continuously. Therefore, they constituted the most prosperous segment of the society due to Ottoman state policies towards non-Muslims. The book includes the perceptions of English, German, Russian and French scholars on Armenians and how they evaluated the 'Turkish-Armenian Relations. What is more, this section includes a thankful manuscript written by one of the prominent Armenians, Mıgırdıç Dadyan, stipulating that Armenians lived under full liberty in the Ottoman Empire.

As known, in the emergence of the Armenian question, Ottoman reform and constitutional movements had a significant role. As a result of this reform movement comes Armenian Nation Law, which brings some regulations for the Armenians. İlder analyses this law in detail. Accordingly, Armenian Patriarchate had been provided with extensive competence and Armenians were granted with the establishment of a general assembly of 140 members. What is more, Armenian Patriarchate would be elected by this assembly, which means that the decisions on the administration of Armenian community could be taken from abroad. İlder argues that non-Muslims benefited from these privileges and had been treated as independent communities: "Armenians, who were benefited from these wide concessions had organized, opened schools and published journals and newspapers. The Patriarchate, which had utilized the Armenian National Law that initiated a new era for the Armenian political and social presence, accelerated its attempts for autonomy through the liberty provided by the aforementioned law. According to İlder, the issue of Armenian autonomy was first demanded by Mıgırdıç Hirimyan and he dispersed his ideas through two journals entitled the 'Eagle of Van' and the 'Eagle of Muş'. After Hirimyan's election as Patriarch, he

aims to direct the attention of Armenian community of Istanbul, the assembly and the government of Armenia.

Another issue covered in the book is the Armenian activities from the proclamation of Ottoman parliamentary government until Mudros Armistice. Accordingly, after the Ottoman entry to the World War I Armenian bands began to support Russia through the Armenian Church and some volunteer troops were established to wage a war against the Ottoman Empire in Eastern Anatolia. As a result of these rebellions, Armenians were relocated as a result of Relocation Law of May 27, 1915. The author also touches upon the territorial demands of Boghos Nubar Pasha for independent Armenia and his connections with the representatives of Allied Powers. What is more, he also examines French-Armenian relations and the disappointment of Armenians after French evacuation of Cilicia region and their immigration to Syria, Lebanon, Cyprus and Egypt.

İlter also argues that with the Lausanne Treaty Armenian question was resolved, at least legally, and with the Treaty, Armenians were perceived as one of the three non-Muslim minorities of Turkish state without any further privilege. İlter examines Atatürk's perception of the Armenian question as well. He argues that Atatürk took this issue within the general framework of minority question and emphasized the great power intervention on this issue. Accordingly, since Erzurum Congress, Atatürk paid attention to the equality of minorities with that of prospective Turkish citizens of the Turkish state.

In the second part of his book İlter argues that Armenian relocation is not an Ottoman phenomenon but an earlier phenomenon started in the Middle Ages. Accordingly, Armenians were relocated by Greeks, Crusaders, Mongolians, Mamluks, Iranians and Russians and the Armenian diaspora was begun to be formed in these periods. He emphasized socio-economic factors for the Armenian migrations besides political ones. In this section, İlter focuses on Armenian settlement in Lebanon, their political and religious situation and the Armenian terrorist

organization, ASALA, which had been established in Lebanon. The author also examined the relationship between Lebanese Armenians and Tashnak part as well as Lebanon becoming one of the main centers of Armenian diaspora.

In sum, this book, in which Armenian demands since 19th century and the positions of the countries supporting these demands are covered, includes significant data for understanding Armenian question being one of the main foreign policy issues of Turkey. Among many books written on this issue, İlter's book attracted attention by its fluent style, in-depth analysis, rich resources and the author's experience on the subject matter. Therefore, some Armenians, including Mesrob Kirkorian from Vienna University criticized the book in an unjust manner. Still, these criticisms are significant for the fame of this book abroad.

RECENT PUBLICATIONS

Yıldız Deveci Bozkuş

Researcher
ASAM, Institute for Armenian Research
ydeveci@eraren.org

Yaraya Tuz Bastım”Ermeni Soykırımı...

Tuncay Özkan

Türkçe

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Aggravating the Pain: “ The Armenian Genocide....:

Anlatılar ve Fotoğraflarla 1914 Öncesi Ermeni Köy Hayatı

Mary Kilbourne Matossian-Susie Hoogasian Villa

Çev: Altuğ Yılmaz

Türkçe

364 Sayfa

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Erdal İlter

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Ermeni Göçü 1834-1915 / Tehcir Öncesi Anadolu’dan Amerika’ya Ermeni Göçü

Ahmet Akter

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Hikmet Özdemir

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Bülent Bakar, Necdet Öztürk, Süleyman Beyoğlu

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Belgeler, Mektuplar ve Resmi Yazışmalarla Türk Soykırımında Fransız Ermeni İlişkileri

Ali Özoglu

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İstanbul, Toplumsal Dönüşüm Yayınları, 2007

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French-Armenian Relations in the Turkish Genocide with Documents, Letters and Official Correspondences

Kan Meclisi 1915

Ahmet Şafak

Türkçe

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Yaraya Tuz Bastım (2. Baskı)

Tuncay Özkan

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Kevork B. Bardakjian

Çev: Ali Gelen

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Erich Feigl

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İlay İLERİ
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Sarkis Terziyan

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Gökhan Balcı

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Tahir Tamer Kumkale

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Mehmet Perinçek

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Yunus Zeyrek

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Rus Yarbay (Lt. Col.) Tverdohlebof

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Sultan İkinci Abdülhamid Han'a Yapılan Suikastın Tahkikat Raporu

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Orhan Sakin

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RESOLUTIONS SUBMITTED TO THE AMERICAN CONGRESS ON ARMENIAN 'GENOCIDE' AND THE ASSASSINATION OF HRANT DINK

HRES 102 IH

110th CONGRESS

1st Session

H. RES. 102

Condemning the assassination of human rights advocate and outspoken defender of freedom of the press, Turkish-Armenian journalist Hrant Dink on January 19, 2007.

IN THE HOUSE OF REPRESENTATIVES

January 29, 2007

Mr. CROWLEY (for himself, Mr. KNOLLENBERG, Mr. PALLONE, Mr. SCHIFF, Mr. RADANOVICH, Mrs. MALONEY of New York, Ms. MCCOLLUM of Minnesota, Mr. COSTA, Mr. CONYERS, Mr. GRIJALVA, Ms. BERKLEY, Mr. NEAL of Massachusetts, Mr. LIPINSKI, Mr. CAPUANO, Ms. WATSON, Mr. KIRK, Mr. WEINER, Mr. STARK, Mr. MCGOVERN, Mrs. CAPPAS, Mr. ROTHMAN, Mr. LOBIONDO, Mr. MCNULTY, and Mr. PORTER) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Condemning the assassination of human rights advocate and outspoken defender of freedom of the press, Turkish-Armenian journalist Hrant Dink on Jan-

RECENT DOCUMENTS

uary 19, 2007.

Whereas, on January 19, 2007, Turkish-Armenian journalist Hrant Dink was murdered as he exited the Istanbul, Turkey, office of Agos Newspaper;

Whereas Hrant Dink was a fierce defender of the freedom of the press and speech, an outspoken advocate for democratic reform, and a champion of human rights and tolerance;

Whereas Hrant Dink was a man of conviction and principle who believed in democratic ideals and peaceful change;

Whereas, in Istanbul in 1996, Hrant Dink founded a bilingual newspaper called Agos, in part to foster dialogue and understanding between Armenians and Turks;

Whereas Hrant Dink was honored by his media colleagues around the world for his courage and principles and was awarded the prestigious Bjornson Prize for Literature for his publications on the Armenian Genocide ;

Whereas Hrant Dink was prosecuted and convicted under Article 301 of the Turkish Penal Code for speaking about the Armenian Genocide ; and

Whereas the United States was founded on the principles of democracy and liberty where freedom of expression is cherished and protected: Now, therefore, be it

Resolved, That the House of Representatives--

- (1) strongly condemns and deplores the assassination of Hrant Dink;
- (2) urges the Government of Turkey to continue its investigation and prosecution of those individuals responsible for the murder of Hrant Dink; and
- (3) urges the Government of Turkey to take appropriate action to protect the freedom of speech in Turkey by repealing Article 301 of the Turkish Penal Code and by unswervingly opposing intolerance, intimidation, and violence against individuals who are exercising their natural right of freedom of speech.

RECENT DOCUMENTS

RESOLUTIONS SUBMITTED TO THE AMERICAN CONGRESS ON ARMENIAN 'GENOCIDE' AND THE ASSASSINATION OF HRANT DINK

HRES 106 IH

110th CONGRESS

1st Session

H. RES. 106

Calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide , and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

January 30, 2007

Mr. SCHIFF (for himself, Mr. RADANOVICH, Mr. PALLONE, Mr. KNOLLENBERG, Mr. SHERMAN, and Mr. MCCOTTER) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide , and for other purposes.

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the 'Affirmation of the United States Record on

RECENT DOCUMENTS

the Armenian Genocide Resolution’.

SEC. 2. FINDINGS.

The House of Representatives finds the following:

(1) The Armenian Genocide was conceived and carried out by the Ottoman Empire from 1915 to 1923, resulting in the deportation of nearly 2,000,000 Armenians, of whom 1,500,000 men, women, and children were killed, 500,000 survivors were expelled from their homes, and which succeeded in the elimination of the over 2,500-year presence of Armenians in their historic homeland.

(2) On May 24, 1915, the Allied Powers, England, France, and Russia, jointly issued a statement explicitly charging for the first time ever another government of committing ‘a crime against humanity’.

(3) This joint statement stated ‘the Allied Governments announce publicly to the Sublime Porte that they will hold personally responsible for these crimes all members of the Ottoman Government, as well as those of their agents who are implicated in such massacres’.

(4) The post-World War I Turkish Government indicted the top leaders involved in the ‘organization and execution’ of the Armenian Genocide and in the ‘massacre and destruction of the Armenians’.

(5) In a series of courts-martial, officials of the Young Turk Regime were tried and convicted, as charged, for organizing and executing massacres against the Armenian people.

(6) The chief organizers of the Armenian Genocide, Minister of War Enver, Minister of the Interior Talaat, and Minister of the Navy Jemal were all condemned to death for their crimes, however, the verdicts of the courts were not enforced.

(7) The Armenian Genocide and these domestic judicial failures are documented with overwhelming evidence in the national archives of Austria, France, Germany, Great Britain, Russia, the United States, the Vatican and many other countries, and this vast body of evidence attests to the same facts, the same events, and the same consequences.

(8) The United States National Archives and Record Administration holds ex-

tensive and thorough documentation on the Armenian Genocide , especially in its holdings under Record Group 59 of the United States Department of State, files 867.00 and 867.40, which are open and widely available to the public and interested institutions.

(9) The Honorable Henry Morgenthau, United States Ambassador to the Ottoman Empire from 1913 to 1916, organized and led protests by officials of many countries, among them the allies of the Ottoman Empire, against the Armenian Genocide .

(10) Ambassador Morgenthau explicitly described to the United States Department of State the policy of the Government of the Ottoman Empire as 'a campaign of race extermination,' and was instructed on July 16, 1915, by United States Secretary of State Robert Lansing that the 'Department approves your procedure . . . to stop Armenian persecution'.

(11) Senate Concurrent Resolution 12 of February 9, 1916, resolved that 'the President of the United States be respectfully asked to designate a day on which the citizens of this country may give expression to their sympathy by contributing funds now being raised for the relief of the Armenians', who at the time were enduring 'starvation, disease, and untold suffering'.

(12) President Woodrow Wilson concurred and also encouraged the formation of the organization known as Near East Relief, chartered by an Act of Congress, which contributed some \$116,000,000 from 1915 to 1930 to aid Armenian Genocide survivors, including 132,000 orphans who became foster children of the American people.

(13) Senate Resolution 359, dated May 11, 1920, stated in part, 'the testimony adduced at the hearings conducted by the sub-committee of the Senate Committee on Foreign Relations have clearly established the truth of the reported massacres and other atrocities from which the Armenian people have suffered'.

(14) The resolution followed the April 13, 1920, report to the Senate of the American Military Mission to Armenia led by General James Harbord, that stated '[m]utilation, violation, torture, and death have left their haunting memories in a hundred beautiful Armenian valleys, and the traveler in that region is seldom free from the evidence of this most colossal crime of all the ages'.

(15) As displayed in the United States Holocaust Memorial Museum, Adolf

Hitler, on ordering his military commanders to attack Poland without provocation in 1939, dismissed objections by saying '[w]ho, after Aall, speaks today of the annihilation of the Armenians?' and thus set the stage for the Holocaust.

(16) Raphael Lemkin, who coined the term 'genocide' in 1944, and who was the earliest proponent of the United Nations Convention on the Prevention and Punishment of Genocide, invoked the Armenian case as a definitive example of genocide in the 20th century.

(17) The first resolution on genocide adopted by the United Nations at Lemkin's urging, the December 11, 1946, United Nations General Assembly Resolution 96(1) and the United Nations Convention on the Prevention and Punishment of Genocide itself recognized the Armenian Genocide as the type of crime the United Nations intended to prevent and punish by codifying existing standards.

(18) In 1948, the United Nations War Crimes Commission invoked the Armenian Genocide 'precisely . . . one of the types of acts which the modern term 'crimes against humanity' is intended to cover' as a precedent for the Nuremberg tribunals.

(19) The Commission stated that '[t]he provisions of Article 230 of the Peace Treaty of Sevres were obviously intended to cover, in conformity with the Allied note of 1915 . . . , offenses which had been committed on Turkish territory against persons of Turkish citizenship, though of Armenian or Greek race. This article constitutes therefore a precedent for Article 6c and 5c of the Nuremberg and Tokyo Charters, and offers an example of one of the categories of 'crimes against humanity' as understood by these enactments'.

(20) House Joint Resolution 148, adopted on April 8, 1975, resolved: '[t]hat April 24, 1975, is hereby designated as 'National Day of Remembrance of Man's Inhumanity to Man', and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day as a day of remembrance for all the victims of genocide, especially those of Armenian ancestry . . . '.

(21) President Ronald Reagan in proclamation number 4838, dated April 22, 1981, stated in part 'like the genocide of the Armenians before it, and the genocide of the Cambodians, which followed it--and like too many other persecutions

of too many other people--the lessons of the Holocaust must never be forgotten'.

(22) House Joint Resolution 247, adopted on September 10, 1984, resolved: '[t]hat April 24, 1985, is hereby designated as 'National Day of Remembrance of Man's Inhumanity to Man', and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day as a day of remembrance for all the victims of genocide, especially the one and one-half million people of Armenian ancestry . . . '.

(23) In August 1985, after extensive study and deliberation, the United Nations SubCommission on Prevention of Discrimination and Protection of Minorities voted 14 to 1 to accept a report entitled 'Study of the Question of the Prevention and Punishment of the Crime of Genocide,' which stated '[t]he Nazi aberration has unfortunately not been the only case of genocide in the 20th century. Among other examples which can be cited as qualifying are . . . the Ottoman massacre of Armenians in 1915-1916'.

(24) This report also explained that '[a]t least 1,000,000, and possibly well over half of the Armenian population, are reliably estimated to have been killed or death marched by independent authorities and eye-witnesses. This is corroborated by reports in United States, German and British archives and of contemporary diplomats in the Ottoman Empire, including those of its ally Germany'.

(25) The United States Holocaust Memorial Council, an independent Federal agency, unanimously resolved on April 30, 1981, that the United States Holocaust Memorial Museum would include the Armenian Genocide in the Museum and has since done so.

(26) Reviewing an aberrant 1982 expression (later retracted) by the United States Department of State asserting that the facts of the Armenian Genocide may be ambiguous, the United States Court of Appeals for the District of Columbia in 1993, after a review of documents pertaining to the policy record of the United States, noted that the assertion on ambiguity in the United States record about the Armenian Genocide 'contradicted longstanding United States policy and was eventually retracted'.

(27) On June 5, 1996, the House of Representatives adopted an amendment to House Bill 3540 (the Foreign Operations, Export Financing, and Related Pro-

grams Appropriations Act, 1997) to reduce aid to Turkey by \$3,000,000 (an estimate of its payment of lobbying fees in the United States) until the Turkish Government acknowledged the Armenian Genocide and took steps to honor the memory of its victims.

(28) President William Jefferson Clinton, on April 24, 1998, stated: 'This year, as in the past, we join with Armenian -Americans throughout the nation in commemorating one of the saddest chapters in the history of this century, the deportations and massacres of a million and a half Armenians in the Ottoman Empire in the years 1915-1923.'

(29) President George W. Bush, on April 24, 2004, stated: 'On this day, we pause in remembrance of one of the most horrible tragedies of the 20th century, the annihilation of as many as 1,500,000 Armenians through forced exile and murder at the end of the Ottoman Empire.'

(30) Despite the international recognition and affirmation of the Armenian Genocide , the failure of the domestic and international authorities to punish those responsible for the Armenian Genocide is a reason why similar genocides have recurred and may recur in the future, and that a just resolution will help prevent future genocides.

SEC. 3. DECLARATION OF POLICY.

The House of Representatives--

(1) calls upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide and the consequences of the failure to realize a just resolution; and

(2) calls upon the President in the President's annual message commemorating the Armenian Genocide issued on or about April 24, to accurately characterize the systematic and deliberate annihilation of 1,500,000 Armenians as genocide and to recall the proud history of United States intervention in opposition to the Armenian Genocide .

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RESOLUTIONS SUBMITTED TO THE AMERICAN CONGRESS ON ARMENIAN 'GENOCIDE' AND THE ASSASSINATION OF HRANT DINK

HRES 155 IH

110th CONGRESS

1st Session

H. RES. 155

Condemning the assassination of human rights advocate and outspoken defender of freedom of the press, Turkish-Armenian journalist Hrant Dink on January 19, 2007.

IN THE HOUSE OF REPRESENTATIVES

February 12, 2007

Mr. CROWLEY submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Condemning the assassination of human rights advocate and outspoken defender of freedom of the press, Turkish-Armenian journalist Hrant Dink on January 19, 2007.

Whereas, on January 19, 2007, Turkish-Armenian journalist Hrant Dink was murdered as he exited the Istanbul, Turkey, office of Agos Newspaper;

Whereas Hrant Dink was a fierce defender of the freedom of the press and speech, an outspoken advocate for democratic reform, and a champion of human rights and tolerance;

Whereas Hrant Dink was a man of conviction and principle who believed in democratic ideals and peaceful change;

Whereas, in Istanbul in 1996, Hrant Dink founded a bilingual newspaper called Agos, in part to foster dialogue and understanding between Armenians and Turks;

Whereas Hrant Dink was honored by his media colleagues around the world for his courage and principles and was awarded the prestigious Bjornson Prize for Literature for his publications;

Whereas Hrant Dink was prosecuted and convicted under Article 301 of the Turkish Penal Code; and

Whereas the United States was founded on the principles of democracy and liberty where freedom of expression is cherished and protected: Now, therefore, be it

Resolved, That the House of Representatives--

- (1) strongly condemns and deploras the assassination of Hrant Dink;
- (2) urges the Government of Turkey to continue its investigation and prosecution of those individuals responsible for the murder of Hrant Dink; and
- (3) urges the Government of Turkey to take appropriate action to protect the freedom of speech in Turkey by repealing Article 301 of the Turkish Penal Code and by unswervingly opposing intolerance, intimidation, and violence against individuals who are exercising their natural right of freedom of speech.

RECENT DOCUMENTS

RESOLUTIONS SUBMITTED TO THE AMERICAN CONGRESS ON ARMENIAN 'GENOCIDE' AND THE ASSASSINATION OF HRANT DINK

SRES 65 IS

110th CONGRESS

1st Session

S. RES. 65

Condemning the murder of Turkish-Armenian journalist and human rights advocate Hrant Dink and urging the people of Turkey to honor his legacy of tolerance.

IN THE SENATE OF THE UNITED STATES

February 1, 2007

Mr. BIDEN submitted the following resolution; which was referred to the Committee on Foreign Relations

RESOLUTION

Condemning the murder of Turkish-Armenian journalist and human rights advocate Hrant Dink and urging the people of Turkey to honor his legacy of tolerance.

Whereas Hrant Dink was a respected, eloquent advocate for press freedom, human rights, and reconciliation;

Whereas, in 1996, Mr. Dink founded the weekly bilingual newspaper Agos and, as the paper's editor in chief, used the paper to provide a voice for Turkey's Armenian community;

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Whereas Mr. Dink was a strong proponent of rapprochement between Turks and Armenians and worked diligently to improve relations between those communities;

Whereas Mr. Dink's commitment to democratic values, nonviolence, and freedom in the media earned him widespread recognition and numerous international awards;

Whereas Mr. Dink was prosecuted under Article 301 of the Turkish Penal Code for speaking about the Armenian Genocide ;

Whereas, notwithstanding hundreds of threats to Mr. Dink's life and safety, he remained a steadfast proponent of pluralism and tolerance;

Whereas Mr. Dink was assassinated outside the offices of Agos in Istanbul, Turkey, on January 19, 2007;

Whereas tens of thousands of people in Turkey of many ethnicities protested Mr. Dink's killing and took to the streets throughout the country to honor his memory;

Whereas the Government of Turkey has pledged to undertake a full investigation into the murder of Mr. Dink;

Whereas the Prime Minister of Turkey, Recep Tayyip Erdogan, has stated that when Mr. Dink was shot, 'a bullet was fired at freedom of thought and democratic life in Turkey';

Whereas the Foreign Minister of Armenia, Vartan Oskanian, stated that Mr. Dink 'lived his life in the belief that there can be understanding, dialogue and peace amongst peoples'; and

Whereas Mr. Dink's tragic death affirmed the importance of promoting the values that he championed in life: Now, therefore, be it

Resolved, That the Senate--

(1) condemns the murder of Hrant Dink as a shameful act of cowardice per-

petrated with contempt for law, justice, and decency;

(2) supports the pledge of the Government of Turkey to conduct an exhaustive investigation into the assassination of Mr. Dink and to prosecute those responsible;

(3) urges the Government of Turkey to repeal Article 301 of the Turkish Penal Code and work diligently to foster a more open intellectual environment in the country that is conducive to the free exchange of ideas;

(4) recognizes the decision of the Government of Turkey to invite senior Armenian religious and political figures to participate in memorial services for Mr. Dink;

(5) calls on the Government of Turkey to act in the interest of regional security and prosperity and reestablish full diplomatic, political, and economic relations with the Government of Armenia; and

(6) urges the people of Turkey to honor Mr. Dink's legacy of tolerance.

RECENT DOCUMENTS

NOBEL LAUREATES' CALL FOR TOLERANCE, CONTACT AND COOPERATION BETWEEN TURKS AND ARMENIANS

Dear friends,

We, the undersigned Nobel laureates, issue this appeal directly to the peoples of Turkey and Armenia. Mindful of the sacrifice paid by Hrant Dink, the ethnic Armenian editor of *Agos* in Turkey, who was assassinated on January 19, 2007, and whose death was mourned by both Turks and Armenians, we believe that the best way to pay tribute to Mr. Dink is through service to his life's work safeguarding freedom of expression and fostering reconciliation between Turks and Armenians.

To these ends, Armenians and Turks should encourage their governments to:

- *Open the Turkish-Armenian border.* An open border would greatly improve the economic conditions for communities on both sides of the border and enable human interaction, which is essential for mutual understanding. Treaties between the two countries recognize existing borders and call for unhampered travel and trade.

- *Generate confidence through civil society cooperation.* Turks and Armenians have been working since 2001 on practical projects that offer great promise in creatively and constructively dealing with shared problems. The governments should support such efforts by, for example, sponsoring academic links between Turkish and Armenian faculty, as well as student exchanges.

- *Improve official contacts.* Civil society initiatives would be enhanced by the governments' decision to accelerate their bilateral contacts, devise new frame-

works for consultation, and consolidate relations through additional treaty arrangements and full diplomatic relations.

- *Allow basic freedoms.* Turkey should end discrimination against ethnic and religious minorities and abolish Article 301 of the Penal Code, which makes it a criminal offense to denigrate Turkishness. Armenia also should reverse its own authoritarian course, allow free and fair elections, and respect human rights.

Turks and Armenians have a huge gap in perceptions over the Armenian Genocide. To address this gap, we refer to the 2003 “Legal Analysis on the Applicability of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide to Events which Occurred During the Early Twentieth Century,” which corroborated findings of the International Association of Genocide Scholars.

It concluded that, “At least some of the [Ottoman] perpetrators knew that the consequences of their actions would be the destruction, in whole or in part, of the Armenians of eastern Anatolia, as such, or acted purposefully towards this goal and, therefore, possessed the requisite genocidal intent. The Events can thus be said to include all the elements of the crime of genocide as defined in the Convention.” It also concluded that, “The Genocide Convention contains no provision mandating its retroactive application.”

The analysis offers a way forward, which addresses the core concerns of both Armenians and Turks. Of course, coming to terms will be painful and difficult. Progress will not occur right away. Rather than leaving governments to their own devices, affected peoples and the leaders of civil society need to engage in activities that promote understanding and reconciliation while, at the same time, urging their governments to chart a course towards a brighter future.

Sincerely,

Peter Agre
Nobel Prize, Chemistry (2003)

Sidney Altman
Nobel Prize, Chemistry (1989)

Philip W. Anderson
Nobel Prize, Physics (1977)

Kenneth J. Arrow
Nobel Prize, Economics (1972)

Richard Axel
Nobel Prize, Medicine (2004)

Baruj Benacerraf
Nobel Prize, Medicine (1980)

Gunter Blobel
Nobel Prize, Medicine (1999)

Georges Charpak
Nobel Prize, Physics (1992)

Steven Chu
Nobel Prize, Physics (1997)

J.M. Coetzee
Nobel Prize, Literature (2003)

Claude Cohen-Tannoudji
Nobel Prize, Physics (1997)

Mairead Corrigan Maguire
Nobel Prize, Peace (1976)

Robert F. Curl Jr.
Nobel Prize, Chemistry (1996)

Paul J. Crutzen
Nobel Prize, Chemistry (1995)

Frederik W. de Klerk
Nobel Prize, Peace (1993)

Johann Deisenhofer
Nobel Prize, Chemistry (1998)

John B. Fenn
Nobel Prize, Chemistry (2002)

Val Fitch
Nobel Prize, Physics (1980)

Jerome I. Friedman
Nobel Prize, Physics (1990)

Donald A. Glaser
Nobel Prize, Physics (1960)

Sheldon Glashow
Nobel Prize, Physics (1979)

Roy J. Glauber
Nobel Prize, Physics (2005)

Clive W.J. Granger
Nobel Prize, Economics (2003)

Paul Greengard
Nobel Prize, Medicine (2000)

David J. Gross
Nobel Prize, Physics (2004)

Roger Guillemin
Nobel Prize, Medicine (1977)

Dudley R. Herschbach
Nobel Prize, Chemistry (1986)

Avram Hershko
Nobel Prize, Chemistry (2004)

Roald Hoffman
Nobel Prize, Chemistry (1981)

Sir Harold W. Kroto
Nobel Prize, Chemistry (1996)

Finn E. Kydland
Nobel Prize, Economics (2004)

Leon M. Lederman
Nobel Prize, Physics (1988)

Anthony J. Leggett
Nobel Prize, Physics (2003)

Rudolph A. Marcus
Nobel Prize, Chemistry (1992)

Daniel L. McFadden
Nobel Prize, Economics (2000)

Craig C. Mello
Nobel Prize, Medicine (2006)

Daniel Kahneman
Nobel Prize, Economics (2002)

Eric R. Kandel
Nobel Prize, Medicine (2000)

Robert C. Merton
Nobel Prize, Economics (1997)

Marshall W. Nirenberg
Nobel Prize, Medicine (1968)

Sir Paul Nurse
Nobel Prize, Medicine (2001)

Douglas D. Osheroff
Nobel Prize, Physics (1996)

Martin L. Perl
Nobel Prize, Physics (1995)

John C. Polanyi
Nobel Prize, Chemistry (1986)

Stanley Prusiner
Nobel Prize, Medicine (1997)

Aaron Klug
Nobel Prize, Chemistry (1982)

Edwin G. Krebs
Nobel Prize, Medicine (1992)

Nobel Prize, Peace (1996)

Richard J. Roberts
Nobel Prize, Medicine (1993)

Wole Soyinka
Nobel Prize, Literature (1986)

Elie Wiesel
Nobel Prize, Peace (1986)

Betty Williams
Nobel Prize, Peace (1976)

Kurt Wüthrich
Nobel Prize, Chemistry (2002)

REPLY OF TURKISH SCHOLARS AND WRITERS TO THE
CALL FOR TOLERANCE, CONTACT AND COOPERATION
BETWEEN TURKS AND ARMENIANS ISSUED BY THE
'ELIE WIESEL FOUNDATION FOR HUMANITY'

We, the undersigned Turkish scholars and writers, welcome the call of 'The Elie Wiesel Foundation for Humanity' issued on April 9, 2007. We view this call as a doorway to opening a process of dialogue between Turks and Armenians and as a stepping stone which will work to keep that door open facilitating the culture of peace to bear fruit. We would like to state that we are willing to do our part to make positive contributions to this end.

It can not be refuted that Turks and Armenians have been living closely together under the Turkish Republic, as was the case during the time of the Ottoman Empire, as a result of which they have developed common cultural values. We believe these values may form the basis for the development of future relations.

We are cognizant of the great suffering endured by the Armenians, Turks and other peoples residing within the Ottoman Empire as a result of the tragic events of the First World War, and believe that all responsible individuals alike must actively engage themselves to preclude such suffering from being inflicted upon mankind once again. We are prepared to work constructively to this end. In this regard it should be noted that while acknowledging the loss incurred by a certain population it would be unfair to selectively neglect the irrefutably documented loss of another population residing within the same geography. We maintain that such dogmatic approaches and disregard for differing views lay at the root of the ongoing conflict of our day.

We evaluated the proposals expressed in the call issued by The Elie Wiesel Foundation for Humanity. We are of the opinion that increasing mutual confidence by fostering relations between civil society organizations shall constitute the

most constructive way forward. We believe that the restoration of the Akhdamar Church and the participation of Turkish alongside Armenian officials to its opening was rewarding and hope that such contacts shall increase.

Air travel between Turkey and Armenia is open. The many citizens of the Republic of Armenia residing in Turkey as guest workers carries with it the potential of cultivating close friendship and ties between the citizens of both Republics. The border gate between both countries will surely be opened once those factors which led to it being closed are removed. No doubt, the clear and official affirmation on the part of Armenia to the effect that it recognizes the border between the two countries and does not demand that it be changed shall contribute to the establishment of official diplomatic relations. That part of Turkey's territories is defined as Western Armenia in the Armenian Declaration of Independence raises concerns regarding Armenia's possible future irredentist policies.

Turkey does not evaluate the tragic events of 1915 which befell the Ottoman Armenians as genocide as defined in the 1948 Convention on the Prevention and Punishment of Genocide. For an event to legally constitute genocide, a competent court must establish the intent to kill in whole or in part a national, ethnic, racial or religious group solely because they were part of that group (*dolus specialis*). After evaluating various documents several academics, both Turkish and foreign, have arrived at the conclusion that the requisite genocidal intent was not present with respect to the Ottoman Armenians. We view that differing accounts expressed by a given committee or other groups on this matter should not be seen as anything other than the practice of the freedom of expression. We would like to declare that we are prepared to discuss this issue within the frame of joint committees together with Armenian historians and all those interested; we believe that engaging in dialogue is the only way forward to solve our outstanding problems. On this point one should not overlook how Turkey officially proposed to Armenia in April 2005, to establish a Joint History Commission comprising Turkish, Armenian and third party specialists for the purpose of conducting his-

torical research on the events prior to and following 1915. To facilitate this proposal Turkey has made it known that all its archives have been opened. We have faith that organizations such as The Elie Wiesel Foundation for Humanity shall help to establish forums where views can be mutually exchanged and welcomed whereby the level of tolerance and cooperation called for can be attained.

TURKISH SCHOLARS AND WRITERS WHO SIGNED THE REPLY

1. Prof. Dr. Tahsin AKALP
2. Prof. Dr. Seçil KARAL AKGÜN
3. Prof. Dr. Şahin AKKAYA
4. Rtd. Ambassador Gündüz AKTAN
5. Prof. Dr. Ali AKYILDIZ
6. Assoc. Prof. Dr. Gülşen Seyhan ALIŞIK
7. Prof. Dr. Deniz Ülke ARİBOĞAN
8. Assoc. Prof. Dr. Yavuz ASLAN
9. Assoc. Prof. Dr. İbrahim Ethem ATNUR
10. Prof. Dr. Yusuf AVCI
11. Prof. Dr. Süheyl BATUM
12. Prof. Dr. Taner BERKSOY
13. Prof. Dr. Süleyman BEYOĞLU
14. Prof. Dr. Gülay Öğün BEZER
15. Prof. Dr. Ali ATIF BİR
16. Prof. Dr. Naz ÇAVUŞOĞLU
17. Assoc. Prof. Dr. Sadi ÇAYCI -
18. Prof. Dr. Mehmet ÇELİK
19. Prof. Dr. Kemal ÇİÇEK
20. Ercan ÇİTLİOĞLU
21. Prof. Dr. Sebahat DENİZ
22. Rtd. Ambassador Filiz DİNÇMEN

23. Prof. Dr. Uluğ ELDEGEZ
24. Prof. Dr. Vahdettin ENGİN
25. Prof. Dr. İsmail ERÜNSAL
26. Prof. Dr. Yavuz ERCAN
27. Prof. Dr. Ahmet ETÜCE
28. Prof. Dr. Suat GEZGİN
29. Prof. Dr. Müfit GİRESUNLU
30. Prof. Dr. Ufuk GÜLSOY
31. Prof. Dr. Nurbay GÜLTEKİN
32. Prof. Dr. S. Selçuk GÜNAY
33. Prof. Haluk GÜRGEN
34. Prof. Dr. Erhan GÜZEL
35. Prof. Dr. Yusuf HALLAÇOĞLU
36. Assoc. Prof. Dr. Oğuz İÇİMSOY
37. Prof. Dr. Mücteba İLGÜREL
38. Dr. Erdal İLTER
39. Assoc. Prof. Dr. Mehmet İNBAŞI
40. Assoc. Prof. Dr. Kamer KASIM
41. Prof. Dr. Fahri KAYADİBİ
42. Prof. Dr. Mustafa KEÇER
43. Prof. Dr. Selami KILIÇ
44. Assoc. Prof. Dr. Murat KOÇ
45. Prof. Dr. Enver KONUKÇU
46. Prof. Dr. Kemalettin KÖROĞLU
47. Prof. Dr. Nuri KÖSTÜKLÜ
48. Prof. Zekeriya KURŞUN
49. Assoc. Prof. Dr. Sedat LAÇİNER
50. Rtd. Ambassador Faruk LOĞOĞLU
51. Rtd. Ambassador Ömer Engin LÜTEM
52. Prof. Dr. Nurşen MAZICI
53. Prof. Dr. Hasan MERİÇ

54. Prof. Dr. Özcan MERT
55. Rtd. Ambassador Tansu OKANDAN
56. Prof. Dr. Besim ÖZCAN
57. Prof. Dr. Hikmet ÖZDEMİR
58. Prof. Dr. Necdet ÖZTÜRK
59. Prof. Dr. Nihat ÖZTOPRAK
60. Prof. Dr. Bayram ÖZTÜRK
61. Assoc. Prof. Dr. Bilgehan PAMUK
62. Prof. Dr. Mesut PARLAK
63. Assoc. Prof. Dr. Said POLAT
64. Prof. Dr. Ömer Asım SAÇLI
65. Prof. Dr. Hüseyin SALMAN
66. Prof. Dr. Günay SARIYAR
67. Assoc. Prof. Dr.Sema SOYGENİŞ
68. Assoc. Prof. Dr.Orhan SÖYLEMEZ
69. Rtd. Ambassador Ömer ŞAHİNKAYA
70. Prof. Dr. Hale ŞIVGIN
71. Rtd. Ambassador Bilal N. ŞİMŞİR
72. Prof. Dr. Ahmet ŞİMŞİRGİL
73. Rtd. Ambassador Pulat TACAR
74. Prof. Dr. Mehmet Şükrü TEKBAŞ
75. E. Büyükelçi Sanlı TOPÇUOĞLU
76. Prof. Dr. Korkut TUNA
77. Prof. Dr. Muammer UĞUR
78. Prof. Dr. Sema UĞURCAN
79. Prof. Dr. Şafak URAL
80. Rtd. Ambassador Necati UTKAN
81. Prof. Dr. Mustafa Çetin VARLIK
82. Prof. Dr. Halil YANARDAĞ
83. Prof. Dr. Şenay YALÇIN
84. Prof. Dr. Emine YAZICIOĞLU
85. Prof. Dr. İbrahim YUSUFOĞLU
86. Rtd. Ambassador Erhan YİĞİTBAŞIOĞLU

RECENT DOCUMENTS
THE ANNOUNCEMENT PUBLISHED ON NEW
YORK TIMES, APRIL 23, 2007

**LET'S UNEARTH THE TRUTH
ABOUT WHAT HAPPENED IN 1915 TOGETHER**

TURKEY INVITES ARMENIA TO STUDY HISTORICAL FACTS JOINTLY

To this end, Turkey proposed to Armenia the establishment of a
JOINT COMMISSION OF HISTORIANS

which will also be open to third parties

TURKEY ENSURES FULL ACCESS TO ALL ITS ARCHIVES

We look to a future of freedom, peace, and prosperity in Armenia and Turkey
and hope that Prime Minister Erdoğan's recent proposal for a joint
Turkish-Armenian commission can help advance these processes.

President George W. Bush

I fully understand how strongly both Turkey and Armenia
feel about this issue. Ultimately, this painful matter
can only be resolved by both sides examining the past together.

President Bill Clinton

These historical circumstances require a very detailed and sober look from historians.
And what we've encouraged the Turks and the Armenians to do is to have
joint historical commissions that can look at this, to have efforts to examine
their past and, in examining their past, to get over their past.

Secretary of State Condoleezza Rice

The proper platform to discuss this subject
can only be a forum composed of Turkish and Armenian historians,
under conditions of equality and freedom.

Turkish Armenian Patriarch Mesrob II

**WE CAN FACE THE TRUTH ABOUT OUR PAST;
WE CALL UPON THE ARMENIANS TO DO THE SAME**

**On April 10, 2005, Turkish Prime Minister Recep Tayyip Erdoğan asked
Armenian President Robert Kocharian and the people of Armenia:**

"...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 public."

"As leaders of our countries, our primary duty is to leave to our future generations a peaceful
and friendly environment in which tolerance and mutual respect shall prevail."

**On March 28, 2007, Turkish Deputy Prime Minister
and Foreign Minister Abdullah Gül reaffirmed this offer:**

"We eagerly await a positive response from Armenia, agreeing to establish this joint commission
and declaring its readiness to accept its conclusions.... I hereby extend an invitation to any third country,
including the United States, to contribute to this commission by appointing scholars who will
earnestly work to shed light on these tragic events and open ways for us to come together."

SUPPORT EFFORTS TO EXAMINE HISTORY, NOT LEGISLATE IT.

For more information, please visit www.turkishembassy.org.

Paid for by the Embassy of the Republic of Turkey, Washington DC

RECENT DOCUMENTS



Center For Eurasian Strategic Studies
Institute for Armenian Research