

# FACTS AND COMMENTS

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**Abstract:** *Developments after the signature of the Turkish-Armenian Protocols, Armenian Constitutional Court's Decision concerning the Protocols, Turkey's objections, Pressures on Turkey for its ratification of the Protocols, some countries' parliaments resolutions recognizing Armenian genocide allegations, suspension of the Protocols by Armenia.*

**Key Words:** *Turkish-Armenian Protocols, Armenian Constitutional Court, US House of Representatives' Committee on Foreign Affairs, Swedish Parliament, Turkish Grand National Assembly, Serge Sarkisian, Edward Nalbandyan, Abdullah Gül, Recep Tayyip Erdoğan, Ahmet Davutoğlu, Barack Obama, Hillary Clinton*

Since Turkey-Armenia Protocols have been the only focus of the relations between the two countries and the developments within Diaspora for the last seven months (December 2009-June 2010), just as during the previous six-month period, this "Facts and Comments" will be consecrated to this subject.

## I – PRESIDENT SARKISIAN'S STATEMENT OF OCTOBER 10, 2009

The discussion of the meaning of the most important articles of the Protocols signed after prolonged and difficult negotiations on 10 October 2009<sup>1</sup> has started almost on the same day of their signature.

Following the signature, while no statements have been made in Turkey on the Protocols and their content due to it being a secondary issue for the Turkish public opinion, on the date the Protocols were signed, President Sarkisian has issued a statement as an address to the people of the Republic of Armenia and to all Armenians.<sup>2</sup>

1 See: Ömer Engin Lütem, "Facts and Comments", *Ermeni Araştırmaları*, No. 33-34, p.56,56

2 10 October 2009. <http://www.president.am/events/statements/eng/?year=2009&id=51>

The Armenian President has expressed that for the past several months, the attention of Armenia and the Armenians worldwide was focused on the ongoing process of the normalization of Armenia-Turkey relations, the world saw and understood that when it comes to the normalization of the Armenian-Turkish relations, they have to deal not just with Armenia with its three million population, but with the ten million Armenians, and that contrary to some slogans, the Armenian nation is united in its goals. Sarkisian has also indicated that they are trying to put on a normal track the relations with a country where under the Ottoman rule their nation fell victim to the policy of genocide, that the scars of the genocide have not healed and that there is no alternative to the establishment of the relations with Turkey without any precondition.

Expressing that the concern of individuals and some political forces is caused by the different interpretation of certain provisions of the Protocols and their historic mistrust towards Turkey, Sarkisian has insisted on the following points:

*“1. No relations with Turkey can question the reality of the patricide and the genocide perpetrated against the Armenian nation. It is a known fact and it should be recognized and condemned by the whole progressive humanity. The relevant sub-commission to be established under the intergovernmental commission is not a commission of historians.”*

*“2. The issue of the existing border between Armenia and Turkey is to be resolved through prevailing norms of the international law. The Protocols do not go beyond that.”*

*“3. These relations cannot and do not relate to the resolution of the Nagorno-Karabakh conflict, which is an independent and separate process. Armenian does not regard the clause of the territorial integrity and inviolability of the borders contained in the Protocols as in any way related to the Nagorno-Karabakh problem.”*

*“4. The Armenian side will give an adequate reaction if Turkey protracts the process of ratification or raises conditions for it. Armenia undertakes no unilateral commitments though these Protocols and does not make any unilateral affirmations. Armenia is signing these Protocols in order to create basis for the establishment of normal relations between our two countries. Hence, if Turkey fails to ratify the Protocols within a reasonable timeframe and does not implement all the clauses contained herein within the provided timeframe or violates them in the future, Armenia will immediately take appropriate steps as stipulated by the international law.”*

It could be seen that with this statement, President Sarkisian has aimed to express that the concerns and likely threats existing in Armenia and the Diaspora will be taken into consideration, that the developments contradictory to the national interests will be prevented and that no difference of views exists on this matter between Armenians.

Contrary to Turkey, since the Protocols were heavily criticized in Armenia and much more in Diaspora, it was normal for the Armenian President to issue a statement that would provide assurance for the public opinion. With the thought that the statement only concerns Armenian public opinion, including Diaspora, the Turkish media has almost never dwelled on it. However, this statement has gone beyond only providing assurance and the views put forth by Sarkisian have created some understandings different from those of Turkey regarding the Protocols. These could be listed as follows:

**a.** Turkey is completely against the genocide allegations being accepted by the parliaments of foreign countries. She wants the 1915 events to be examined by historians and other specialists. This should be the main task of the Sub-Commission on the Historical Dimension Commission foreseen in the Protocols. Therefore, it is meaningless to say that this sub-commission is not a commission of historians, as the Armenian President pretended.

**b.** Sarkisian has presented the border between the two countries as a problem which needs to be resolved. But, this issue has already been resolved with the Moscow and Kars Treaties signed in 1921. Moreover, the parties have confirmed the mutual recognition of this border in the First Protocol.

**c.** There is no mention of the Karabakh conflict in the Protocols. The Armenian President, without referring in this part of his statement to the protocols, has put forth that Turkey-Armenia relations are not and will not be linked to the settlement of the Karabakh conflict. However, not only due to its relations with Azerbaijan, but also because the Karabakh conflict prevents peace and cooperation in the Southern Caucasus, it is normal for Turkey to be concerned with both of the issues and to try to contribute to their resolution. Turkey moving in this direction is not contradictory to the Protocols.

**d.** The expressions in the President's statement that the provisions on territorial integrity and inviolability of borders is not related to the Karabakh conflict almost constitute a confession of guilt, because Armenia has violated the territorial integrity and inviolability of borders of Karabakh, which according to international law, belongs to Azerbaijan.

e. The points mentioned in the 4<sup>th</sup> paragraph in Sarkisian's statement are for satisfying firstly the Dashnaks and then the Armenian public opinion and Diaspora. Implying that they could refuse the Protocols on the same day they were signed is at least bizarre.

Considering the points stated above, it is seen that diverging views still continues related to the main issues such as genocide allegations and mutual recognition of borders between the two countries. Highly different opinions also exist on the Karabakh issue. While Turkey is waiting for significant progress in the resolution of this conflict in order to implement the Protocols, Armenia is insisting that no relationship exists between the Protocols and the Karabakh conflict.

It is known that from the start, Armenia follows a policy of "normalization without preconditions" with Turkey. This means establishing diplomatic relations with Turkey and opening the Turkish border without giving anything in return. In other words, Armenia will not give any concession on the three issues mentioned above, i.e recognition of borders, genocide allegations and the Karabakh issue. Armenia has followed this policy almost since 1992. During the negotiations of the Protocols, Armenia has conveyed the idea that, except the Karabakh conflict, changes could take place in the other two issues mentioned above. However, it has rejected these changes being openly reflected in the articles of the Protocols. President Sarkisian's statement delivered the same day the Protocols were signed shows that their stance has not changed at all.

There are several reasons for Armenia to act in such a way.

The idea that Armenians have deliberately been massacred firstly by the Ottomans, then Turks and that they have been subjected to genocide is a deeply rooted belief in Armenia and Diaspora. Even if it is not correct, following a policy which would contradict this belief and conclude an agreement with Turkey is at least in the midterm not possible for any Armenian government.

Although not widely spread, there exists a belief in Armenia and Diaspora that Eastern Anatolia is actually Western Armenia. However, despite objections, Armenia's recognition of the existing border is possible for the Armenian government which possess a great majority of the Parliament and for President Sarkisian who has come to power by gaining 52 % of the votes.

Even if not historically correct, there also exists a deeply rooted belief in both Armenia and Diaspora that Karabakh is Armenian or that it belongs to Armenia. Moreover, considering that Karabakh and Azerbaijan "rayon's" surrounding this area being conquered through war and that Robert Kocharian and Serge Sarkisian, being

among those conducting the battle, have been or is the president of Armenia for the last twelve years, it is highly difficult for Armenia to make concessions regarding the Karabakh issue, unless they are exposed to great pressure or military defeat. Regarding Turkey's situation on the Karabakh issue, Armenia has opposed Turkey's contribution to its resolution all along for the reason that it has non-hesitantly supported Azerbaijan's policy.

Examining the points mentioned above from the angle of the Protocols, we can conclude the following:

#### **a. The Karabakh Conflict**

The Karabakh conflict is not mentioned in the Protocols. During the negotiations, there is no doubt that Turkey has insisted on the Karabakh conflict being touched upon in the Protocols even if as a statement of good will. However, Armenia considering its refusal as "sine qua non" (without which it could not be) and that Karabakh is not a bilateral problem between Turkey and Armenia, Turkey has accepted the omission of this issue in the text. Furthermore, it could be understood that regarding the Karabakh conflict, Turkey has included in the Second Protocol the statements that "the common purpose of both States is to cooperate for enhancing regional stability and security and reiterating their commitment to the peaceful settlement of regional international disputes and conflicts on the basis of the norms and principles of international law", whereas the Armenian side has seen no harm in this text since the word Karabakh has not been mentioned and this text has brought a definite obligation.

Interestingly, President Sarkisian has not found this section of the Second Protocol to be related to the Karabakh conflict, but the statement in the First Protocol on "territorial integrity and inviolability of frontiers". However, for Turks, most likely this provision firstly concerns Turkey. As mentioned above, despite the Moscow and Kars treaties defining the borders in a definite matter, Armenian public opinion and Diaspora still have the belief that Eastern Anatolia belongs to Armenia. On the other hand, since the Karabakh area and the "rayon's" surrounding it belongs to Azerbaijan according to international law, it is normal that the provision of "territorial integrity and inviolability of frontiers" also concerns Azerbaijan.

When Armenia rejected the mentioning of the Karabakh conflict, even only as a wish for its resolution being incorporated into the Protocols, Turkey was obliged to resort to not ratifying the Protocols as long as a significant development takes place in the Karabakh conflict's resolution. Since no provision exists in the Protocols regarding the date of ratification and even no indication of them having to be ratified as soon as possible, this action of Turkey is not contradictory to the Protocols.

In the beginning, Armenia has underestimated this stance of Turkey. In response to the journalists asking President Sarkisian what he thinks of Prime Minister Erdoğan's statement that Turkey's borders will not be opened (in other words, that the Protocols will not be ratified) before Armenia ends the occupation of its forces, he has said that Azerbaijan public opinion is the target of this statement.<sup>3</sup> However, this stance of Turkey concerns Armenia more than Azerbaijan public opinion, because the main purpose of Armenia signing the Protocols is for the Turkish border to open and Turkey has linked this to the Karabakh conflict.

Following the signing of the Protocols, especially Prime Minister Erdoğan and Minister of Foreign Affairs Davutoğlu have continued, at every appropriate opportunity, to link the ratification of the Protocols and the Karabakh conflict. This has highly disturbed Armenia and statements on creating normal relations with Turkey without any pre-conditions have increased. Moreover, it has been observed that Armenia has complained about Turkey to the US, Russia and the European Union (EU) regarding this subject and has been met with understanding. In fact, EU authorities such as the US and Russia have also expressed with a cautious language that normalization should not be linked to preconditions and in particular, that a link should not be created between Karabakh and the ratification of the Protocols. However, these have not evoked any change in Turkey's stance. In conclusion, Turkey's formula of "Karabakh resolution = Turkey opening its borders" has created a pressure on Armenia and as will be explained further on, has formed the main reason for Armenia suspending the Protocols.

## **b. Genocide Allegations**

Genocide allegations are being put forth both to accuse the Ottomans and to form the basis of some claims from today's Turkey, which prevents a true reconciliation to develop between Turkey-Armenia and Turkish-Armenian peoples. Therefore, it is absolutely necessary for the genocide allegations to be resolved. However, Armenians have never approached this subject from this angle. Furthermore, a majority has believed that the recognition of genocide allegations is vital for their claims such as returning of properties, compensation and territory to be given to Armenia and therefore, have rejected discussing the "genocide truth". This utopian attitude is the main reason for this problem still not being able to be resolved today.

In a letter sent to President Robert Kocharian on 13 April 2005, Prime Minister Erdoğan had proposed the following: "...forming a group comprised of historians and

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3 *Aysor.am*. 13 October 2009.

other specialists of our two countries to investigate the developments and events related to the 1915 period by researching all the archives of not only Turkey and Armenia but also all relevant third countries and report their findings to the international community". In the letter, "an initiative in this direction will shed light on a controversial period of history and will serve as a step towards the normalization of relations between our countries" has been stated as the purpose of this proposal.<sup>4</sup> The point that requires attention here is that "genocide" has not been mentioned and reaching a decision on whether the events constitute genocide has not been requested. The issue at hand is only for the events of that period to be researched and the findings to be presented to the public. There really is a great necessity for the events of that period to be examined impartially and scholarly. Armenians and pro-Armenian historians have attempted to conclude that genocide took place by examining some adverse events of that period and based on this, have started to put forth some claims against Turkey. As mentioned above, this has prevented a reconciliation to develop between the two countries.

Robert Kocharian has not responded directly to Turkey's proposal. About three years later, advocating for the establishment of normal relations with Turkey, President Sarkisian has stated in June 2008, a few months after coming to power, that "a recommendation is made by Turkey to form an expertise committee which would examine the historic facts of the genocide. We are not against any examination, as examination does not mean to doubt the real facts"<sup>5</sup> and has opened the way to meetings being held on the Protocols.

After extensive negotiations, the following provision has been included in the Second Protocol:

*"the sub-commission on the historical dimension to implement a dialogue with the aim to restore mutual confidence between the two nations, including an impartial scientific examination of the historical records and archives to define existing problems and formulate recommendations, in which Armenian, Turkish as well as Swiss and other international experts shall take part."*

The point here that requires attention is that the text is very ambiguous. In particular, neither the genocide, nor the "developments and events of 1915" expressed in 2005 in Prime Minister Erdoğan's letter being mentioned draws attention. An agreement also needs to be reached on which events a scientific examination of the historical records and archives will take place. Rightfully, the Turkish side will want this examination to take place for the 1915 events, because this is the controversial issue.

4 *Review of Armenian Studies* No.7-8, p.133

5 *Review of Armenian Studies*, No. 18. p.8

The Armenian side has remained silent for some time about this issue, but was obliged to take a stance against the heavy criticisms coming especially from the Diaspora, such as the genocide truth being open to discussion and has put forth that not the genocide itself, but the results of genocide will be examined in this sub-commission. What these genocide results are have been identified by Prime Minister Tigran Sarkisyan and Deputy Foreign Minister Shavarsh Kocharyan: The properties left behind by the relocated Armenians and the compensation to be given to the genocide victims' descendants.<sup>6</sup> Later on, according to some press reports the restoration of historical monuments in Turkey belonging to Armenians should be considered within this framework. In President Sarkisian's statement of 10 October 2009 mentioned above, this issue has been touched upon by stating that the genocide truth cannot be questioned and the indication that the related sub-commission is not a commission of historians. In other words, since the sub-commission will deal with the returning of properties, compensation and the restoration of historical monuments, it will not be a commission of historians.

It is obvious that these views of the Armenian side in no way accords with Turkey's insistence on the "developments and events of 1915" being examined. It could be observed that Armenian views are not leading to solutions for any of the existing problems, but could also create new ones.

The point which should be emphasized here is that the issue of properties left behind by the relocated Armenians has been resolved with the Treaty of Lausanne and according to this Treaty, compensation is not a part of it. Another point is that it is not possible for Armenia, established in 1918, to represent the Armenians under Ottoman citizenship in 1915.

Historically, since the "1915 events" is the main problem between Turkey and Armenia, it is quite natural for the Sub-commission on the Historical Dimension to address these events. In an interview, Foreign Affairs Minister Ahmet Davutoğlu has expressed that historical facts should be searched based on historical documents, that historical facts and war of propaganda are different notions, until now what is observed was a war of propaganda for political purposes, the sub-commission will take the matter to the right place, in other words research based on historical data will be made and what they want through this commission is to reach a "just memory" and not a one-sided memory. The Minister has also said that he is self-confident and knows the archives.<sup>7</sup>

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6 Ömer Engin Lütem, "Facts and Comments", *Ermeni Araştırmaları*, No. 33-34, p. 18

7 "Turkey's Davutoğlu Links Armenia Rapprochement with Karabagh", *Al Jazeera*, 27 October 2009.



### c. Recognition of the Borders

The article in the First Protocol on the recognition of borders is exactly as follows: *“The Republic of Turkey and the Republic of Armenia) confirming the mutual recognition of the existing border between the two countries as defined by the relevant treaties of international law”*

This text is also ambiguous, but logically, it means that the border was recognized in the past and now this recognition is being confirmed. The statement of “relevant treaties of international law” in the text must be referring to the treaties of Moscow and Kars, because no other international treaty exists on this subject. Thus, one could conclude that no problem exists on the mutual recognition of the border between the two countries. On that matter, President Sarkisian’s October 10 statement expressing that *“the issue of the existing border between Armenia and Turkey is to be resolved through prevailing norms of the international law. The Protocols do not go beyond that”*, cannot be understood. This is because this statement does not indicate that the existing border is being recognized, but means that a border dispute exists between Turkey and Armenia which needs to be resolved. We will explain what these words of Sarkisian means when we study below “the Decision of the Constitutional Court of the Republic of Armenia.”

As can be seen, with President Sarkisian’s 10 October statement, Armenia has made some remarks about the Protocols; as Turkey could in no way accept these remarks, the protocols have lost their significance on the day they were signed.

On the other hand, in a paradoxical manner, Armenians have hoped that Turkey will ratify the Protocols. For instance, President Sarkisian has said that Prime Minister Erdoğan’s speech delivered a day after the Protocols were signed addressed the Azerbaijani public opinion.<sup>8</sup> Erdoğan has expressed in that speech that Turkey will not say “yes” to the occupation of Azeri territories, will not accept injustice done to Azerbaijanis, that their following move will be determined within the framework of the speech he delivered in the Azerbaijan Parliament, and that he finds the opening of the Turkish border a process parallel to the Karabakh conflict developments.<sup>9</sup>

The hostility of the public opinion, Government and Parliament of Azerbaijan towards the Turkish-Armenian Protocols is well known. However, it must not be overlooked that this hostility could also be seen in Turkey most of the time. CHP and MHP in the Turkish Grand National Assembly have strictly opposed the Protocols. In addition, it has frequently been heard that although not openly expressed, some

8 *Aysor.am*, 13 October 2009.

9 “Hükümet: Soykırım En Büyük İftira” (Government: Genocide is the Greatest Accusation), *Radikal*, 11 October 2009.

deputies of the ruling party oppose the Protocols also. In a speech delivered in the Parliamentary group, Prime Minister Erdoğan's statement that "if the problems existing between Azerbaijan and Armenia are resolved, our public will embrace the normalization of Turkey-Armenia relations. The ratification of the Protocols by the TGNA will be much easier"<sup>10</sup>, has put forth the opposition of the public opinion and some members of the Parliament.

Foreign Minister Davutoğlu has expressed that the Protocols will have a positive impact on the stability of the South Caucasus and particularly on the Armenian-Azeri dispute, to end the occupation of the Azeri territories by Armenia and that it will facilitate the ratification process in the parliament, but if there is deterioration of the situation then the members of parliament will have a negative tendency to vote. He has also stated that they want to prepare the political and psychological ground, that some progress in peace talks is needed, because Azerbaijan is a strategic ally, and that this subject is almost a domestic issue in Turkish foreign policy.<sup>11</sup>

On the other hand, it can be seen that the Protocols are not supported by Turkish public opinion. In January 2010 in Turkey, in response to the question "Do you Support the Armenian Overture?" 63.5% of the subjects have given the answer no.<sup>12</sup> Those who have answered yes made up 20%, while those gave no as an answer constituted 16.5%. As can be seen, the proportion of the no answers is extremely high and is most likely the result of the belief that Azerbaijan will be negatively affected by the "Armenian Overture". The result of this in the political sphere is as mentioned above, the possibility of the TGNA ratifying the Protocols to be little if any.

The situation is rather different in the Armenian polls. The proportion of those in favor of all kinds of contacts with Turkey to increase (approximately 30%) is almost equal to the proportion of those opposing such contacts. In contrast, around 40% have remained indecisive.<sup>13</sup> In response to the question of whether the Protocols are good or bad for Armenia, those answering "good" have been 36%. In short, Armenian public opinion does not support the Protocols either. The reason for this is the President, government and a majority of the opposition parties in the Parliament expressing that the Protocols will not be linked to any preconditions, that the issue of Turkey-Karabakh cannot be addressed and that "genocide" will not be open to discussion. Despite this, 40% of the people remaining indecisive shows that

10 "Protokol Onayında Karabağ Unutulmaz" (Karabakh Cannot be Forgotten in the Ratification of the Protocols), *Hürriyet*, 14 October 2009.

11 "Turkey's Davutoğlu Links Armenia Rapprochement with Karabagh, Makes Case for Historical Review", *Al Jazeera*, 27 October 2009.

12 "Önce Açıldık, Sonra Çakıldık" (First We Opened, Then We Crashed), A&G Araştırması, *Akşam*, 16 January 2010.

13 "Un Sondage Arménien Montre un Faible Appui Populaire au Rapprochement Avec la Turquie" *Armenews*, 9 April 2010.

Armenian public opinion, compared to Turkish public opinion, can easily change its stance in the future.

In the months following the signing of the Protocols, Armenia's officials constantly reiterating that normalization must be without any preconditions, the Protocols are not related to Karabakh and that "genocide" will not be open to discussion, has jeopardized the future of the Protocols.

During a visit to the US in December 2009, Prime Minister Erdoğan has met with Obama to also discuss the issue of the Protocols. On this subject, Obama has stated that he has "congratulated the Prime Minister on some courageous steps that he has taken around the issue of normalization on Turkish-Armenian relations, and encouraged him to continue to move forward along this path".<sup>14</sup> However, based on some news, President Obama has asked the Prime Minister for the TGNA to ratify the Protocols.<sup>15</sup> On the other hand, Prime Minister Erdoğan has started pressing representatives in his meeting with President Obama that having more impetus in the Minsk process is going to have a very positive impact on the normalization process between Turkey and Armenia.<sup>16</sup> Thus, Erdoğan has indicated that Turkey draws a link between the Karabakh conflict and the Protocols.

During his visit to Moscow in January 2010, Prime Minister Erdoğan has discussed the issue of the Protocols and has requested from Prime Minister Putin and President Medvedev to take on more responsibility in the Karabakh issue. In the meantime, he has also expressed that Turkey-Armenia reconciliation and the Karabakh conflict settlement are interrelated.<sup>17</sup> However, right before their meeting with Erdoğan, Prime Minister Putin and Foreign Minister Lavrov have touched upon the difficulty of dealing with these two issues together.<sup>18</sup>

Despite the support Armenia gained from the US, Russia and the EU that no link should be drawn between the normalization of relations with Turkey and the Karabakh conflict, as Turkey did not change its stance, concerns started to be created among Armenian officials. President Sarkisian has stated that "if Turkey protracts the process of ratification, Armenia, as I have already said, will take without delay corresponding steps envisaged by international law", implying the possibility of

14 "Remarks by U.S. President Obama and Prime Minister Erdoğan of Turkey after Meeting on December 7", *Asbarez*, 7 December 2009.

15 *Zaman*, 8 December 2009.

16 "Remarks by U.S. President Obama and Prime Minister Erdoğan of Turkey After Meeting on December 7" *Asbarez*, 7 December 2009.

17 "I Call On Russia to be initiative in Karabagh Issue: Erdogan", *News.am*, 15 January 2010.

18 "Russia Tells Turkey to Drop Karabagh Linkage", *Asbarez*, 13 January 2010; "Rusya'dan Ermenistan Çıkışı", *Sabah*, 14 January 2010.

Armenia to withdraw from the Protocols.<sup>19</sup> On the other hand, Armenian Speaker of the Parliament has said that Armenia won't ratify the Protocols before Turkey does.<sup>20</sup> Finally, President Sarkisian has stated that a legislation change will take place which allows the Protocols, if necessary, to be withdrawn from the Parliament without ratification.<sup>21</sup>

Moreover, a new approach of President Sarkisian on the subject of genocide allegations has been observed. In a speech at the Republican Party Congress of which Sarkisian is the leader, he has stated that "the signing of the Armenian-Turkish Protocols and the establishment of relations with Turkey does not mean to abandon or forget the Armenian Genocide. On the contrary through the establishment of relations with Turkey, interaction with the Turkish public it will be possible to expedite the process of recognition in Turkey and all over the world".<sup>22</sup> As can be seen, President Sarkisian has expressed that after the normalization of Turkey-Armenia relations, the issue of Turkey's recognition of the genocide allegations will continue to be tackled and the Turkish nation could assist them in this process. This approach shows that the embracing of Armenian views by a few intellectuals in Turkey has been overestimated and the Turkish government and public opinion completely rejecting the genocide allegations has been ignored.

Just as during the Soviet period, prime ministers in today's Armenia are concerned mainly with economic issues. Foreign affairs are governed by the president and the foreign minister. Therefore, Tigran Sarkisyan who has almost never talked about Turkey-Armenia relations, perhaps under the effect of the criticisms targeting him in the economic sphere, has given harsh, yet somewhat meaningless replies in response to the questions of a Turkish journalist.<sup>23</sup> I quote some of these replies without making any comments:

*"If the TGNA submits a statement entailing the Karabakh pre-condition or another during the ratification process of the Protocols (?) this will mean that the agreement between the two sides will become ineffective, the Protocols will become null and void, we'll retreat to the beginning"; "Turkey's intervention will not support, but will hinder the Karabakh conflict"; "Despite this reality (in relation to Karabakh not existing in the Protocols), if Turkey still puts forth pre-conditions, Armenia will have the freedom to do the same. What I mean is as the Armenian side, setting the*

19 "Statement by President Serzh Sargsyan at 12<sup>th</sup> Convention of Republican Party" Noyan Tapan, 30 November 2009.

20 "Armenia Won't Ratify Protocols Before Turkey Says Speaker", *Asbarez*, 24 December 2009.

21 "Sargsyan About Obama's Efforts", *Largir.am*, 10 December 2009.

22 "Statement by President Serzh Sargsyan at 12<sup>th</sup> Convention of Republican Party" Noyan Tapan, 30 November 2010.

23 "TBMM, Karabağ Önkoşulu Sunarsa Süreç Başa Döner" (If the TGNA Puts Forth the Karabakh Precondition the Process will Return to the Beginning), Cansu Çamlıbel, *Hürriyet*, 18 December 2009.

*genocide and opening of the border as pre-conditions for negotiations”; “Today, the Armenians in Turkey should have been at least a few million”; “According to this, it is much more important for the people (Turkish nation) to surrender the truth, sooner or later the government will follow. The Turkish nation must overcome their psychological complexes, this is the only way they could become an EU member.”*

## **II - THE ARMENIAN CONSTITUTIONAL COURT DECISION OF 12 JANUARY 2010**

According to Article 100 of Armenia’s Constitution, the Constitutional Court shall, prior to the ratification of international treaties, determine the compliance of the commitments stipulated therein with the Constitution. The Protocols signed on 10 October 2009 have been submitted by President Sarkisian to the Constitutional Court on 19 November.<sup>24</sup>

With a decision dated 12 January 2010, the Constitutional Court has found the Protocols to be in conformity with the Constitution of the Republic of Armenia.

On 18 January, the Constitutional Court has made public the legal grounds for this decision. Upon examining this eight-page text, it could be seen that through interpretations, some articles of the Protocols have been restricted and some pre-conditions have been set.

The Ministry of Foreign Affairs of Turkey has made the following statement:<sup>25</sup>

*“No: 14, 18 January 2010, Press Release Regarding the Recently Published Grounds of the Decision of the Armenian Constitutional Court on the Protocols between Turkey and Armenia*

*The Constitutional Court of the Republic of Armenia has declared its decision of constitutional conformity on the Protocols between Turkey and Armenia signed on 10 October 2009 with a short statement on 12 January 2010. The Constitutional Court has recently published its grounds of decision. It has been observed that this decision contains preconditions and restrictive provisions which impair the letter and spirit of the Protocols.*

24 “Armenia Submits Protocols to Constitutional Court: What Next?” The California Courier Online, 26 November 2009.

25 [http://www.mfa.gov.tr/no\\_-14\\_-18-january-2010\\_-press-release-regarding-the-recently-published-grounds-of-the-decision-of-the-armenian-constitutional-court-on-the-Protocols-between-turkey-and-armenia.en.mfa](http://www.mfa.gov.tr/no_-14_-18-january-2010_-press-release-regarding-the-recently-published-grounds-of-the-decision-of-the-armenian-constitutional-court-on-the-Protocols-between-turkey-and-armenia.en.mfa)

*The said decision undermines the very reason for negotiating these Protocols as well as their fundamental objective. This approach cannot be accepted on our part.*

*Turkey, in line with its accustomed allegiance to its international commitments, maintains its adherence to the primary provisions of these Protocols.*

*We expect the same allegiance from the Armenian Government.”*

As can be seen, the Ministry of Foreign Affairs has put forth that the Decision of the Armenian Constitutional Court entails preconditions contradicting the content and spirit of the Protocols along with restricting some its provisions, therefore the main purpose of the Protocols is impaired and this approach is unacceptable.

Before studying the content of the Constitutional Court’s Decision, let us try to explain why such a decision has been taken which has changed the essence of the Protocols. During the preparation of the Protocols, a full agreement has not been reached on some issues, but due to the desire to conclude the Protocols as soon as possible, some articles have been written down ambiguously; in other words, what they mean have been open to interpretations. The Decision of the Constitutional Court has put forth this explanation for the Armenian side. According to Article 102 of the Armenian Constitution, the decisions and constitutions of the Constitutional Court are final. This puts the Decision of the Constitutional Court at a much higher level than the Protocols. For Armenia, implementing the Protocols in conformity with the Decision of the Constitutional Court is compulsory by law.

Rather than indicating the conformity of the Protocols with the Constitution with a short text, why had the Constitutional Court adopted a long text entailing some interpretations and restrictions? There are two reasons for this. Firstly, as mentioned above, it was to make legal the Armenian views on some ambiguous articles. Secondly, it was to eliminate the objections raised towards the Protocols within the Armenian public opinion and the Diaspora through the Decision of the Constitutional Court. They must have thought that this way, the Protocols would be ratified in the Armenian Parliament without many objections.

Regarding the content of the Decision of the Constitutional Court, the following main points draw attention:

**a.** Referring to Article 11 of the Declaration of Independence of Armenia of 1990 which is part of the Armenian Constitution, it states that the provisions of the Protocols cannot be interpreted or applied in a way that would contradict the

provisions of this Declaration. Article 11 states the following: “the Republic of Armenia stands in support of the task of achieving international recognition of the 1915 Genocide in Ottoman Turkey and Western Armenia.”

(Since the genocide allegations are considered to be true in this text, discussing whether the 1915 events are genocide or not by the Sub-commission on the Historical Dimension mentioned in the Second Protocol will not be in conformity with the Constitution. Therefore, the question comes to mind of what the function of this Sub-commission will be. The answer would be for this sub-commission to discuss issues such as the returning of Armenian properties left behind by relocated Armenians, compensation payment to Armenian descendants, and the conservation of Armenian monuments, like churches, in Turkey. In the meantime, we should mention that Turkey does not have to address these issues which have already been settled with the Treaty of Lausanne.

**b.** Western Armenia mentioned in Article 11 stated above refers to Eastern Anatolia. This way, by implying that some areas of Turkish territory belongs to Armenia, an indirect claim is put forth over these territories. In other words, the Armenian Declaration of Independence does not recognize the border between the two countries.

However, in the First Protocol, the mutual recognition of the existing border between the two countries as defined by the “relevant treaties of international law” has been confirmed. In this situation, a divergence exists between this provision in the First Protocol and the Declaration of Independence.

Without touching upon this divergence at all, the Decision of the Constitutional Court states, in summary, that the commitment upon the opening of the common border is related to the willingness of Armenia to resolve legal-organizational and institutional issues connected to safeguarding the normal operation of border checkpoints. In other words, the common border has been recognized for the operation of border checkpoints. From this, one can conclude that this recognition is only for operational purposes and does not mean that Turkey’s territorial integrity is being recognized. In other words, at the right time in the future, Armenia could claim territory from Turkey by putting forth that they have historic rights.

As known, the border between the two countries has been determined with the Treaty of Kars dated 13 October 1921. This treaty has not been mentioned in the Decision of the Constitutional Court; on the other hand, it has been stated in the Decision that international treaties can have legal effect for Armenia only if they are in line with the provisions of Article 6 of the Constitution; in other words, could

be considered valid. On the other hand, Article 6 of the Armenian Constitution states that International treaties that have been “ratified” are a constituent part of the legal system of Armenia. Just like all the treaties concluded during the period of the Soviet Union, the Treaty of Kars had not been ratified by the Armenian Assembly, because this ratification was the task of the Soviet Union parliament.

Is the Treaty of Kars, although not ratified by the Armenian Parliament, valid today? The answer to this question is positive.

The Treaty of Kars is valid for the following reasons:

- *In a statement issued on 21 December 1991 at Almaty by Azerbaijan, Armenia, White Russia, Kazakhstan, Tajikistan, Turkmenistan, Uzbekistan, and Ukraine which had disintegrated from the Soviet Union, it was declared that these states would “fulfill their responsibilities arising from the treaties concluded by the Soviet Union.”*

- *Article 11 of the Vienna Convention on Succession of States in Respect of Treaties affirm that a succession of states does not affect a boundary established by a treaty or the obligations and rights established by a treaty concerning boundaries.*

- *Article 62/a of the 1969 Vienna Convention on the Law of Treaties foresees that a fundamental change of circumstances may not be invoked as a ground for terminating or withdrawing from a treaty if the treaty establishes a boundary.*

- *The 1986 Vienna Convention on the Law of Treaties between States and International Organizations also states that fundamental change of circumstances may not be invoked as a ground for terminating or withdrawing from a treaty if the treaty establishes a boundary.*

- *From 1991 when Armenia has declared its independence until now, Armenia has not made any statement indicating that the Treaty of Kars is invalid.*

- *On the contrary, although seldom, there are statements by Armenian statesmen that the Treaty of Kars is valid. The last of these statements belongs to Foreign Minister Vartan Oskanyan. In an interview given in 2006 to a newspaper<sup>26</sup>, Oskanyan has stated that “We, as the Republic of*

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26 The interviewer is Leyla Tavşanoğlu, *Cumhuriyet*, 10 December 2006.



*Armenia, have never acted as not recognizing the Treaty of Kars, nor have we replaced the Treaty with another. As a part of the Soviet Union, we have always indicated that we are the descendants of all international treaties concluded during the Soviet period.”*

For the reasons mentioned above, there is no doubt that the Treaty of Kars is still valid based on international law.

For whether or not this situation contradicts Article 6 of the Armenian Constitution, the following could be said. Just as the entire Constitution, this Article is also valid for the period after 1995 when the Constitution had first come into force. In other words, the Armenian Constitution cannot be applied to the Treaty of Kars signed in 1921.

Although this is the situation from the aspect of international law, it can be seen in the Decision of the Armenian Constitutional Court that the Treaty of Kars has been rendered invalid without its name being mentioned and the border between the two countries has only been recognized for the operation of check-points. The decision of the Constitutional Court is definite and binds all Armenian citizens. In opposite, it does not bind Turkey, the Turks, nor any foreign countries and people. However, since this decision forms a legal basis for Armenia to demand territory from Turkey, Turkey’s ratification and implementation of the Protocols is not in conformity with its interests as long as this decision exists.

c. On the other hand, it is stated in the Decision of the Constitutional Court that the mutual obligations in the Protocols are exclusively of a bilateral interstate nature and cannot concern any third party or the relations with such third party. This way, it has been indicated that the Protocols cannot be related to the Karabakh conflict in any way. There is no direct mentioning of Karabakh in the Protocols. However, the points in the Second Protocol “to cooperate for enhancing regional stability and security and the peaceful settlement of regional and international disputes and conflicts on the basis of the norms and principles of international law” concerns the Karabakh issue indirectly. But, the Constitutional Court has not touched upon these subjects at all. On the contrary, as mentioned above, President Sarkisian has not found the provision of territorial integrity and inviolability of borders mentioned in the Protocols to be related to the Karabakh conflict in any way.

According to the Decision of the Constitutional Court, there are two main points in the Protocols which have to be put into practice. The first is the opening of the border; the second is the establishment of diplomatic relations. The other provisions in the Protocols could only create legal results when the border is opened and diplomatic relations are established. Indirectly, this means that without

the border opening and diplomatic relations being established, the cooperation mentioned in the Second Protocol will not take place.

Following these ideas which we have attempted to summarize, the Decision of the Court has stated that the obligations stipulated by both Protocols have been found to be in conformity with the Constitution of the Republic of Armenia.

As will be explained below, upon the objections of Turkey, some countries have conveyed ideas that what is important is that the Constitutional Court has found the Protocols to be in conformity with the Constitution and that the other points in the decision does not change this conformity. However, upon reading carefully the text, it can be seen that the Decision has been taken “based on the outcome of the examination of the case and taking into account the legal positions set forth in the Decision”. In other words, the Protocols have been found to be in conformity with the Constitution on the condition that the observations stated in the Decision concerning the Karabakh issue, genocide allegations, recognition of the border and some other minor points are taken into consideration. In short, according to this Decision, the two countries cannot address the Karabakh conflict within the framework of implementing the Protocols. Moreover, the Armenian Government will not be able to discuss the genocide allegations with Turkey. The mutual recognition of the border between the two countries will not mean that Turkey’s territorial integrity is recognized etc.

In conclusion, it can be seen that with the Decision of the Constitutional Court, Armenia has tried to change the Protocols and in particular, has almost eradicated the two most important issues for Turkey (genocide allegations and recognition of the border) and has aimed at transforming the Protocols into an instrument for the establishment of diplomatic relations and opening of the border. This way, the Protocols have lost their balance i.e. to be useful instruments for both countries. On the other hand, we can observe that there has been a retreat to the very beginning of the Turkey-Armenia normalization process, to the situation before the signing of the Protocols; in other words, to “point zero”.

The reactions in Turkey towards the Decision of the Armenian Constitutional Court could be summarized in the following way. At the top of the reactions is the press release of the Ministry of Foreign Affairs whose full text has been given above. The Foreign Ministry has observed that the Constitutional Court Decision contains preconditions and restrictive provisions which impair the letter and spirit of the Protocols and has also expressed that the decision undermines the very reason for negotiating the Protocols as well as their fundamental objectives, and has stated that this approach cannot be accepted. The statements clearly shows that the normalization process of Turkey-Armenia relations cannot continue if no

amendments are made on the Court Decision or if it is not rendered ineffective in a way the normalization process of Turkish- Armenian relations could not be continued.

On this matter, Prime Minister Erdoğan has expressed his reaction by stating that Armenia has attempted to perform an operation on the text of the Protocols already signed, that if this is not corrected then the process will be hindered, and that Armenia-Azerbaijan relations cannot be alienated from this process.<sup>27</sup>

After explaining to Armenian Foreign Minister Edward Nalbandyan the points of the Decision of the Constitutional Court which contradict the Protocols, Foreign Minister Ahmet Davutoğlu has expressed that a new situation has arisen, that the Court's Decision has wanted the status quo to be maintained and that whether or not this will be accepted depends on the political will of the Armenian Government.<sup>28</sup> In response, in a press conference, Nalbandyan has accused Turkey and stated that “if Turkey does not ratify the Protocols and continues to use an ultimatum language, sets preconditions and keeps coming up with obstacles to the process, the negotiations will remain inconclusive.”<sup>29</sup>

According to the news in the media, the Turkish Ministry of Foreign Affairs will prepare a legal document on the new situation created by the Decision of the Armenian Constitutional Court and send it to Switzerland, which acted as the mediator during the negotiations, along with Minsk Group members of the U.S., Russia, and France.<sup>30</sup> The purpose of this initiative is to obtain a written legal guarantee from Yerevan that no amendments have been made on the Protocols and that the process continues as it is.<sup>31</sup> The following events showed that Yerevan has not given any guarantee.

Among other initiatives concerning this matter, we can mention the phone call of Foreign Minister Ahmet Davutoğlu to the Secretary of State Hillary Clinton expressing that Armenia needs serious advice on their “loyalty” (loyalty to their signature). The same message was also conveyed to Swiss authorities.<sup>32</sup>

In a written statement, the U.S. Deputy Minister of Foreign Affairs Philip Gordon

27 “Ermenistan Operasyon Yapmaya Kalkışıyor” (Armenia is Attempting to Make an Operation), *Hürriyet*, 21 January 2010.

28 “Ermenistan Operasyon Yapmaya Kalkışıyor” (Armenia is Attempting to Make an Operation), *Hürriyet*, 21 January 2010.

29 “Nalbantyan: Türkiye Süreci Baltalıyor” (Nalbandyan: Turkey is Paralyzing the Process), *Milliyet*, 23 January 2010.

30 “Türkiye Şikâyet Notu Hazırlıyor” (Turkey is Preparing a Complaint Note), *Haber Türk*, 21 January 2010.

31 “Türkiye Ermenistan’da Hukuki Garanti İstiyor” (Turkey Wants Legal Guarantee in Armenia), *Zaman*, 27 January 2010.

32 “Ermenistan’la Krizde ABD Devrede” (US in the Crisis with Armenia), *Radikal*, 23 January 2010.

has expressed his government's stance on the crisis developed as a result of the Decision of the Armenian Constitutional Court as follows: "The Court decision permits the Protocols, as they were negotiated and signed, to move forward parliamentary ratification, and does not appear to limit or to qualify them. We are confident that both Turkey and Armenia take their commitment to the Protocols seriously, and we urge timely ratification of the Protocols by both countries".<sup>33</sup> Therefore, a divergence of views has developed between the U.S. and Turkey regarding the Protocols. In response to a question on this subject, Foreign Minister Davutoğlu has said that only the "continuation" of the process is important for the U.S., while the "successful continuation" of the process is important for Turkey.<sup>34</sup>

On the same day, in response to a question on this subject, the Russian Foreign Minister Sergey Lavrov has expressed that they support the Turkey-Armenia rapprochement process, that they are against linking this to other processes (like Karabakh), that the parties should abide by the agreements taken previously, and that Russia is trying to help as much as possible, but that the settlement of this issue is directly linked to Turkey and Armenia.<sup>35</sup>

On the other hand, Switzerland which took on an important role as mediator for the Protocols, has not wanted to interfere in the crisis arising from the Constitutional Court's Decision. An official of the Foreign Ministry had expressed that they are looking forward to the ratification of the Protocols, but have declined making any comments on the issue.<sup>36</sup>

The Decision of the Constitutional Court has been welcomed in Armenia. Dashnaks who had shown great efforts for the rejection of the Protocols, has now supported their ratification by putting forth reservations based on the Court Decision.<sup>37</sup> However, it has been realized that to do so, a law amendment is necessary. On the other hand, since such ratification will amend the Protocols, it will most probably not be accepted by Turkey and this will lead to allegations that Turkey is rejecting the Protocols.

The Decision of the Constitutional Court has also been criticized by the opposition parties in Turkey and has created an occasion for them to reiterate their stance concerning the Protocols. The leader of CHP Deniz Baykal has commented that the Protocols have lost their validity and the AKP's overture in foreign affairs

33 "U.S. Praises Armenian Court Ruling on Turkey", *RFE/RL*, 22 January 2010.

34 "Eleştirileceğiz Diye Tutum Değiştiremeyiz" (We Will Not Change Stances Because We Will be Criticized), *Zaman*, 30 January 2010.

35 "Russia's Only Link is Participation in Protocols' Signing Ceremony: Lavrov", *News.am*, 22 January 2010.

36 "Switzerland Didn't Confirm Turkish Disinformation", *Tert.am*, 26 January 2010.

37 "Dashnaks Slam U.S. Praise of Armenian Ruling on Turkey", *RFE/RL*, 25 January 2010.

performed as a show has been a fiasco. On the other hand, the leader of MHP, Devlet Bahçeli has stated that with this Decision, Armenia's stance contradictory to international law and their hostile approach towards Turkey has once again been emphasized and that in this situation, the government must withdraw the Protocols from the TGNA, must declare that these documents are invalid and apologize from the Turkish nation.<sup>38</sup>

At the end of January, a meeting held in London for Afghanistan has enabled Ahmet Davutoğlu to meet with Hillary Clinton and Edward Nalbandyan to discuss the Protocols. While Hillary Clinton has made no comment, Nalbandyan has defended that the Decision of the Constitutional Court is not in contradiction to the Protocols and it is understood that Armenia has no intention to provide any guarantee that with the Court Decision, no amendments have been made to the Protocols.<sup>39</sup>

Meanwhile, Ambassador Feridun Sinirlioğlu, the Foreign Minister Deputy Undersecretary, was charged to convey Turkey's views on the Court Decision, especially its legal aspects, to Switzerland and the U.S., both countries having played a significant role in the signing of the Protocols. No explanation has been given on Sinirlioğlu's visits to these countries; based on news from the media one can say that Ankara has requested a written text or a strong declaration at the high-level to eliminate the concerns caused by the Court Decision.<sup>40</sup> However, as Armenia has insisted on its stance, the initiatives that could be undertaken by the U.S. and Switzerland on the continuation of the normalization process of Turkey-Armenia relations has practically no chance to be accepted by Armenia.

### III – INITIATIVES TO PRESSURE TURKEY

As already known, the process of preparing and signing of the Protocols to establish normal relations with Turkey and initiate cooperation had caused President Sarkisian to face criticisms within the Diaspora, Armenia and even within the Republican Party which he is the leader. President Sarkisian has responded to these criticisms by some speeches and especially has dwelled upon the recognition of the border with Turkey and the establishment of a Sub-commission on the Historical Dimension. The Constitutional Court's 12 January decision has been a legal answer

38 "Ermenistan Anayasa Mahkemesi'nin Kararı ile Protokol geçerliğini yitirdi" (the Protocol Lost its Validity with the Decision of the Armenian Constitutional Court), *Haber-Türk*, 21 January 2010.

39 "Washington Ankara'nın Protokol Endişesine Mesafeli" (Washington Keeps its Distance from Ankara's Concern over the Protocols), *Zaman*, 29 January 2010; "Ermenistan'la Ipler Londra'da Gerildi" (Tensions with Armenia in London), *Hürriyet*, 29 January 2010.

40 "Türkiye Ermenistan'dan Güvence Verilmesinde Israrlı" (Turkey is Persistent on Armenia Giving Guarantee), Ankara News Agency, 11 March 2010.

to these criticisms by not recognizing in a definite manner the existing border and making the Sub-commission on the Historical Dimension nonfunctional.

The third criticism has been Turkey linking the ratification of the Protocols to the Karabakh conflict. Despite Armenia expressing that the Karabakh issue is not mentioned in the Protocols, that no link exists between the establishment of normal relations and the settlement of the Karabakh conflict, and although Armenia being supported by the U.S., Russia and the EU, Turkey has not changed its stance on that subject. Armenia has resorted to some pressure in order for Turkey to change its policy or at least to adopt a more flexible position.

President Sarkisian has tried to achieve this by making some statements. On the other hand, conscious that Turkey is very sensitive to the genocide allegations, he has worked with the Diaspora so that the parliaments of some countries adopt resolutions which recognize the genocide allegations. It is interesting that Armenians have tried to change Turkey's stance on the Karabakh issue, rather than its positions on recognition of the existing borders and the sub-commission on the Historical Dimension. Armenia's direct or indirect initiatives to apply pressure over Turkey could be summarized as follows.

### **1. Some Statements of President Sarkisian**

After the reactions in Turkey towards the Decision of the Constitutional Court, President Sarkisian has attempted at every chance to defend its views on the Protocols and even though with a moderate language, has started to criticize Turkey. A few examples are given below.

#### **a. The Message Sent to President Gül While Passing Through the Turkish Airspace**

While passing through the Turkish Airspace to make an official visit to England, in a message sent to President Gül and at the same time given to the media, President Sarkisian has touched upon Turkey-Armenia relations and has expressed the following: "A situation when words are not supported by deeds gives rise to mistrust and skepticism, providing ample opportunities to counteract for those, who oppose the process, time is working not for but against the process".<sup>41</sup> Here, the statement of "a situation when words are not supported by deeds" could be taken as a criticism towards Turkey for bringing the Karabakh conflict on the agenda despite

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41 "Serzh Sargsyan: when Words and Deeds Are At Variance, Mistrust Emerges", *PanArmenian.Net*, 9 February 2010.

it not existing in the Protocols and “those who oppose the process” could be understood as Azerbaijan. In his response to this message, President Gül has expressed that he agrees with the idea of standing behind words and supporting words with deeds. Moreover, by stating that “concluding this historic process will require honoring our commitments in their entirety as well as displaying adequate political courage and vision”, he has invited Sarkisian who seemed as surrendering to the pressures of the public opinion, in particular the Dashnaks, to act more courageously.<sup>42</sup>

On this occasion we would like to note that a President passing through the airspace of a foreign country sending a short courtesy message to the President of that country is customary. However, discussing in a courtesy message the existing problems is very unusual.

### **b. The Chatham House Speech**

In the speech<sup>43</sup> delivered at Chatham House on 11 February 2010 during his visit to England, President Sarkisian has stated that the time of closed borders and ultimatums has passed, Armenia is committed to the process of normalizing relations with Turkey, the Armenian Parliament will not fail to ratify the Protocols in case Turkey does, he is going to instruct his staff to submit the Protocols to the Armenian National Assembly as soon as he returns to Armenia, that the Armenian Parliament will ratify the Protocols in case Turkey ratifies them without preconditions, if, as many suspect, it is proven that Turkey’s goal is to protract rather than normalize relations, they will have to discontinue the process, everyone knows that Turkey has put forth preconditions for the settlement of Karabakh and attempts to link these two processes will undermine both the normalization of Armenia-Turkey relations and the talks on the Karabakh issue, a rapid normalization of Armenia-Turkey relations will positively stimulate and set an example for the settlement of Karabakh, and that he is going to invite President Aliiev to the potential opening ceremony of the Armenia-Turkish border. At this point, we should note that inviting President Aliiev to the opening ceremony of the Turkish-Armenian border when the Karabakh issue has not been settled yet will most likely be interpreted as an insult by the Azerbaijani President.

In our opinion, the most important part of President Sarkisian’s speech is his statement that they will have to discontinue the normalization process if necessary. Although at first sight this seems as a bluff, it could be seen that the President has

42 <http://www.tccb.gov.tr/pages/president/Speechesw/archive/?id=4060>

43 [http://www.armeniaforeignministry.com/news/inthenews/20100210\\_president.eng.pdf](http://www.armeniaforeignministry.com/news/inthenews/20100210_president.eng.pdf)

been under the influence of the requests from the Diaspora and Armenian national movements to abandon the Protocols. Eventually, as will be explained later on, he has taken the decision to freeze (or suspend) the Protocols.

An important step taken towards temporarily or permanently abandoning the Protocols when deemed necessary has been to amend the related law on 23 February 2010, allowing for the suspension or termination of agreements signed before their entry into force.<sup>44</sup> This way, Armenia will have responded to Turkey keeping the Protocols for a long time at the TGNA without ratifying them. In other words, as long as Turkey sustains the Protocols in its Parliament, Armenia will not have to do the same.

There is no doubt that this approach of Armenia is an escalation. Armenia has strongly started to convey the message that if Turkey does not ratify the Protocols soon, then Armenia will withdraw from them. In fact, U.S. Secretary of State Hillary Clinton has been compelled to state that Washington supports the quick and unconditional ratification of the Protocols.<sup>45</sup> The well known English weekly “The Economist” has written that Turkey has been isolated, that her most important ally the U.S. is on Armenia’s side and that Russia does not support Turkish-Armenian relations being linked to the Karabakh conflict.<sup>46</sup>

During a visit to Kiev for the oath-taking ceremony of the President of Ukraine, Foreign Minister Ahmet Davutoğlu has met with President Sarkisian for about an hour and discussed the relations of the two countries,<sup>47</sup> but it has been understood that there has been no change in the stances of both sides. In this meeting being described as “tense” by a source,<sup>48</sup> President Sarkisian has emphasized the following points according to his press bureau: “The Present process has to be brought to its end in shortest time; otherwise Armenia will have to withdraw its signature from the Protocols. Turkey can by no means be involved in the Karabakh process as it is rendering military assistance to one of the conflicting parties. Nothing prevents Turkey even before the Protocols have been ratified from opening the border”.<sup>49</sup> Especially this last point shows that the opening of the border has become a kind of obsession for the Armenian side. Although no explanation has been given, it could be seen that Ahmet Davutoğlu has explained to the Armenian President once again why the normalization process has been linked to the Karabakh conflict.

44 “Armenian Parliament Ratifies Law on Nullifying International Treaties”, *Asbarez*, 24 February 2019.

45 “Armenia Again Threatens to Scarp Turkey Accord”, *RFE/RL*, 26 February 2010.

46 “Zero Progress”, *The Economist*, 18 February 2010.

47 “Ankara Erivan Protokollere Bağlı...” (Ankara Yerevan is Dependent on the Protocols...), *Cnn Türk*, 25 February 2019.

48 “Armenia Again Threatens to Scarp Turkey Accord”, *RFE/RL*, 26 February 2010.

49 “Sezh Sargsyan: Turkey Must Be The First To Make Steps”, *News.am*, 25 February 2010.



### c. The Deir ez Zor Speech

President Sarkisian has made an official visit to Syria towards the end of March and has also travelled to Deir ez Zor.

Deir ez Zor (shortened is Zor) is at an air distance of 100 km. to the Iranian border, 400 km. to Damascus and 200 km. to Mardin. During the Ottoman Empire, Zor was a “sanjak” an independent district. Its small population was mainly comprised of nomadic Arab tribes. It was an arid area, but with the Euphrates River passing through it, if the necessary investment was made, it could have turned into a granary. In 1915, the Ottoman Government had decided to relocate the Armenians in this area. When the genocide allegations had first been put forth, Zor was not mentioned very much. Later on and from the 1990’s onwards, a slogan was created expressing in short that “they expelled the Armenians to the deserts to annihilate them” and this small town and the surrounding area become one of the symbols of the genocide allegations.

It could be seen that the main purpose of President Sarkisian to travel to Zor, which is quite far from Damascus, was to deliver a speech here and criticize Turkey. Dedicating a large part of his speech to the genocide allegations is almost a kind of message sent to Turkey insulating that if the Protocols are not ratified as soon as possible, the genocide allegations will continue to increase.

In his speech, besides the usual genocide discourse, Sarkisian has also touched upon the Protocols<sup>50</sup> and has expressed that in spite of all that happened, they are ready to establish normal diplomatic relations with “modern” Turkey, to have open borders and economic relations, and to make efforts towards building confidence between the two peoples. Then, he has stated that they do not accept references to Turkish-Armenian dialogue in attempts to avoid the recognition of the Armenian genocide, that it is irrelevant to cite some Commission of Historians since the Turkish-Armenian Protocols provide for merely a governmental sub-commission on the historical dimension, and that he assumes everyone understands what it means and what the difference is. As can be seen, not only is the Armenian President attempting to create an incomprehensible difference between the historical dimension of the relations of the two countries and history or historical events, but also expects this to be understood by everyone.

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50 “Serzh Sargssyan: Deir Ez Zor is the Auschwitz of the Armenians”, *Armradio.am*, 24 March 2010.

#### **d. Commemorative Speech for President Wilson at the Washington Cathedral**

As will be further explained below, during his visit to Washington to meet President Obama and Prime Minister Erdoğan, President Sarkisian has visited on 12 April the graveyard of the former U.S. President, Woodrow Wilson, (1856-1924) who had drawn the map of the territories to be given to Armenia in the Treaty of Sevres, and later has delivered a speech at the Armenian Cathedral in this city to pay tribute to Wilson.<sup>51</sup>

By granting Armenia large territories of Eastern Anatolia where the Armenians were a minority constituting only 18 % of the total population and some parts of the Black Sea shore, President Wilson is a person still arousing negative connotations within the Turkish public opinion. On the contrary, within Armenia and the Diaspora, he is considered as a kind of a hero along with the U.S. Ambassador to Istanbul Henry Morgenthau. On the other hand, visiting of Wilson's graveyard by Armenian presidents travelling to Washington is not merely out of formality. Therefore, there must be a special purpose for President Sarkisian's visit. This purpose could be to satisfy Diaspora Armenians by making a gesture which at the same time would not please Turkey.

In his speech in the Cathedral, Sarkisian has referred to Wilson as the person who revived the dream of lost homeland (Eastern Anatolia) and articulated the demand for the international recognition of the Armenian genocide.

President Sarkisian has stated that when the Protocols were signed, some people expressed concern that it would slow down or temporarily freeze the initiatives for the international recognition of the genocide allegations, but it proved out that those concerns were groundless. With this, he has referred to the draft resolution of H.Res.252 of the House of Representatives, the resolution of the Swedish Parliament recognizing the Armenian genocide, and similar initiatives which will shortly be explained below. In short, while Sarkisian has tried to implement the Protocols on the one hand, on the other he has indirectly expressed that they are working towards the recognition of the genocide allegations by some countries' parliaments.

President Sarkisian has also expressed that during the last few months, Turkey has tried to drive a wedge between the Motherland (Armenia) and Diaspora and to create an impression that Armenia and Diaspora have two different views, but that there is no divergence of opinions between the Motherland and the Diaspora, that there is one United Armenian nation and it stands for its just cause.

51 "Remarks by Serzh Sargsyan at the Washington Cathedral in Tribute to President Woodrow Wilson", 12 April 2010; <http://www.president.am/events/statements/eng/?id=59>

After expressing that they are ready and willing to have normal relations with all their neighbors, but that they will not abide by imposed settlement and diktat, the Armenian President has stated that he has met with Prime Minister Erdoğan that morning and that their position has been very clear: Turkey cannot talk to Armenia and the Armenians around the globe in the language of preconditions. They will not tolerate it. They will not subject the veracity of the genocide to scrutiny in any format, and they do not believe that Turkey can play any positive role in the process of negotiations on the Karabakh conflict settlement.

These words which mean that all of Turkey's requests have been rejected, shows at the same time that the Armenian President has abandoned the Protocols. In fact, as will be explained below, ten days later Armenia has officially declared that the ratification process of the Protocols have been suspended.

Another event which is worth mentioning here on President Woodrow Wilson is the decision of the Woodrow Wilson International Center for Scholars to present the Woodrow Wilson Award for Public Service to Foreign Minister Ahmet Davutoğlu.<sup>52</sup> The Diaspora media had published articles which were highly critical of the Center's decision.

It has been observed that within the period under examination, President Sarkisian has been careful in explaining Armenia's stance towards the Protocols in the interviews given to foreign journals and news agencies. We do not have enough space to separately touch upon these, but in essence, we can say that Sarkisian has put forth the same views expressed above. The most important of these interviews can be found in the footnote.<sup>53</sup>

In summary, the main purpose of President Sarkisian's speeches mentioned above and the interviews given is to make Turkey feel that the genocide allegations could increase further and thus, for her to change its stance towards the Karabakh conflict, or at least to adopt a more flexible approach. Its second purpose is to dismiss the criticisms targeted at him in Armenia and the Diaspora for the Protocols being prepared and signed. He has not been able to change Turkey's stance, but has earned appreciation in Armenia and the Diaspora.

52 "Davutoğlu To Be honored With Woodrow Wilson Award", *Tert.am*, 25 March 2010.

53 "President Serzh Sarsyan Responds to Questions Raised By Journalists", 12 October 2009, <http://www.president.am/events/press/eng/?year=2009&id=39>; "Interview of the President of the Republic of Armenia Serzh Sargsyan to Al Jazeera News Network", 12 February 2010, <http://www.president.am/events/press/eng/?id=39>; "President Serzh Sargsyan's Interview with Le Figaro", 11 March 2010, <http://www.president.am/events/press/eng/?id=44>; "President Serzh Sargsyan's Exclusive Interview to Eornews", 20 March 2010, <http://www.president.am/events/press/eng/?id=45>; "Interview of the President of Armenia Serzh Sargsyan to the German Der Spiegel Weekly", 5 April 2010, <http://www.president.am/events/press/eng/?id=47>

## 2. Talks on the Draft Resolution on the Armenian Genocide in the House of Representatives Committee on Foreign Affairs

With the concern that the U.S. will set an example for other countries, Turkey is quite sensitive towards the genocide allegations coming from this superpower. As expected, the first attempt to pressure Turkey to change its stance on ratifying the Protocols has emanated from the U.S.

The draft resolutions foreseeing the recognition of the Armenian genocide allegations within the American Congress has a long history. We had provided detailed information on these draft resolutions in our previous journals. We should note here that a draft resolution relating to this subject has been submitted to each of the legislative periods (House is renewed once every two years) approximately for the last ten years. These drafts have been prevented by the U.S. governments who have taken into consideration Turkey's strong oppositions. However, this has not been easy at all and sometimes, the interventions of the U.S. presidents have become necessary.

Lastly, a few months after the House of Representatives election taking place in November 2008, an Armenian genocide draft resolution had been submitted to the Assembly on 17 March 2009.<sup>54</sup> This draft was the same as the one submitted in the previous term. We will not provide information here on this draft which has previously been examined in depth and whose inaccuracies have been revealed<sup>55</sup> in our journal.

The same draft resolution has been submitted to the Senate on 21 October 2009 by Senator Robert Menendez who is well known for protecting Armenian interests. At the end of June 2010, only 16 senators have become cosponsors for this draft resolution. The absolute majority in the Senate is 51.

This draft has been pending in the House Committee on Foreign Affairs for almost a year. Since the Chairman of the Committee elected from California Howard Berman openly and without any reserve supports Armenians views, it has been understood that the purpose of this pending has been to wait for an opportune moment for voting. As a matter of fact, after the decision of the Armenian Constitutional Court just at a time when Turkey-Armenia relations have become tense, Berman, most likely upon the request of Californian Armenians, has stated that the draft resolution will be put up for voting on March 4,<sup>56</sup> It could be said that

54 Ömer Engin Lütem, "Facts and Comments", *Ermeni Araştırmaları*, No. 32, p.26-28

55 Kemal Çiçek, "Ermeni Yasa Tasarısının İçeriği ve İddialara verilen cevaplar" (Content of the Armenian Draft Resolution and the Responses Given to the Allegations), *Ermeni Araştırmaları*, No. 23-24, pp. 103-118.

56 "Genocide' Bill To Test US-Turk Ties", *Hürriyet Daily News*, 9 February 2010.

the U.S. State Department also has a share on this because while the Decision of the Armenian Constitutional Court was highly criticized by Turkey, State Department officials had adopted the Armenian view which expresses that the Constitutional Court Decision does not constitute an obstacle to the ratification of the Protocols by the parliaments of both countries. Upon Turkey insisting on their own view, voting for the draft resolution has been brought to the agenda. The message tried to be conveyed is very clear: Unless Turkey ratifies and implements the Protocols, this draft resolution will be adopted by the House of Representatives.

However, past events show that Turkey has not surrendered to these pressures and has even counteracted in some way. If the House of Representatives had adopted the draft resolution, in return, Turkey would have most likely withdrawn the Protocols from the TGNA. Furthermore, the denouncing of the Protocols could have even been possible. On the other hand, since the US wants to cooperate with Turkey relating to the problems of Iraq, Iran, and Afghanistan and most importantly the missile defense project, if the draft resolution is adopted, it would be possible for this cooperation to partly or entirely come to an end. This situation is not to the advantage of the U.S., Armenia and to a lesser degree Turkey, because not only could the adoption of the draft resolution by the House of Representatives delay the normalization of Turkey-Armenia relations for many years, but will also create new problems between Turkey and its great ally U.S. for practically no valid reason. Moreover, it will also increase anti-Americanism which already exists in Turkey.

There are two reasons for why the U.S. State Department has not intervened in the voting of the Committee on Foreign Affairs. The first is to intimidate Turkey for not listening to the U.S.'s suggestions on the Protocols, but in order to prevent the dangerous situation mentioned above, everything will be done to prevent a voting in the full House. The second reason is to satisfy, even partially, the US Armenians who have adopted a negative stance towards President Obama who had not kept his promise of recognizing the Armenian genocide allegations after being elected, despite stating that he would recognize it during his election campaign.

Based on the experiences of previous years, it was thought that the so-called draft resolution would be easily adopted in the Committee on Foreign Affairs. However, despite the Chairman of the Committee Howard Berman talking in favor of the draft, granting an extensive time limit for the voting and even leaving his seat to search for members in the corridors who would vote in favor of the draft, the draft resolution had been adopted with 23 votes against 22 with only one vote difference.

This incident has turned into a crisis between Turkey and the U.S. The Turkish Ambassador to Washington Namık Tan who had just been taking his post a few

days earlier was recalled to Ankara. Prime Minister Erdoğan issued harsh statements. Issues like the cancelling of tenders in relations with the U.S., the discussing of the future of the Incirlik base and withdrawing of Turkish troops from Afghanistan have begun to be discussed in the media.<sup>57</sup> Due to limited space, we will no focus on the adoption of H.Res.252 by the Committee on Foreign Affairs, but we will concentrate on a new situation arising from the voting of this draft resolution.

Despite the draft resolution being adopted with one vote difference, it could be seen that in fact, a kind of equality of votes exist, because the American Samoa representative voting in favor of the draft has no right to vote in the House of Representatives according to the status of Samoa and could only vote in committees. This situation shows that for the first time, the possibility of rejecting a draft resolution entailing Armenian genocide allegations exists in the House of Representatives. Therefore, although the approval of the draft resolution has been a success for the Armenians, it could also indicate that a period of defeat has started for the Armenian resolutions for the future.

The next step is for the draft resolution to be discussed and put up for voting in the House. When this will take place depends on Speaker of the House Nancy Pelosi. Just as Berman, Pelosi has been elected from California and also defends Armenian views. It could be understood that at a time when the chance of adopting the draft resolution is at its highest, she will put the draft on the agenda of the House for voting.

The best way to find out the possibility of these types of draft resolutions being adopted is to look at how many co-sponsors exist. About a year ago on March 17, 2009, when the draft was submitted to the House, the co-sponsors had exceeded a hundred in a very short time, but then had remained at around 130. On the day the draft resolution was put up for voting, this number was 137 (On the last day of June when this article was written, this number has reached 143). Since the absolute majority is 218 in the House of Representatives, at least 76 more cosponsors are needed for the adoption of this draft resolution and to obtain this is not easy. If a majority of the members of the House of Representatives believes that this draft resolution will not significantly harm Turkish-American relations, then the chance of the adoption of the draft will increase; if not, this chance will decrease. Just as before, the essential factor in the decision of the members of the House of Representatives will be President Obama's and Foreign Minister Clinton's stances towards this draft resolution. If they openly express that they oppose it, there is almost no change for the draft resolution to be adopted.

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57 *Hürriyet*, 5 March 2010.

As there will be an election in November for the House of Representatives, it is possible that the American Government will lean towards the Armenian requests with the concern for votes.

On this subject we should also mention that the same draft resolution was also presented to the US Senate on 21 of October 2009. As for today, there are 16 co-sponsors. The absolute majority in the US Senate is 51 with the Senator.

### 3. The Resolution of the Swedish Parliament

In Sweden, there is a relatively small but active Armenian community. In this country, there also exists Syriacs migrating from Turkey and a smaller group of Chaldeans who all support, in principle, the Armenian genocide allegations and even pretend that they have also been subjected to genocide.

Swedish Armenians have attempted many times that a resolution foreseeing the recognition of the genocide allegations be adopted, but have not been successful mainly due to the opposition of Swedish Governments.<sup>58</sup>

A genocide draft resolution was submitted to the Swedish Parliament in order to put pressure on Turkey to ratify the Protocols. The Swedish Government had opposed this draft from the beginning and the Parliament's Foreign Affairs Commission in his report to the Parliament had suggested that the draft should not be adopted. However, unexpectedly and with only one vote difference, the Parliament adopted the resolution on 11 March 2010 and Sweden became the 20<sup>th</sup> county to recognize the Armenian genocide allegations.

It is necessary to underline that this resolution is not binding. In other words, it does not create any legal consequences for neither Turkey nor Sweden. Therefore, it has no effect other than merely reflecting the views of the members of parliaments who have voted in favor of it. However, this resolution will further strengthen the existing belief, especially in Western countries, that the Armenians have been subjected to genocide in 1915. Even though the resolution has no legal consequence, it can be seen that it entails much more extreme positions when compared to the resolutions adopted by other parliaments. First of all, this resolution puts forth that not only Armenians, but also Assyrians, Syriacs, Chaldeans and Pontus Greeks have also been subjected to genocide in the Ottoman Empire. No other parliament has alleged that genocide has been inflicted upon these ethnic groups. Secondly, in the resolution, it is requested from the Swedish Government to take initiatives in order to persuade Turkey in accepting the

58 Ömer Engin Lütem, "Facts and Comments", No. 5, p. 12; No. 22, p.50; No. 30, p. 31; No. 32, p. 54,

“genocide” conducted towards Armenians, Assyrians, Syriacs, Chaldeans, and Pontus Greeks. This provision has also not been put forth by any of the other parliaments. Last of all, in the resolution it is also required from the Swedish Government to take initiatives within the European Union and United Nations so that Turkey will accept that “genocide” has been inflicted upon these five ethnic groups. This is also a first.

Minister of Swedish Foreign Affairs Carl Bildt has opposed the resolution, stating that historical events should not be judged at political level, but should be left to the interested parties to discuss it, while also saying that the resolution has been adopted despite the contrary opinion of the Parliamentary Committee of Foreign Affairs and that it has failed to be adopted unanimously. This way, the Minister has wanted to convey that the resolution carries no great importance. Moreover, he has also emphasized that this resolution will not contribute positively to the ongoing process of normalizing relations between Turkey and Armenia.

Although it has not been openly stated, the Swedish Government has not been pleased with the resolution adopted by the Parliament, because it could negatively influence the cooperation between Turkey and Sweden which has greatly developed in the recent years.

Turkey’s reaction to the resolution has been quick and strong. Prime Minister Erdoğan has cancelled his visit to Sweden which was to take place a week later, and Turkey’s Ambassador to Stockholm Zergün Korutürk has been recalled to Ankara for consultations.

However, the Swedish Government has reiterated on every opportunity that they oppose the resolution. Calling Prime Minister Erdoğan by phone, the Swedish Prime Minister Frederik Reinfeldt has said that he was sorry for this resolution and that the government absolutely does not share in this resolution, that it has arisen from domestic political calculations, that he will fulfill what is necessary so that this resolution does not effect the relations of both countries, and that the Swedish Government will continue with utmost energy to support Turkey’s EU membership process.<sup>59</sup> After this attitude of the Swedish Government, relations between the two countries have improved and Ambassador Korutürk has returned to his post.

By providing information to the Foreign Affairs Commission of the TGNA on the resolutions adopted by the US Committee on Foreign Affairs of the House of Representatives and the Swedish Parliament, Foreign Minister Ahmet Davutoğlu has stated that he will not accept that the Government was late to counter these

59 “İsveç Beklenen Telafi Edici Adımları Atıyor” (Sweden is Taking the Expected Steps to Compensate), *Radikal*, 17 March 2010.



resolutions and that the necessary steps have not been taken in time. However, from now on for that kind of matter, they will not only target the governments, but also the parliaments.<sup>60</sup>

#### 4. Other Developments

Apart from the events mentioned above, initiatives taking place in many countries for the recognition of the genocide allegations have been witnessed. All of this taking place after the signing of the Protocols shows that there is no coincidence and a campaign organized by the Armenian Diaspora is being conducted with the support of Armenia. We will furnish information on the most important of these in the next issue of our journal. Here, we will only indicate what types of initiatives have taken place and in which countries.

The Parliament of the Federal Republic of Germany had unanimously adopted a resolution in 2005 which did not entail the word “genocide”, but recognized in an indirect manner the Armenian genocide allegations.<sup>61</sup> This year, in a motion issued by the Left Party deputies, it was asked whether the 1915-1916 massacres towards the Armenians are considered genocide according to the UN 1948 Charter.<sup>62</sup> Moreover, on the German ARD channel, a documentary entitled “Aghet” has been broadcasted reflecting mostly the Armenian views on the 1915 events.<sup>63</sup>

On 29 March 2010, a meeting has taken place at the House of Lords in England for the recognition of the Armenian genocide allegations and which aimed to declare April 24 as genocide remembrance day. However, after the Speaker of the Government Baroness Kinnock has taken an opposing stance, the matter has been closed without resorting to voting.<sup>64</sup>

Leader of the Meretz Party which has worked all along towards Israel’s recognition of the Armenian allegations, Haim Oron’s (or Auron) proposal to open a general meeting on this subject has been adopted in the Parliament with 12 votes against 8. The proposal will firstly be taken on by one of the commissions of the Parliament.<sup>65</sup> The general belief was that taking into consideration the complexity of Turkey-

60 “Hükümeti Değil, Parlamentoları Hedef Almalıyız” (We Must Not Target the Government, but the Parliaments), *Hürriyet*, 16 March 2010.

61 Ömer Engin Lütem, “Facts and Comments”, *Ermeni Araştırmaları*, No. 16–17 pp. 66–72

62 “Almanya Parlamentosunda 1915 Soru Önergesi” (1915 Resolution in the German Parliament), *AGOS*, April 2010.

63 “Aghet- Un Genocide: Les Turcs d’Allemagne Fulminent”, *Armenews*, 20 April 2010.

64 “Lordlar Kamerası Ermeni İddialarına Geçit Vermedi” (House of Lords Did Not Allow the Armenian Allegations), *Zaman*, 1 April 2010.

65 “İsrail Parlamentosu Ermeni İddialarını Görüşmeye Açıyor” (The Israeli Parliament is Opening the Armenian Allegations to Discussion), *Milliyet*, 29 April 2010.

Israel relations, Knessett will not adopt such a resolution. However, after the raid to the Turkish ship Mavi Marmara carrying some supplies for the Gaza Palestinians and killing of 9 Turkish citizens on this ship by Israeli commandos, the relations of the two countries deteriorated dramatically. Turkey has been severely criticized in Israel which could lead to a favorable vote in the Knessett.

Bulgaria's conservative party of Order, Law and Justice has submitted to the Parliament on 18 March 2010, a draft resolution foreseeing the condemnation of the Armenian "genocide".<sup>66</sup> Since Turkey has close relations with Bulgaria in many areas, the possibility of this resolution being adopted is quite low.

The Catalonia Parliament of Spain has adopted a resolution which accepts the Armenian genocide allegations. However, President of the Catalonia Government Jose Montilla has apologized on this issue in a letter sent to Turkish Minister of Foreign Affairs.<sup>67</sup> The Catalonia Party ERC within the Spanish Parliament has also presented a draft resolution on the same issue. According to Spanish media, Spanish Minister of Foreign Affairs Miguel Angel Moratinos has met with President of Parliament Jose Bono asking him to not allow the adoption of this draft resolution.<sup>68</sup>

The oppositional Radical SRS Party has submitted a draft resolution to the Serbian Parliament which condemns the Armenian genocide. It is likely that this initiative has originated as a response to the attempts of the Serbian Parliament to adopt a resolution which defines the Srebrenica events as genocide.<sup>69</sup>

A draft resolution has also been submitted to the Parliament of Bosnia-Herzegovina for the same purpose. The Leader of the Alliance of Independent Social Democrats Drago Kalabic has stated that if the parliament does not adopt this resolution, then the Bosnian Serb Republic People's Assembly will adopt a similar one.<sup>70</sup> According to news, Prime Minister of the Serbian region of Bosnia-Herzegovina Milorad Dodik has made a declaration for the recognition of the Armenian "genocide".<sup>71</sup>

The Kiev City Council in Ukraine has requested from the Ukraine Parliament to officially proclaim April 24 as "the Commemoration Day of Armenian Genocide victims."<sup>72</sup>

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66 "Bulgarian Party Submits Declaration For Parliament To Condemn Genocide", *Asbarez*, 18 March 2010.

67 "Turkish Ministry Notes Catalanian Leaders's Apology For Armenian Resolution", *Anadolu Agency*, 11 March 2010.

68 "Spanish Government Does Its Utmost Not To Approve Genocide Bill", *News.am.*, 23 March 2010.

69 "Armenian Genocide Resolution Submitted to the Serbian Parliament", *Armradio.am*, 27 March 2010.

70 "Bosnian Serbs to Adopt Armenian Resolution if Sarajevo Declines- MP", *Times.am*, 14 April 2010.

71 "Bosnian MPS to Adopt Declaration for Armenian Genocide Recognition", *BalkanInsight.com*, 7 April 2010.

72 "Ukraine's Verkhovna Rada Urges to Proclaim April 24 As the Day of the Armenian Genocide Victims", *anorama.am*, 29 April 2010.

The Labor Party in Holland has submitted a draft resolution to the Parliament foreseeing the recognition of the Armenian “genocide”. In the draft resolution, it has been expressed that it is necessary for Turkey to recognize the Armenian “genocide” in order to join the European Union.<sup>73</sup>

The Armenian Delegation in the Council of Europe Parliamentary Assembly has signed a declaration which requests the international recognition and condemnation of the Armenian “genocide” and this text has collected around twenty signatures. In the Armenian media, this incident has been reflected as if the Armenian “genocide” has been recognized and condemned by the Assembly.<sup>74</sup> Since the number of members of this Assembly is 269, it could be seen that the collected signatures have not even reached 10 %. On this note, we would like to remind that currently the President of the Parliamentary Assembly is a Turk (Mevlüt Çavuşoğlu).

As expressed above, the only aim of these initiatives is to apply pressure over Turkey to change its stance towards the Protocols, in particular, to get Turkey to abandon linking the ratification of the Protocols to the Karabakh conflict. This has not taken place and there has been no change in Turkey’s stance. Moreover, these initiatives to pressure Turkey have increased its distrust towards Armenia and have made it more difficult to achieve reconciliation.

#### IV – ATTEMPTS TO RESCUE THE PROTOCOLS

Through some well known Turkish columnists invited to Yerevan at the end of March,<sup>75</sup> the Armenian Government’s policies and their expectations concerning the Protocols have tried to be conveyed to the Turkish public opinion.

On this occasion, the lady U.S. Ambassador to Yerevan has hosted a dinner and one of President Sarkisian’s assistants Vigan Sarkisian has been able to meet with the Turkish columnists.<sup>76</sup> In short, Sarkisian has complained about Turkey linking the Protocols to the Karabakh conflict and has even accused Turkey of not keeping its word. He has stated that they cannot wait until the settlement of the Karabakh conflict, they cannot tolerate this from the political point of view (meaning domestic politics), that this delay has hardened Azerbaijanis stances within the Karabakh

73 “Turkey, The Genocide and the European Union”, *Azg*, 28 April 2010.

74 “PACE Statement Recognizes and Condemns Armenian Genocide”, *Tert.am*, 29 April 2010.

75 According to the information provided by Mehmet Ali Birand on 30 March 2010 to *Posta* newspaper, this meeting has been organized by İstanbul Kültür University Global Political Trends Center. USAID has been the sponsor, in other words, the US Government has done this.

76 Mehmet Ali Birand, “Erivan, Ankara’dan Bir Açıklama Bekliyor, Yoksa Protokolleri İptal Edecek” (Yerevan is Waiting for an Explanation from Ankara or else Will Annul the Protocols), *Posta*, 30 March 2010.

negotiations, they cannot allow the pending of the Protocols in their Parliament for a long time, and that Turkey will either take a new step or will abolish the Protocols. It is understood that what he means by a new step is for the TGNA to ratify the Protocols or Turkey to declare that the Protocols have been suspended based on “domestic reasons”. Armenia will ratify the Protocols if Turkey does and suspend them if Turkey does not. Although what he meant by “domestic reasons” is not explained, it could be understood that this entails the rumors that Turkey will not ratify the Protocols before the parliamentary elections expected to take place in 2011. The point that requires attention here is that Turkey does not have any “domestic political” considerations for not ratifying the Protocols; the only reason put forth is the Karabakh conflict. According to the way of thinking of Vigran Sarkisian, the conclusion can be drawn that Turkey will ratify the Protocols after the parliamentary elections. However, if the Karabakh conflict has still not been resolved even after the elections, then Turkey’s ratification of the Protocols should not be expected.

The important point in this meeting is that Vigran Sarkisian’s words have proved to be correct. As will be seen further on, in a speech delivered on April 22, President Sarkisian has declared that they have suspended the ratification of the Protocols.

Another point is what the Armenians have gained by notifying Turkish columnists that they could suspend the Protocols. Their intentions have been announced by the columnists. However, almost no one has been concerned about the suspension of the Protocols and almost no one has asked the ratification of these documents by the TGNA as soon as possible. On the contrary, a negative atmosphere towards the Protocols has prevailed within the Turkish public opinion.

However, in order to rescue the protocols which have been concluded after lengthy consultations taking place for many years and which have been jeopardized with the Decision of the Armenian Constitutional Court, Turkey has started a new initiative. As the special envoy of Prime Minister Erdoğan, Foreign Ministry Undersecretary Ambassador Feridun Sinirlioğlu has taken the Prime Minister’s letter to Yerevan and met with Foreign Minister Edward Nalbandyan and President Serge Sarkisian. According to press reports, the letter stated that Turkey supports the Protocols, reconciliation of Turkey and Armenia is better off compared to their disagreements and that it is necessary to continue the negotiations taking place on what can be done to remove the obstacles confronting the normalization process of the two countries.

Relating to the letter, Prime Minister Erdoğan has made the following statement:

*“We will always show our devotion to the Protocols signed in Switzerland. Unless an extraordinary situation develops, it is out of the question for us to take a step back and Turkey does not seek to impose the records of our*

*historical memory upon others. However, no one should be struggling to impose their own records of their memory upon Turkey either. If each country does their own share of work within the framework of this understanding, which we have always expressed and still express that the resolution through a historical commission will be very appropriate...we will do what we have to; but achieving this through the lobbies in the parliaments of different countries will not create any gains. On the opposite, it will complicate the process.”<sup>77</sup>*

Based on the statements, the conclusion could be reached that apart from the Karabakh conflict, matters related to the collective study of the 1915 events and attempts on the resolutions to be adopted by the parliaments of some countries have also been expressed in the letter.

As a result of the contacts made by Ambassador Sinirlioğlu, the meeting of Erdoğan and Sarkisian on 12-13 April in Washington during the Nuclear Security Summit has been agreed upon. The Ministry of Foreign Affairs has made the following statement in relation to this subject on 7 April 2010:

*“Foreign Ministry Undersecretary Ambassador Feridun Sinirlioğlu has conducted a visit to Yerevan on 7 April 2010 as the special deputy of Prime Minister Erdoğan. Undersecretary Feridun Sinirlioğlu has been received by Armenian President Serge Sarkisian and Foreign Minister Edward Nalbandyan and has presented Prime Minister Erdoğan’s written letter to President Sarkisian.*

*During the meetings, the phase which has been reached within the normalization process of Turkey-Armenia relations has been addressed; despite the commitment to the process and the difficulties endured, the understanding towards the importance of not losing the obtained window of opportunity has been mutually acknowledged.*

*Turkey believes that the normalization process will also contribute to maintaining comprehensive peace, security and stability in the Southern Caucasus. In the meetings, exchange of views has also taken place relating to this matter.*

*On the other hand, it has been agreed upon that Prime Minister Erdoğan and President Sarkisian will come together on 12-13 April 2010 in Washington during the Nuclear Security Summit.”<sup>78</sup>*

77 “Erdoğan: Geri Adım Atmayız” (Erdoğan: We Will Not Take a Step Back), *Anadolu Agency*, 7 April 2010.

78 [http://www.mfa.gov.tr/sc\\_-17\\_-7-nisan-2010\\_-disisleri-bakanligi-sozcusu\\_nun-bir-soruya-cevabi.tr.mfa](http://www.mfa.gov.tr/sc_-17_-7-nisan-2010_-disisleri-bakanligi-sozcusu_nun-bir-soruya-cevabi.tr.mfa)

We should also note that after Yerevan, Sinirlioğlu has travelled to Baku and provided information about his meeting with President Sarkisian.<sup>79</sup>

Meanwhile, it has been presented in the media that the Chairman of the Armenian National Assembly Ovik Abrahamyan has stated that the Protocols will be submitted to the Armenian Assembly for ratification.<sup>80</sup> Perhaps, what was expected from such an initiative was to put Turkey in difficult position. Indeed, in a situation where Armenia has ratified the Protocols but Turkey has not, Turkey would confront a difficult situation. However, the Protocols were not addressed in the Armenian Parliament. Most likely, this news was generated in order to influence Turkey before Sinirlioğlu's visit. Yet, it brought no effect.

Armenia's view of parliaments of both countries to ratify the Protocols without linking it to preconditions like the Karabakh conflict and within a reasonable timeframe has in general been adopted by other countries and the European Union. High Representative of the Foreign Affairs of the EU, Catherine Ashton, has made an announcement regarding this subject.<sup>81</sup> In a press conference held with Foreign Minister Nalbandyan during a visit to Armenia, Stefan Füle the commissioner for enlargement of the European Commission, has repeated that the EU backs ratification of the Turkey-Armenia Protocols without preconditions and within a reasonable timeframe. He has then stated that "good relations with neighbors are very important in the framework of any country's entry to the European Union". Since these statements were conveyed in Armenia and within the context of normalizing Turkey-Armenia relations, in one respect, it meant that unless Turkey establishes normal relations with Armenia, it cannot become a member of the European Union. Speaker of the Ministry of Foreign Affairs have identified Turkey's stance with the following statement delivered the next day (April 7):

*"With the zero-problem policy with its neighbors applied effectively, Turkey has shown the importance bestowed upon good neighborly relations.*

*In the process of normalizing relations with its neighbor Armenia, right from the start, Turkey has displayed a strong political will within the framework of regional peace, stability and harmony. This strong will is also due to the necessity to establish comprehensive peace, stability, tranquility and prosperity in the Southern Caucasus.*

79 "Bir Mektup Da Bakü'ye" (A Letter to Baku), *Star Gazete*, 9 April 2010.

80 "Ermenistan Sürprize Hazırlanıyor" (Armenia is Preparing for the Surprise, *Hürriyet*, 7 April 2010.

81 "ABD'den Ermenistan ve Türkiye'ye Protokoller Onaylansın Çağrısı" (The USA's Call on Armenia and Turkey to Ratify the Protocols), *Tert.am/tr*, 6 April 2010.

*Turkey does not need to be reminded of this mission which she has undertaken.*"<sup>82</sup>

Prime Minister Erdoğan and President Sarkisian held a meeting on 12 April 2010 in Washington, which lasted around 1,5 hours. In his statement delivered after this meeting Prime Ministry Speaker Kemal Öztürk expressed that the two leaders agreed upon both the continuation of the process for the Protocols and to that end the common work of the foreign ministers.<sup>83</sup>

On the other hand, President Sarkisian has stated, "in my meeting with the Prime Minister of Turkey, I expressed our unchanging stance on three issues. The first is that Turkey cannot pursue a dialogue with the Armenian administration and nation by putting forth a precondition. The second important issue is that no matter what the framework and format is, we will not make the 1915 "genocide" a subject of discussion. Our third significant principle is that Turkey cannot assume a positive role in the settlement of the Karabakh conflict and cannot act as a mediator."<sup>84</sup>

On this matter, Foreign Minister Nalbandyan has stated that Prime Minister Erdoğan has tried to raise the Karabakh issue in the meeting, but got an adequate response that Turkey-Armenia reconciliation cannot be linked with the Karabakh peace process and that there is no ground to discuss the Karabakh issue, because Turkey cannot mediate the Karabakh peace process. Moreover, he has expressed that Armenia will make no concessions for the sake of normalizing relations with Turkey; while on the other hand; indicating that linkage of the normalization processes and the Karabakh issue will hamper both and that this opinion is also shared by Minsk Group Co-chairs.<sup>85</sup>

In a press conference, Prime Minister Erdoğan has expressed that he has confirmed his commitment to the Protocols, has given the message that both sides must remain dedicated to the spirit of the Protocols which aims to normalize relations with Armenia and bring peace to the Caucasus, and that in response to Sarkisian's request for Turkey to start the ratification process of the Protocols, he has stated "we are committed to our word given with the Protocols. However, for the ratification of the Protocols in the Parliament, a suitable atmosphere must exist. If the Protocols come to the TGNA just when the parliaments of the US and Sweden are adopting resolutions one after another, they will be rejected. Right now, the conditions are not yet suitable". Furthermore, by reminding Sarkisian of the Decision of the Armenian Constitutional Court and the amended law providing the

82 [http://www.mfa.gov.tr/sc\\_-16\\_-7-nisan-2010\\_-disisleri-bakanligi-sozcusu\\_nun-bir-soruya-cevabi.tr.mfa](http://www.mfa.gov.tr/sc_-16_-7-nisan-2010_-disisleri-bakanligi-sozcusu_nun-bir-soruya-cevabi.tr.mfa)

83 "İpler Kopmadı" (Ties Have Not Been Cut Loose), *Hürriyet*, 13 April 2010.

84 "İpler Kopmadı" (Ties Have Not Been Cut Loose), *Hürriyet*, 13 April 2010.

85 "If Turkey Miscalculated, it's Their Affairs", *News.am*, 14 April 2010.

possibility to cancel the Protocols, Erdoğan has said that a question mark appeared in the minds of the public and that the agreement of “silence” achieved in February between Turkey and Armenia with the mediation of the US has collapsed. Erdoğan has requested from Sarkisian to refrain from statements which could hamper the process.<sup>86</sup> Also, in the speech delivered in the opening of Global Islamic Studies at George Mason University, the Prime Minister has especially touched upon the genocide allegations:

*“We are against making the sorrows suffered in the past an instrument of politics based on a single point of view and in a biased way... We reject the 1915 events to be presented as genocide and some parliaments deciding on this to be unjust and one-sided, we also reject this approach. The discipline of history, historians and archives are those which will shed a light on historical events. History cannot be written in parliaments, cannot be judged in parliaments.”*

Apart from these statements, Prime Minister Erdoğan has also expressed that he has proposed the establishment of a joint historical commission to President Kocharian in 2005, but has not received a reply. On the other hand, the Prime Minister has said that the judgment of history by the parliaments is not to anyone’s advantage and is never to the benefit of Armenia.<sup>87</sup>

What could be arrived at from these statements is that both sides have maintained their stance. Turkey has not changed its decision on not ratifying the Protocols without at least a significant development taking place in the Karabakh conflict. On the other hand, it has been expressed that, the Protocols cannot be ratified by the TGNA during a period when parliaments of some countries have adopted resolutions recognizing the genocide allegations. Moreover, it has been emphasized that the law, providing for the Protocols submitted to the Parliament to be annulled, has not been considered as a constructive step. On the other hand, Armenia rejects Turkey linking the Protocols to the Karabakh conflict, its contribution to the settlement of this conflict, and the discussion of the 1915 events.

As indicated above, the two countries have maintained their existing stances and thus, have not been able to achieve any development on the Protocols. But, they have decided to continue the process of normalization and have agreed upon their foreign ministers to continue their collective work for this purpose.

During his visit to Washington, President Sarkisian has also met with President

86 “Protokoller Meclis’e Şimdi Gelirse Reddedilir” (If the Protocols Come to the Parliament Now They Will be Rejected), *Sabah*, 13 April 2010.

87 “Sarkisyan Görüşmesinden Sonra 1915 Mesajı” (1915 Message After Sarkisian’s Meeting), *CNN*, 13 April 2010.



Obama. In a statement from the White House on this visit, it has been declared that “The president commended President Sarkisian for his courageous efforts to achieve normalization of relations between Armenia and Turkey and encouraged him to fulfill the promise of normalization for the benefit of Armenian people. Armenia and Turkey should make every effort to advance the normalization process.”<sup>88</sup> This announcement puts forth that President Obama attaches great importance on the normalization process between the two countries. On the other hand, the statement of President Sarkisian’s bureau regarding this meeting is very short saying that the parties have spoken out on the normalization process, the Karabakh conflict and Armenia-US relations.<sup>89</sup>

Prime Minister Erdoğan has also met with President Obama. According to the statement issued from the White House, President Obama has congratulated Erdoğan on some courageous steps that he has taken around the issue of normalizing Turkish-Armenian relations, and has encouraged him to continue to move forward along this path.<sup>90</sup> On the other hand, Prime Minister Erdoğan said to the journalists concerning this meeting, that he does not expect President Obama to use the word “genocide” in his 24 April statement, has discussed with the President the letter he has sent (on 7<sup>th</sup> of April) to President Sarkisian, moreover, has addressed the issue of the Turkish border gate along with Azerbaijan’s stance and that the foreign ministers of both countries will continue their tasks concerning the normalization process.<sup>91</sup> According to a newspaper, Prime Minister Erdoğan has also explained to President Obama Turkey’s tasks to create peace in the Caucasus (and the Middle East). On the other side, President Obama has stated that he will do his utmost best for the Minsk Group to be more active and to accelerate the settlement of the Karabakh conflict.<sup>92</sup> It could be understood that the main reason why the Karabakh conflict, which does not directly concern Turkey, has had great importance in the meeting is because Turkey has linked the ratification of the Protocols to the settlement of the Karabakh conflict, or at least to important developments on that field.

Foreign Minister Ahmet Davutoğlu and Hillary Clinton have met in Washington during the Nuclear Security Summit. It could be said that the main subject of this meeting was the ratification of the Protocols and the opening of the border. Concerning this subject, a newspaper has written that the withdrawing of troops from the regions surrounding Karabakh and the opening of the border

88 “Obama Discuss Turkey, Karabagh with Sarkisian”, *RFE/RL*, 13 April 2010.

89 “Obama Discuss Turkey, Karabagh with Sarkisian”, *RFE/RL*, 13 April 2010.

90 “Remarks by Obama and Erdogan After Meeting on December 7”, *Asbarez*, 7 December 2009.

91 “Gizli Ajandam yok, Her Şeyim Açıktır” (I Don’t Have a Private Diary, Everything is Out in the Open), *Hürriyet*, 15 April 2010.

92 “Obama’dan Karabağ Sözü” (Obama’s Karabakh Promise), *Hürriyet*, 14 April 2010.

simultaneously have been laid on the table.<sup>93</sup> The point requiring attention here is that the complete settlement of the Karabakh conflict is not being expected and the opening of the Turkish border is based on the withdrawing of Armenian troops from some of the seven Azeri rayons surrounding Karabakh.

In a statement issued by the Spokesman of the US State Department Phillip Crowley after a conference held in Washington with some Turks and Armenians, the US's stance has been expressed as follows: "to ratify Protocols, normalize relations, open borders". Crowley has stated that there are difficulties for both countries for the ratification of the protocols in their Parliaments, it involves emotion on both sides, risk on both sides and they will continue to work constructively with Armenia and Turkey to try to see this process through."<sup>94</sup>

The meetings held in Washington have displayed that the US government has undertaken serious efforts, especially for the normalization of Turkey-Armenia relations and to that end, the only real mediator role has been assumed by the US. Despite its close relationship with the region, a positive contribution or an action to obstruct this process has not been displayed by Russia. Looking from the outside, Russia is in a position of an observer. However, most likely, Russia ensures that their interests are not harmed by this process through using their significant influence over Armenia. President Sarkisian going to Russia to meet President Medvedev before returning to his country acts as evidence for this.

## V – THE SUSPENSION OF RATIFICATION OF THE PROTOCOLS

In a statement delivered before his meeting with Prime Minister Erdoğan in Washington, President Sarkisian had expressed that they have reached their decision concerning Turkey and would declare their decision when the time comes.<sup>95</sup> What this decision is has been understood ten days later. On that subject, three parties forming the Government of Armenia have issued the following joint statement on 22 April 2010:<sup>96</sup>

*"During the past two years the Armenian President with the support of political majority in the National Assembly of the Republic of Armenia carried out consistent steps in the direction of the establishment and*

93 "Obama'dan Karabağ Sözü" (Obama's Karabakh Promise), *Hürriyet*, 14 April 2010.

94 U.S. State Department: There Are Things Armenia and Turkey Have Committed To Do", *PanArmenian.Net*, 17 April 2010.

95 "24 Nisan Baskısı" (24 April Pressure), *Hürriyet*, 11 April 2010.

96 Armenian Parliament, 22 April 2010. [http://www.parliament.am/news.php?cat\\_id=2&NewsID=3890&year=2010&month=04&day=22&lang=eng](http://www.parliament.am/news.php?cat_id=2&NewsID=3890&year=2010&month=04&day=22&lang=eng)

*development of Armenian-Turkish relations without any preconditions. The USA, the Russian Federation, France, Switzerland rendered their great support to that process. Several countries around the world positively reacted to that initiative emphasizing its unique significance for the establishment of regional stability and for resolving the existing issues through civilized dialogue.*

*However, Armenia's consistent steps and the international community's expectations constantly clashed with Turkey's inconsistent and evasive position and the continuous policy of proposing preconditions, which led to a stalemate in the process of the ratification of Armenia-Turkey Protocols, signed on October 10, 2009 in Zurich, within reasonable timeframes.*

*The political majority in the National Assembly of Armenia considers unacceptable the Turkish side's stance, particularly, the latest statements by Turkish Prime Minister Recep Tayyip Erdogan, which make the ratification of the Protocols directly dependent upon the settlement of the Nagorno-Karabakh-Azerbaijan conflict. At the same time, taking into account that Turkey's refusal to ratify the Protocols within a reasonable timeframe makes any further continuation of their ratification process in the Armenian Parliament senseless at this stage, the country's ruling majority considers it necessary to suspend that process and remove the discussion of the issue from the agenda of the RA Parliament's four-day sessions until the Turkish side is ready to further continue the process without preconditions."*

The important points appearing in this text are the following: Turkey is being accused of having an inconsistent and evasive position and for putting forth preconditions. It expresses that Prime Minister Erdogan making the Karabakh peace process a precondition of ratifying the Protocols is unacceptable. It indicates that since the Protocols are not ratified within a reasonable timeframe, then any further development will not be possible. Last of all, it states that "until the Turkish side is ready to further continue the process without preconditions", the Protocols have been removed from the agenda of the parliament. (In fact the Protocols continue to remain on the agenda of the Parliament, but will not be put on the agenda of the meetings).

By delivering a televised speech on the same day,<sup>97</sup> President Sarkisian has stated that they are not ready to continue the normalization process without preconditions, the reasonable timeframe has elapsed for the ratification of the Protocols, Turkey is trying to pass over the 24<sup>th</sup> of April and the current phase of the normalization

97 "Turkey Not Ready To Continue Armenia-Turkey Process: RA President", *News.am*, 22 April 2010.

process has been exhausted. By pronouncing the names of Barack Obama, Nicolas Sarkozy and Dmitri Medvedev, and mentioning the name of some other personalities in European organizations, Sarkisian has expressed that they have urged him to continue the process rather than to discontinue it and that out of respect for them, has decided not to exit the process for the time being, but to suspend the procedure of ratification of the Protocols. The Armenian President has also stated that they shall retain the signature under the Protocols, their political objective of normalizing relations with Turkey still remains valid, and that they shall consider moving forward when they are convinced that there is a proper environment in Turkey and there is a leadership in Ankara ready to reengage in the normalization process.

Another point drawing attention in the statement is that while President Sarkisian has expressed gratitude to President Gül for political correctness displayed throughout this period, he has not mentioned Prime Minister Erdogan at all. Another interesting point is the President expressing gratitude to those Turkish intellectuals (some people who support Armenian views, with the genocide allegations being at the forefront) that have struggled for the restoration of historical justice and share their grief.

In short, Armenia has suspended the ratification process of the Protocols. However, this decision has not actually created any change in the existing situation, because as a response to Turkey's refusal to ratify the Protocols before any significant developments taking place in the Karabakh conflict, the Armenians had already expressed that they would not ratify the Protocols until Turkey does. Therefore, the statements delivered on April 22 have not carried any significance beyond confirming the actual situation.

Since it has not created any change, why has this decision been declared in a rather striking way? The reason for this must be searched among Armenia's domestic political balances and its relations with the Diaspora. The Protocols signed with Turkey were confronted with criticisms from both the Dashnaks and the opposition parties. Within the Diaspora, these criticisms have become much stronger. However, if the Protocols were to be ratified just after their signature and the Turkish border gate opened, this would be considered a great success for President Sarkisian. Yet, as explained earlier, when Turkey linked the ratification of the Protocols to the Karabakh conflict, both the Government and the President in Armenia were put in a difficult position. The suspension of the ratification process of the Protocols was aimed at eliminating this difficult situation when possible.

On the other hand, Turkey and in particular, Prime Minister Erdoğan has tried to be held responsible for the suspension of the Protocols in the statements of the

coalition partners and President Sarkisian. This is the reason why President Sarkisian has expressed his gratitude to President Gül, while not mentioning the Prime Minister. Moreover, words exist in Sarkisian's statement which implies that a change of "leadership" in Turkey is expected so that the issue of the Protocols will once again be addressed.

Another purpose of the suspension was to influence President Obama's 24 April statement. Just as last year, it was expected that President Obama would also praise this year the collective efforts of Turkey and Armenia to normalize relations, therefore President Obama would not use the word "genocide" in order not to disrupt the friendly relations existing between the two countries. According to Armenian expectations, since the Protocols were suspended and negotiations would not take place in the short run which would bear results, in other words, since Turkey-Armenia relations continued to be problematic, no reason existed anymore for President Obama not to use the word "genocide". However, that did not happen. As will be explained below, the President did not use this word in his statement.

How Armenia's suspension of the Protocols has been received in Turkey could be summarized as follows. After expressing that the status quo in the Caucasus is not to anyone's benefit and peace and cooperation should be dominant in this region, the President Gül has gone on to state that he does not think the normalization process between the two countries has stopped and that a "silent diplomacy" is required for some time in their relations with Armenia.<sup>98</sup> Prime Minister Erdoğan has stated that it is up to the Armenian officials to decide how to manage the ratification process of the Protocols and that Turkey is not in the position to make any remarks concerning this issue. He has also expressed that Turkey's stance towards the ratification process is already known and how to reach comprehensive peace in the region has been clearly explained to all concerning parties.<sup>99</sup> Foreign Minister Ahmet Davutoğlu has indicated that it is a unilateral decision taken by Armenia and the positive side of it is that the process of normalization is continuing, and has conveyed his hope for the creation of the appropriate political setting in Armenia and Turkey as soon as possible and the continuation of the process from where it was left off.<sup>100</sup> Leader of MHP Devlet Bahçeli has requested the immediate withdrawal of the Protocols from the TGNA.<sup>101</sup>

Spokesman of the US Foreign Ministry Philip Crowley has expressed that they

98 "Statüko Kimseinin Yararına Değil" (Status Quo is Not to Anyone's Benefit), *Haberler.com*, 24 April 2010.

99 "Kendilerinin Bileceği İş", *Milliyet*, 23 April 2010.

100 "Davutoğlu: Ermenistan'ın Tek Taraflı Kararı" (Davutoğlu: Armenia's Bilateral Decision), *Haberler.com*, 23 April 2010

101 "Protokolleri Geri Çekin" (Withdraw the Protocols), *Ortadoğu*, 25 April 2010.

have been encouraged that neither side has walked away from the process, that some time is needed to perhaps create some new momentum which allows the process to move forward, and that the Armenians had hinted to them that they were prepared to do this and so they have not been surprised by the announcement.<sup>102</sup> The Russian Foreign Ministry Spokesman Andrei Nesterenko has stated that they hope the two countries will manage to overcome the present difficult situation and create conditions for full-scale normalization of relations which is in the interests of all states in the region.<sup>103</sup> On the other hand, according to a statement attributed to the French President, Sarkozy has welcomed the Armenian President's readiness to adhere to the process of normalizing Turkish-Armenian relations, despite difficulties which the two sides have encountered in the process of ratification of the Protocols.<sup>104</sup> Catherine Ashton, the High Representative for Foreign Affairs and Security Policy of the EU, has stated that the EU reiterates its call to both countries to continue their dialogue and remain committed to the process of normalization without preconditions and a reasonable timeframe.<sup>105</sup>

The side suspending the normalization process of Turkey-Armenia relations is Armenia. Under normal conditions, although even with a mild language, Armenia should be criticized. However, this decision of Armenia has not surprised anyone, including Turkey. As a matter of fact, this situation shows that the concerning countries are not very hopeful of this process and are pleased with the process not being completely eliminated.

## VI – OTHER DEVELOPMENTS

### 1. President Obama and President Sarkisian's 24 April Statements

The advisers of the White House have approached this year's 24 April statement of President Obama from the angle of US-Turkey relations and not from the point of view of Armenians which have been mentioned above. Therefore, in order not to create any tension, they have organized a text which is very similar to last year's statement and which does not entail the word "genocide" in English. Meanwhile, there has been no concern in Turkey that the US President would act in any other way and even more, as we have mentioned above, Prime Minister Erdoğan has stated that he does not think the US President's statement would entail the word "genocide". This certainty of the Prime Minister could be explained by President

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102 "U.S. State Department – Armenia Has Not Ended Process", *Armtown.com*, 23 April 2010.

103 "Russia Hopes For Normalization of Armenian-Turkish Relations", Ministry of Foreign Affairs, Russia, 23 April 2010.

104 "US, France Praise Armenian Move on Turkey", *RFE/RL*, 23 April 2010.

105 "Eu 'Pleased' With Armenian Caution On Turkey", *RFE/RL*, 27 April 2010.

Obama giving guarantee to him regarding this subject in the meeting held in Washington in April. In short, just as the former Presidents before him, when President Obama has also been compelled to make a choice between the very active Armenian community in his country and the strategically important Turkey, he has preferred Turkey.

The size and context of the President's statement delivered this year, it is very similar to that of 2009. The same subjects have been addressed by attempting to use different words.

Just as last year, the essential purpose of this year's statement has also been to refrain from using the English word of genocide, not to condemn Turkey and at the same time, to overcome, as far as possible, the negative feelings and reactions which could arise among US Armenians. Therefore, just as last year, "Meds Yeghern", the Armenian word of genocide has been used; the President has repeated that his opinion on the 1915 events has not changed. On the other hand, he has put forth that 1,5 million Armenians have been massacred during the last days of the Ottoman Empire, although without providing any evidence. The President has indicated in his statement that he has been encouraged by the dialogue among Turks and Armenians, and within Turkey itself, regarding this "painful history". Different from last year, "the Turks who saved the Armenians in 1915" have been saluted. However, in contrast to last year, support for the efforts of Turkey and Armenia to normalize their relations have not been mentioned.

Moreover, again just as last year, the President has almost reserved half of his statement to praising the American Armenians by mentioning their contributions to the US economy and their strengthening of American democracy. It is difficult to believe that the small Armenian community could bring significant contributions to the US. However, the 24 April statements of American Presidents are documents of domestic politics and do not directly address Turkey, but American citizens of Armenian origin.

Looking at it from this point view, these statements are losing importance for Turkey, but no matter what, since a biased approach is taken for a historical event, these statements are not acceptable for Turkey. In fact, in the press release of the Turkish Ministry of Foreign Affairs whose complete text has been given below, it has been expressed that the President's statement has been received with regret. On the other hand, by using a milder language, Prime Minister Erdoğan has underlined the word "genocide" not being pronounced and that President Obama is well aware of Turkey's sensitivities.<sup>106</sup> Considering the foreign policy angle, it could be said

106 "Soykırım Yerine 'Büyük Felâket' ('Great Tragedy' Instead of Genocide), *Zaman* 25 April 2010.

that President Obama's statement has not created any new question in a period where some problems already exist between Turkey and the US.

Regarding the statement issued by President Obama, the Turkish Foreign Ministry has put forth the following press release:<sup>107</sup>

*“Written statements issued regularly each year on the 24th of April by the Presidents of the United States has been repeated by President Obama this year as well.*

*We deeply regret this statement which reflects an incorrect and one-sided political perception.*

*The toughest enemy of the historical facts is subjective memory records. No nation has the right to impose its memory records on another nation.*

*Third countries neither have a right nor authority to judge the history of Turkish-Armenian relations with political motives.”*

The text of President Obama's statement could be found in the “Recent Documents” section of our journal.

Just as each year, Armenian President Serge Sarkisian has again issued a statement this year on April 24.<sup>108</sup> In this address, the point drawing the most attention is that the 1915 events were the result of the Ottoman Empire fulfilling its program of annihilation of Armenians. These words have been used in order to determine that genocide has taken place in conformity with international law and also to hold one responsible. The positive side of this statement is that in contrast to previous years, it has not drawn any linkages between the 1915 events and today's Turkey. Meanwhile, expressing gratitude to those in Turkey who have supported the Armenians in their struggle puts forth that the Turkish Governments and public opinion will not accept the genocide allegations and the only hope left is Turkish liberal intellectuals. As can be seen from the number of those participating in the demonstrations held in Istanbul on April 24, this group is very small. Their demonstrations not only fail to convince the Turkish public opinion, but also created some negative reactions for themselves and for the Armenian allegations.

It is interesting that neither President Obama, nor President Sarkisian has touched upon the Protocols and their future, which in fact constitutes the most important

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107 “Press Release Regarding the Statement Issued by President Obama”, No: 90, 24 April 2010  
[http://www.mfa.gov.tr/no\\_90\\_24-april-2010\\_press-release-regarding-the-statement-issued-by-president-obama.en.mfa](http://www.mfa.gov.tr/no_90_24-april-2010_press-release-regarding-the-statement-issued-by-president-obama.en.mfa)

108 “President Sargsyan's Address on the 95th Anniversary of the Armenian Genocide”, *Armradio.am*, 24 April 2010.



issue of Turkey-Armenia relations. This shows that at least in a short term, no progress will be achieved towards the Protocols. Since Turkey has linked the ratification of the Protocols to the Karabakh conflict, it is also possible to say that no progress is expected for this conflict to be resolved either in the short run.

## 2. Debates in the Turkish Grand National Assembly

Two days after Armenia's suspension of the Protocols, the Republican People's Party had proposed that a general debate took place in TGNA on 24 April 2010 to discuss Turkey's strategy of overcoming the Armenian allegations.<sup>109</sup>

Istanbul Deputy Dr. Şükrü Elekdağ, a retired Ambassador and former Under Secretary of Turkish Ministry of Foreign Affairs, in his intervention has said that the Decision of the Armenian Constitutional Court has put forth some preconditions, which in short invalidate the treaties of Kars and Moscow, provide legitimacy of Armenia's claims over Eastern Anatolian territories, declare "genocide" being an indisputable reality which is why the Sub-Commission on the Historical Dimension cannot be addressed, and has stressed that the Protocols could not be linked to the Karabakh conflict. Elekdağ, indicating that the decisions of this Court are final and irrevocable in accordance with Article 102 of the Armenian Constitution, has expressed that for this reason, the possibility of the ratification of the Protocols by the TGNA is null and is therefore imperative to immediately withdraw them from the TGNA and throw them into the waste basket.

Hasan Murat Mercan, Chairman of the Foreign Affairs Committee, talking on behalf of the Justice and Development Party speaking against bringing this issue to the agenda, has stated that Foreign Minister Ahmet Davutoğlu has provided detailed information to the TGNA and to the leaders of the political parties. Furthermore, he has expressed that since these kinds of matters are closely followed worldwide, talking about it in TGNA is not to anyone's benefit, and if the strategy of overcoming the Armenian allegations is to be discussed, then it must be conducted in a closed session or during the visits made to the concerning commissions or opposition parties.

Ankara Deputy Deniz Bölükbaşı, a former Ambassador, delivering a long speech on behalf of the MHP and criticizing the government, has expressed that the Protocols have become null and void and has called on the government to immediately withdraw them from the TGNA, while also declaring that MHP

109 TGNA, Tutanak Journal, 93. Birleşim, First Session, 24 April 2010; <http://www.tbmm.gov.tr/tutanak/donem23/yil4/ham/b09301h.htm>

supports the general proposal of the Republican People's Party for debating this issue.

Following the speeches delivered by some other deputies talking on their behalf, the proposal of CHP has been put up for voting and has been refused.

Foreign Minister Ahmet Davutoğlu has intervened in the TGNA two days later on 26 April 2010, and after providing detailed information on the Protocols, has expressed that their aims regarding this subject are the following:<sup>110</sup>

1. Turkey-Armenia relations will normalize, just as relations with other neighboring countries have.
2. Parallel to this, the Azerbaijan-Armenia dispute will be resolved, including ending of occupation of the Azeri territories and just as the Turkey-Armenia border, the Azerbaijan-Armenia border will also open. This way, a corridor will be formed from Erzurum to Central Asia.
3. It will not be allowed for this issue to be developed in the shadow of any other issue, especially Turkey-Armenia relations or be overshadowing any other relations.
4. Turks and Armenians will not only learn to share their sorrows, but also their common history.

After the speech of the Foreign Minister, speeches have been delivered on behalf of parties or individuals. We do not have enough room to go into details of these. However, we will shortly mention one of the speeches, since it has gone beyond the TGNA's general tendency. Batman Deputy Bengi Yıldız, talking on behalf of the Peace and Democracy Party, has referred to the 1915 Armenian relocation by stating that "it is possible to purify and repair social conscience towards historical tragedies only by confronting history and asking for apology from the victimized people". He has concluded by stating that they believe this problem could be resolved through peaceful dialogue, without permitting anyone to discuss Turkey's international borders. If we must interpret this statement, it is possible to say that the territories claimed by Armenia from Turkey also encompass a part of the territories identified as Kurdistan according to the Treaty of Sevres.

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110 TGNA, Tutanak Journal, 95. Birleşim, First Session, 26 April 2010; <http://www.tbmm.gov.tr/tutanak/donem23/yil4/ham/b09501h.htm>

Another point which deserves mentioning is that at a time when Constitution amendments were intensively discussed in the TGNA, the question of the Protocols which no longer carry urgency due to Armenia suspending them is so intensely debated: this is an indication of the importance bestowed upon relations with Armenia.

After the suspension of the ratification of the Protocols, President Sarkisian, has begun to criticize Turkey on every opportunity. For instance President Sarkisian has said in an interview delivered to Ria-Novosti Press Agency at the end of April that Armenia has not entirely closed the doors on the Protocols, but that genocide allegations could not become a matter of discussion, because it has already been examined enough and has been based on documents and that the issue of abolishing the consequences of genocide (such as returning of properties to Armenian descendants of those being relocated, giving compensation to them) could be addressed.<sup>111</sup>

In his contacts in Brussels with authorities of NATO and the European Union towards the end of May, President Sarkisian has also mentioned Turkey and the Protocols. First, he has expressed that Turkey has left no other choice for Armenia but to freeze the ratification process of the protocols by putting forth preconditions and breaking the agreed terms. Then, he has indicated that Turkey has ruined its reputation of being a reliable partner. Moreover, he has stated that Armenia would only be glad if Turkey could meet all the standards for EU membership as this means dealing with a more reliable and stable country with values close to theirs.<sup>112</sup>

In another speech delivered to representatives of the Armenian community in Brussels, President Sarkisian has stated that recently, Armenians have become a target of hatred language and when a leader of a neighboring state says that the Armenians in his country must be deported for the sole reason that they are Armenians, he cannot but help to remember what happened in 1915, and that in Rwanda similar statements have paved the way for violence.<sup>113</sup> It could be understood that the Armenian President has referred to Prime Minister Erdoğan's statement that Armenian citizens working illegally in Turkey could be sent back to their country, but that this has not taken place due to humanitarian considerations. There is no doubt that considering sending illegal workers in Turkey back to their countries as some kind of deportation is a great exaggeration.

In the beginning of June, in Rostov-on-Don in Russia, Serge Sarkisian met with Russian President Dmitri Medvedev and had a meeting with local Armenians. On

111 "L'Interview du Président Sarkissian à l'Agence Russe Ria-Novosti", *Armenews*, 1 May 2010.

112 "President Sargsyan Reaffirms Armenia's Disposition in Brussels", *Panorama.am*, 31 May 2010.

113 "At Villa Empain President Sargsyan Made a Statement" <http://news.president.am/events/statements>

this occasion, the Armenian President said that Turkey is not ready to ratify the protocols, it constantly brings forward new preconditions, it tries to penetrate into the Karabakh issue, which obviously has nothing to do with them, and has added that at this moment, Armenia has nothing to talk about with an unreliable partner who constantly breaks the agreements reached.<sup>114</sup>

These statements of the Armenian President have drawn criticisms in Turkey. Foreign Ministry Spokesman Burak Özügergin has stated that such harsh statements would neither help Armenia nor the process of normalization itself and that Turkey has a regional vision that focuses on the normalization process and the solution of the Karabakh problem, which also aims to create stability and welfare in this region.<sup>115</sup>

However, President Sarkisian has neglected to take into consideration the reactions of the Turkish side and has continued his criticism. Lately, in a speech delivered at the Konrad Adenauer Foundation on 26 of June in Berlin, regarding the protocols and their relations with Turkey, he has asked “Why our initiative didn’t succeed” Turkey has backed out of its commitments and not only failed to ratify the signed Protocols, but has also gone back to its pre-negotiation position, to the language of preconditions, diktat and even threats. And today, the last closed border in Europe, the Armenian-Turkish border remains closed. Undoubtedly, the obstruction of the normalization process by the Turkish side can be explicated by the inability and unwillingness of that country’s political leadership, probably also by their various political calculations. The analysts will probably add the factor of the Azeri pressure. Some Western analysts have been trying to convince me that it is a temporary matter, for the internal, pre-election consumption. Perhaps it is, the time will show. However, a deeper analysis brings about one conclusion: In our region the approach of solving one’s problem at the other’s expense is deeply enrooted, the approach “I am strong, I will be setting the terms” is still very much alive. Turkey’s “zero problems with neighbors” policy yields zero results. This will continue as long as Turkey will be searching for the benefits in the clash of interests in our region rather than in their coalescence.<sup>116</sup>

The Armenian President surely knows that it is not that kind of harsh statement that changes the position of Turkey. Therefore, most probably the President is not addressing Turkey, but the Diaspora, and to begin with the Dashnaks the ultra nationalist circles of his country in order to put an end to the criticism which is still going on and if possible to be praised for bashing Turkey.

114 “Sarkisian Rules Out Turkish Role in Karabagh Talks”, *RFE/RL*, 2 July 2010.

115 “Turkey Calls on Armenia to Avoid Harsh Words”, *WorldBulletin.net*, 27 May 2010.

116 <http://www.president.am/events/statements/eng/?id=66>

## VII – CONCLUSION

In the present article, we have tried to explain the phases undergone by the Turkey-Armenia Protocols, starting from their signature to their suspension.

Right now (end of June 2010), just as in Turkey, the subject of the Protocols have also lost their importance in the agenda of Armenia. This situation shows that there is not much hope for the future of the Protocols.

Summarizing the stances of both parties, Armenia, in essence, has chosen to evade or even to get rid of the Protocols which they had signed in order to establish diplomatic relations with Turkey and to open the Turkish border gate. The reason for this is the strong criticism of the Protocols in Armenia and in particular in the Diaspora. On the other hand, Armenia has not accepted Turkey's linking of the Protocols to positive developments in the Karabakh conflict. When the pressures on Turkey to ratify the Protocols as soon as possible without linking it to this conflict has failed in creating any results. The Armenian President has felt obliged to abolish the Protocols, but upon the request of USA, Russia and the main countries of the European Union, has preferred to suspend their ratification process "sine die" (for an unknown time).

Turkey had signed the Protocols in order to open a new page by ending the historical disputes with its neighbor Armenia. As a jest out of their goodwill, she has taken some initiatives in order to "revive" the Protocols, despite the Decision of the Armenian Constitutional Court and in particular, the articles of that Decision relating to the recognition of borders and historical issues, but has not obtained any results. Turkey still attempts to contribute to the settlement of the Karabakh conflict within the framework of security and cooperation in the Caucasus and expects that if this conflict starts to be resolved, it will have a positive impact on their problems with Armenia.

There is no doubt that any positive development in the settlement of the Karabakh conflict will significantly contribute to the improvement of Turkey-Armenia relations. Yet, Karabakh is not the sole dispute between the two countries. The definite recognition of the existing border between the two countries and studying the 1915 events in the Sub-Commission on the Historical Dimension are indispensable for Turkey. However Armenia, very imprudently, has prevented such a study with the Decision of the Constitutional Court.

In conclusion, it could be observed that normalization of Turkey-Armenia relations has currently reached a deadlock and it is very difficult to revive the Protocols due to some ambiguous provisions existing in them and the Decision of

the Armenian Constitutional Court. Therefore, to normalize Turkey-Armenian relations, the most reasonable action would be to hold new negotiations in order to elaborate a new text of the Protocols which will avoid ambiguities and contain precise dispositions.