

# FACTS AND COMMENTS

**Ömer Engin LÜTEM**

Ambassador (Ret.)  
Director, Center for Eurasian Studies  
oelutem@avim.org.tr

**Abstract:** *This article deals with Turkish-Armenian relations during 2009 and especially with the two protocols signed on 10<sup>th</sup> of October, 2009 to establish diplomatic relations and to define areas of cooperation between them as well as the mechanism which will help to realize this cooperation. Considering the overwhelming importance of the protocols, this article will be consecrated to this subject.*

**Key Words:** *Turkey, Armenia, Azerbaijan, United States, Russian Federation, Abdullah Gül, Recep Tayyip Erdoğan, Ali Babacan, Ahmet Davutoğlu, İlham Aliiev, Barack Obama, Hillary Clinton, Serge Sarkisian, Edward Nalbandyan.*

## I –TURKEY AND ARMENIA POSITIONS

Following President Abdullah Gül’s visit to Armenia in September of 2008 to assist the national football match, no information has been given about the context of the talks between the foreign ministers and high officials of the two countries aiming to build normal relations between Turkey and Armenia; but both sides have settled for some general statements.<sup>1</sup> Based on these statements and some press news, the stances of both parties can be summarized as follows.

Mr. Ali Babacan, the Minister of Foreign Affairs, has stated many times that one has never been so close to finding a solution with Armenia, that this is a historical opportunity, and that third countries should not hinder this process.<sup>2</sup>

Armenian Foreign Minister Edward Nalbandyan has also stated that they are close to achieving normalization of relations.<sup>3</sup> Without giving any information, however, he has not refrained from expressing some views. The most important of these is that the normalization of Armenian-Turkish relations should have no preconditions.<sup>4</sup> This has been a formula used by former Foreign Minister Vartan Oskanyan since the early 2000’s to build normal (diplomatic) relations with Turkey and means that Turkey opening its borders should not depend on finding specific solutions to the problems between the two countries. However, Turkey’s stance has been the opposite of this, where the normalization of relations depends on solving the current problems.

1 See: Ömer Engin Lütem, “Facts and Comments”, *Ermeni Araştırmaları*, No 31, pp.7-12.

2 “Turkey, Armenia Closer than ever to Peace, Says Foreign Minister Babacan”. *Today’s Zaman*, March 3, 2009

3 “Armenia, Turkey are ‘very close’ to normalizing ties” *Asbarez*, January 24, 2009.

4 There exist many statements on this subject of the Armenian Foreign Minister. We have chosen a few as reference: “Relations Arménie-Turquie: Des hauts et des bas” *Armenews*, January 23, 2009; “Turkey-Armenia Relations Should Have No Preconditions”, *armradio.am*. April 6, 2009.

The Armenian side has specifically focused on the Armenian genocide allegations. It has been stated many times that the establishment of relations with Turkey will not put into question the veracity of the Armenian genocide<sup>5</sup> and Armenia will never ask its Diaspora or any foreign country to not recognize the Armenian genocide.<sup>6</sup> Furthermore, talks to normalize relations should not include discussions on the Armenian genocide.<sup>7</sup> In relation to this, it can be said that the mixed commission of historians, which Turkey has suggested for studying the incidents of 1915, has been rejected by the Armenian side. However, Nalbandyan has stated that after establishing diplomatic relations and opening the borders, they will be ready to create an intergovernmental commission that could discuss all questions concerning the two countries and that this commission would have subcommittees.<sup>8</sup> It can be deduced from this that the incidents of 1915 can be reviewed by a subcommittee. However, even in this case “genocide veracity” will not be discussed, nor will the efforts to convince other countries to accept the genocide allegations cease to exist. If this assumption is true, then it will mean that the mentioned subcommittee will have no function.

A third topic the Armenian Minister of Foreign Affairs has focused upon is the Nagorno Karabakh conflict. The Minister has stated that “normalization of relations has no linkage to the resolution of the Nagorno Karabakh conflict and Karabakh has never been subject of negotiations towards the normalization of Armenian-Turkish relations”.<sup>9</sup> Nalbandyan has opposed the idea of Turkey acting as a mediator for this conflict based on the statements that Azerbaijan and Turkey are two parts of the same nation. According to Nalbandyan, how can one part of this nation (Turkey) be a mediator between the other part (Azerbaijan) and another country (Armenia)?<sup>10</sup>

The statements of both sides have never raised the question of territorial integrity and inviolability of the borders. Since 1991 when talks have first started between the two countries, Turkey has insistently emphasized this question. Armenia recognizing the inviolability of the borders of Turkey would mean giving up on the aspiration of Big Armenia. Present day Armenia has no power to demand and obtain territory from Turkey. Achieving that kind of power in the future is also unrealistic. A demand like this can even be considered ridiculous. But, for those living with such dreams in the Diaspora, especially Dashnaks and extreme right wing in Armenia, achieving Great Armenia is an obsession. It could be understood that because of the Diaspora, the Armenian Government has not wanted territorial integrity to be mentioned, but in reality both sides have accepted to recognize each others borders.

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5 “Armenia, Turkey are ‘very close’ to normalizing ties”, *Asbarez*, January 24, 2009; “Edward Nalbandian: Turkey-Armenia Relations Should Have No Preconditions”, *Armradio.am* April 6, 2009.

6 IBID

7 “Armenia Says Not Discussing 1915 Events With Turkey”, *Today's Zaman*, March 21, 2009

8 IBID.

9 “Edward Nalbandian: Turkey-Armenia Relations Should Have No Preconditions”, *Armradio.am*, April 6, 2009.

10 “Armenian Minister Upbeat on Turkish Ties”, *Public Television of Armenia*, March 11, 2009.

As a summary, Armenia wants 1 - the normalization of Armenian-Turkish relations without any preconditions, 2 – the normalization of relations not to have any linkage to the resolution of the Nagorno Karabakh conflict and 3- normalization not to open discussions on the Armenian genocide. In return, Turkey wants 1 – the recognition of the current borders for the normalization of relations, 2 – 1915 incidents (genocide allegations) to be discussed by a mixed commission of historians and 3 – the opening of the Turkish border to depend on ending the occupation of Nagorno Karabakh and other Azerbaijani territories.

In this case, although both sides have stated that achieving a solution is near, it can be concluded that opposing views exist on matters other than the issue concerning the recognition of the current borders. That would explain why the preparation of the text of the protocols has taken almost a year.

### **1. Azerbaijan’s Reactions to the Possible Opening of Borders in the Near Future and Criticisms of the Turkish Opposition Parties**

Before President Obama’s visit to Turkey in April 2009, there has been news in the media that a Turkish-Armenian agreement is reached and the borders will open. For instance, an anonymous high level bureaucrat of the European Commission has stated that he has received news that Turkey will open its Armenian border after President Obama’s visit.<sup>11</sup> On the internet, AB Haber has stated that “Turkey’s eyes in the EU” exists and that Turkey plans on opening up its border with Armenia after the President’s visit.<sup>12</sup> According to diplomats whose names were not given, the well respected Wall Street Journal of USA has expressed that the agreement between Turkey and Armenia for the normalization of relations will be signed on April 16<sup>th</sup>.<sup>13</sup> The Chairman of the American Marshall Fund Office in Ankara has asserted that this agreement will be ready before April 24<sup>th</sup> which is considered as the anniversary of the so called Armenian genocide.<sup>14</sup>

Armenian Foreign Minister Edward Nalbandyan has gone beyond stating that the parties are closer to achieving a solution, and in an interview given to the Novosti-Armenian Agency which has also been published in the Azerbaijani press, has said, “we will soon open borders with Turkey”, which could be the source of these speculations.<sup>15</sup> It can be said that there is deliberate disinformation due to some Armenian and American circles. The intention of this could be to put pressure on Turkey before Obama’s visit as well as

11 “Türkiye Ermenistan Sınırını Açacak mı? (Will Turkey Open its Armenian Border?)” *Cumhuriyet*, March 30, 2009

12 “Ermenistan Sınırı Nisan’da Açılacak (The Armenian Border will Open in April)”, *Hürriyet*, March 30, 2009.

13 “Türkiye İle Ermenistan Tarihi Anlaşmaya Zemin Hazırlıyor (Turkey and Armenia Preparing Grounds for the Historic Agreement)”, *Zaman*, April 3, 2009.

14 *IBID*.

15 “Erivan: ‘Türkiye İle Sınırları Yakında Açacağız’ (Yerevan: ‘We will Open Borders with Turkey Soon’)”, *CNN Türk*, March 27, 2009.

to create a tension between Turkey and Azerbaijan. As will be explained further on, a misunderstanding and even more, disappointment has developed between the two countries.<sup>16</sup>

This incident has created some consequences. First of all, President Gül has personally felt obliged to deny the news. Before his departure to attend the 60<sup>th</sup> year NATO summit, President Gül has stated that what was written in the Wall Street Journal about the Armenian-Turkish agreement to be signed on April 16<sup>th</sup> is not true.<sup>17</sup> Prime Minister Erdoğan, in a speech delivered in Chatham House in London, has expressed that without the resolution of the Nagorno Karabakh conflict, a strong agreement with Armenia would not be possible, linking the normalization of relations with Armenia to the resolution of the Karabakh problem. These declarations have created frustrations in Armenia. Foreign Minister Edward Nalbandyan has tried to not attend the Alliance of Civilizations 2<sup>nd</sup> Forum Conference held in Istanbul, to which President Obama was to attend also, but has participated late in the conference most likely due to the intervention of Americans. He has re-emphasized however, that Armenia would not negotiate the Nagorno Karabakh conflict with Turkey.<sup>18</sup> During this Forum, President Obama has held a meeting with Foreign Minister Ali Babacan, Armenian Foreign Minister Edward Nalbandyan and Swiss Foreign Minister Micheline Calmy-Rey in Dolmabahçe Palace. A high level official from the White House has announced that President Obama has talked about the normalization of Turkish-Armenian relations with the ministers and has called upon both sides to reach an agreement.<sup>19</sup>

However, the real problem has developed with Azerbaijan. Under the pressure of these developments, Ilham Aliiev has not attended the Alliance of Civilizations Conference in Istanbul and has not changed his mind despite President Gül and U.S. Foreign Minister Hillary Clinton personally calling him and assuring him that he will meet President Obama.<sup>20</sup>

In the meantime, Deputy Minister of Foreign Affairs of Azerbaijan Araz Azimov, has explained his own government's view concerning the circumstances under which Turkey should open its border gate with Armenia:<sup>21</sup> According to him, the Turkish border can be opened in the context of the settlement of the Nagorno Karabakh conflict and can only be connected with the progress in the settlement. Opening of the border outside this context would go against Azerbaijani interests and will not be accepted by Azerbaijan. Azerbaijan is ready to discuss with Turkey exactly at which stage of the settlement of the

16 Prime Minister Erdoğan has indicated in his speech delivered in the National Assembly of Azerbaijan on May 13, 2009, that this “disinformation” has started at an earlier date, that it has been asserted in a website in the beginning of February that “Turkey has forfeited Karabakh in order to normalize relations with Armenia”, and that this event has almost become a campaign against Turkey despite the several statements he has made.

17 “Erivan’la Anlaşma Tarihi Yanlış (The Date for Agreement with Yerevan is not Correct)”, *Taraf*, April 6, 2009.

18 “Ermenistan Müzakereyi Gölgeledi (Armenia Overshadowed the Negotiations)”, *Vatan*, April 6, 2009.

19 “Dolmabahçe’de Sürpriz Ermeni Buluşması (The Surprising Armenian Meeting at Dolmabahçe)”, *Zaman*, April 7, 2009.

20 “Obama İle Görüşme Vaadi de Aliyev’i İkna Edemedi (The Promise of Meeting with Obama also Failed to Persuade Aliyev)”. *Hürriyet*, April 6, 2009.

21 “Baku: Turkish-Armenian Border Can Only Be Opened in the Context of Karabakh Settlement”, *Interfax*, April 9, 2009.

Nagorno-Karabakh conflict the Turkish-Armenian border can be opened. Since the decision to close the border in 1993 was made in connection with the occupation of Azeri territory, its cancellation should depend on the liberation of territories.

As can be seen, Deputy Foreign Minister of Azerbaijan has strongly linked the opening of the border to the Nagorno-Karabakh conflict. However, showing some flexibility, he has indicated “under which phase of the settlement process they would be ready to discuss the opening of the border with the Turkish government”, and has stated that if positive developments are made, the border could be opened without the permanent settlement of the Nagorno-Karabakh conflict. This situation has arisen due to Azerbaijan’s belief that the Nagorno-Karabakh conflict cannot be resolved instantly, but gradually by going through certain stages. In this context, considering that the total evacuation of Azeri territory could take years, the border can be opened at a certain stage during the settlement process after discussing with Azerbaijan.

On this subject, Prime Minister Erdoğan almost on all occasions has expressed that since the border was closed as a consequence of the occupation of Azeri territory, it could only be opened with the ending of this occupation. Therefore, taking into account the views of Azerbaijan as stated above, it can be said that Turkey has accepted its considerations; however, as will be seen below, it has taken time for Azeri public opinion to understand this. But, the linkage of the normalization of Turkish-Armenian relations to the settlement process of the Nagorno-Karabakh conflict has transformed a bilateral issue to a trilateral one.

On the other hand, it is important to dwell on why Azerbaijan gives great importance to the opening of the Turkish border. An Azeri writer<sup>22</sup> has conveyed Baku’s worries by expressing that opening the border will further strengthen Armenia and make it less cooperative in any future negotiations. The same source has also maintained that the opening of the border will alter the fragile balance of power within the region and might even provoke Armenia to pursue further military action. Opening of the border resulting in military action to be pursued is quite difficult, as this will most probably lead to the closing of the border again. On the other hand, if the border opens, it is likely that Armenia will not be too willing to settle its disputes with Azerbaijan.

In Turkey, the opposition parties have heavily criticized the Government, stating that Azerbaijan is highly neglected in the Turkish-Armenian talks.

Deniz Baykal, President of CHP, in one of his speeches, has expressed that Turkey has closed its Armenian border as a response to the Armenian occupation of Azerbaijan and only if this occupation ends will the border open, stating that “Turkey cannot tolerate Azerbaijan being stabbed in the back. No matter what pressure is put on Turkey, no one can force her to betray Azerbaijan”.<sup>23</sup>

22 Faris İsmailzade, “Baku Calling For Openness in Turkish-Armenian Relations”, Jamestown Foundation, May 5, 2009.

23 “Baykal’dan Ermenistan Açıklaması (Baykal on the Explanation of Armenia)”, *Hürriyet*, April 11, 2009.

Devlet Bahçeli, President of MHP, in a definite manner has stated that it is useful to first consult the Turkish public on the alternatives to strengthen relations with Armenia, then their kin men Azerbaijan, and should try together to find a settlement. The notion, ‘one nation, two states’ should not be overlooked. It has been impossible for MHP to accept any idea which could lead the Nagorno-Karabakh conflict to a dead end. Bahçeli has also expressed that improvement of Turkish-Armenian relations can develop after the Armenian genocide allegations come to an end and the Nagorno-Karabakh conflict reaches a solution. Without these taking place neither will the border open, nor will Nagorno-Karabakh be abandoned.<sup>24</sup>

On this subject, there have been disagreements in the Foreign Affairs Commission of the Turkish Grand National Assembly also.<sup>25</sup>

Proceeding Obama’s visit, in order for the President not to use the term genocide in his message given on April 24<sup>th</sup> or to prevent the draft resolution of the House of Representatives, unofficial suggestions coming from Washington has stated that a new step is expected from Turkey.<sup>26</sup> Meanwhile, the speculations on opening of the border in a short period of time have increased.<sup>27</sup> These speculations have been reinforced by President Sarkisian’s statement about his hopes on the Turkish border opening up after the national match played on October 7<sup>th</sup>.<sup>28</sup>

On the other hand, Chairman of the House of Representatives Nancy Pelosi, in a letter to the Armenian electorates in California, has assured them for her efforts to personally support USA in formally recognizing the “genocide”.<sup>29</sup> This has also strengthened the belief that there is an attempt to put pressure on Turkey.

The Minister of Foreign Affairs, Ali Babacan, who attended the Organization of the Black Sea Economic Cooperation conference held on April 16<sup>th</sup>, has met with Foreign Minister Edward Nalbandyan, Russian Foreign Minister Segey Lavrov, and Azeri Deputy Minister of Foreign Affairs Mamad Guliev in Yerevan. He has also been received by President Serge Sarkisian. Sarkisian has held a short meeting in which Lavrov, Nalbandyan, and Babacan have attended.<sup>30</sup>

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24 “Bahçeli: Çözümü Soydaşla Aramalı (The Solution should be searched with Kin men)”. *Yeni Çağ*, April 11, 2009.

25 “Mecliste Ateşli Ermenistan Tartışmaları (Heated Armenian Debates in the Parliament). *İhlas Haber Ajansı*, April 9, 2009.

26 For the statements of former US Ankara Ambassador Mark Paris and the Director of the Turkish Program of the Brookings Institute in Washington Ömer Taşpınar see: “Vaşington Bir Adım Görmek İstiyor (Washington Wants to See a Step Taken)”. *CNN Türk*, April 14, 2009.

27 “Ermenistan Sınırı Açılıyor Mu? (Is the Armenian Border Opening?)”, *Sabah*, April 10, 2009; “Ermenistan İle Kapı Haftada Bir Gün Açık (The Gate with Armenia is Open once a Week)”, *Star*, April 15, 2009.

28 “Ermenistan, Sınırın Açılması İçin Tarih Bile Veriyor (Armenia is Even Providing a Date for the Opening of the Border)”, *Cumhuriyet*, April 10, 2009.

29 “Soykırım’ın Tanınması İçin Girişim Başlattı (Attempt Started for the Recognition of the ‘Genocide’)”, *Hürriyet*, April 16, 2009.

30 *Hürriyet*, April 17, 2009.

Edward Nalbandyan, Armenian Foreign Minister, in a press conference in Yerevan with Azerbaijani Deputy Foreign Minister Guliev, has declared that it is not a question to immediately sign a document on the normalization of Turkish-Armenian relations, but that soon they would be able to come to an agreement on that subject. He has also expressed that negotiations concerning Karabakh are conducted within the framework of OSCE Minsk Group and that Turkey is not a mediator.<sup>31</sup> On the other hand, Guliev has recalled that Turkey is a member of OSCE Minsk Group and if Turkey has proposals on conflict settlement, Azerbaijan is ready to consider them. Furthermore, he has also emphasized that the establishment of relations between Turkey and Azerbaijan is linked to the settlement of the Karabakh question.<sup>32</sup>

According to some press reports relating to Babacan's visit to Yerevan, the negotiation process between Turkey and Armenia has been developing positively, however a settlement has still not been in hand. Turkey wants the "issues" to be solved in a short period. This is a process which should not be considered only as a Turkish-Armenian issue. The problems between Armenia and Azerbaijan being parallel to each other should also be taken into account. During this period, Turkey will not assume an attitude that will offend Azerbaijan.<sup>33</sup>

## **2. Joint Statement of the Ministries of Foreign Affairs of the Republic of Armenia, the Republic of Turkey and the Swiss Federal Department of Foreign Affairs**

*22 April 2009*

*Turkey and Armenia, together with Switzerland as mediator, have been working intensively with a view to normalizing their bilateral relations and developing them in a spirit of good-neighborliness, and mutual respect, and thus to promoting peace, security and stability in the whole region.*

*The two parties have achieved tangible progress and mutual understanding in this process and they have agreed on a comprehensive framework for the normalization of their bilateral relations in a mutually satisfactory manner. In this context, a road-map has been identified.*

*This agreed basis provides a positive prospect for the on-going process.*<sup>34</sup>

31 Noyan Tapan, April 16, 2009. Edward Nalbatyan: Agreement on Normalization of Armenian-Turkish Relations Will Be Signed Soon.

32 IBID.

33 "Azerbaycan'ı Küstürmeyiz (We will not Offend Azerbaijan)", *Hürriyet*, April 17, 2009.

34 "Joint Statement of the Ministries of Foreign Affairs of the Republic of Turkey and Republic of Armenia and the Swiss Federal Department of Foreign Affairs", No: 56, April 22, 2009, [http://www.mfa.gov.tr/no\\_56\\_-22-nisan-2009\\_-turkiye-ermenistan-iliskileri-hk\\_tr.mfa](http://www.mfa.gov.tr/no_56_-22-nisan-2009_-turkiye-ermenistan-iliskileri-hk_tr.mfa)

It seems that the purpose of this statement, made two days before the U.S. President's April 24<sup>th</sup> message, has been to give the President the opportunity not to use the term "genocide" in his message. As a matter of fact, the President has not used this word.

The most important part of the joint statement is that the two countries are working intensively for the normalization of their relations. For this matter, they have agreed on a comprehensive framework and have also identified a road map. However, no information has been given on what this framework entails and which "stations" this road map encompasses. This "secrecy" makes one believe that no settlement has been reached between the two countries relating to important issues.

It is not difficult to guess what the framework entails. As commonly known, there are three main conflicts between Turkey and Armenia: Non-recognition of Turkey's territorial integrity, genocide allegations, and the Nagorno Karabakh problem.

Concerning the territorial integrity (or recognition of the existing borders) as mentioned above, it has been assumed that the parties have reached an agreement on that subject although neither the public authorities nor the press have focused on it at all.

Concerning the genocide allegations, the claims have been submitted to the mixed commission of historians which was part of the formula put forth by Turkey and accepted unwillingly by Armenia. However, as also stated earlier, some of the statements of the Armenian Minister of Foreign Affairs affirming that they will not dispute "genocide reality" and Armenia's efforts to keep pursuing the recognition of the "genocide" internationally, makes us believe that no definite settlement has been reached and even if there will be an agreement in the future, it will be difficult for the commission of historians to operate.

Another issue is Nagorno Karabakh. It is important to note that Karabakh is not a direct problem between Turkey and Armenia. This has arisen due to Karabakh not being part of Turkish territory legally and actually. The reason why it seems as a conflict between the two sides is because of the support Turkey gives to Azerbaijan. The Turkish-Armenian border has been closed in 1993 due to the Karabakh problem, and thus, opening of borders have become an important issue between the two countries. Looking at this from the angle of the Turkish-Armenian negotiation process, since Turkey does not control Azeri territory, including Karabakh, Turkey negotiating with Armenia for the evacuation of Karabakh and surrendering Azeri territory seems meaningless. Under such circumstances, it can be said that apart from Turkey's role in this conflict of trying to convince Armenia to rapidly reach a settlement, Turkey also refuses to open her border without the occupation coming to an end and without the two sides reaching a principle agreement in solving the Karabakh conflict. This has been the policy of Turkey for the last fifteen years.



The expression of a “road map” shows when and which steps the parties should take for the normalization of relations or from which phases they will go through. No official information has been provided about the road map.

Some information has been given in a newspaper in Turkey about the subjects in which the parties are in agreement with.<sup>35</sup> According to this, 1. Armenia will recognize the Treaty of Kars, 2. Turkish border will open, 3. Embassies will be mutually established, 4. The “road map” will be approved of in the Parliaments, 5. Third countries can participate in the mixed commission of historians.

The importance of this information is not its context, but it being used by other broadcasting organs. On the other hand, it is insufficient. After the recognition of the Turkish borders (recognition of the Treaty of Kars) and the opening of the Turkish-Armenian border, it is natural for the parties to establish diplomatic relations. Anyhow, the ratification of the agreed texts by the Parliaments is a requirement of the Constitution. Regarding the mixed commission of historians, the issue is not about who will participate to it, but whether such a commission should be established. If it is established, the participation of specialists from third countries will not be a problem.

Presumably, the most important aspect of this news is the Karabakh conflict not being part of the Turkish-Armenian agreement. As we have tried to explain above, since Nagorno Karabakh is not part of Turkish territory, this is normal. However, in the news, it has also been mentioned that “the road map which entails the steps to be taken which are parallel to each other, is de facto linked to the Karabakh conflict.” From this, it can be said that the resolution of the Karabakh conflict or, at least reaching an agreement on certain principles on this conflict will be expected from both sides for the normalization of Turkish-Armenian relations.

In Armenia, the most meaningful statement on what the Turkish-Armenian agreement entails has been made by former President Levon Ter Petrossian who is heading the main opposition party. According to Ter Petrossian, this agreement entails 1. the creation of diplomatic relations between Turkey and Armenia, 2. mutual recognition of each others borders, 3. opening of the Turkish-Armenian border, 4. a commission to be established with Turkish and Armenian historians participating.<sup>36</sup>

Meanwhile, it is noteworthy to mention that President Gül who was in Prague due to the EU Summit Meeting, has met with Armenian President Serge Sarkisian who was also in Prague for the same purpose. In response to a question on this subject, President Gül has stated that “the negotiation processes between Turkey and Armenia are continuing for the normalization of relations. We have renewed our agreement for this process to continue. Since everyone has started the talks in goodwill, we should start with settlements, not

35 *Bugün* with reference to Sabah newspaper, “Beş Adımda Anlaşma (Agreement in Five Steps)”, April 24, 2009.

36 Ann Groong “The Speech of Levon Ter-Petrosian at the Rally of 1 May, 2009”, May 2009.

disputes. For this to continue and result in a settlement, positive effects of the developments should be pursued”.<sup>37</sup>

### 3. Turkey Embracing Azerbaijan Views

After the Turkish-Armenian agreement on a comprehensive framework for the normalization of their relations and a road map, it has been noted that the worries towards Turkey have increased within the Azeri public opinion. In this context, some politicians from the opposition parties have criticized Turkey and some articles in the press have reflected this opposition. On the other hand, the shutting down of the Martyrdom Mosque in Baku in which mostly Turks pray in, on the grounds that it will be restored, as well as the attempt to increase the price of natural gas supplied by Azeri oil company Socar to Turkey, and the tumultuous visit of four lady deputies to Turkey in order to express Azerbaijani views, have shown that tensions exist between authorities on both sides which is tried to be kept from public but cannot really be concealed and which tends to be spreading to other areas other than Turkish-Armenian relations.

In this context, the main reason of Prime Minister Erdoğan’s visit to Azerbaijan on May 13, 2009 has been this “anti-Turkish” campaign. Erdoğan has attempted to convince Azeri public opinion and authorities that the Turkish-Armenian negotiations will not create results that will be detrimental to Azerbaijan.

In a speech to the Azerbaijan Parliament<sup>38</sup> on May 13, 2009, Prime Minister Erdoğan has stated that due to recent speculations and false news, the brotherhood of the two countries has tried to be damaged and that the current situation was nothing but a “hurricane within a glass of water”. He has said that these trends of beliefs have developed due to false news published on an Armenian webpage on the internet in early February, asserting that Turkey has given up on Karabakh for the normalization of Turkish-Armenian relations. The Prime Minister has emphasized that even the mentioning of Turkey abandoning Karabakh is a disgrace, has rejected this rumor and has said that this kind of news is continuing regardless of all the statements made by him and is almost becoming a campaign against Turkey. On the Turkish-Armenian talks, Erdoğan has indicated that Turkey never took any step that would harm Azeri national interests and will not do so in the future. It has also been expressed by the Prime Minister that the closing of the Turkish border in 1993 was a result of the Armenian occupation of Karabakh and other Azeri territory and that the border will open only after the occupation comes to an end; and on that subject no steps will be taken unless Azerbaijan agrees upon them.

The Prime Minister has also argued that Turkey’s policy towards Karabakh is frank and clear, that there has been no deviation from this policy up to now, and that Turkey

37 “Gül’den Avrupa’ya ‘Rıcaç Değiliz’ Resti (Gül’s ‘We Are Not Requesting’ to Europe)”, *Haber 7*, May 11, 2009.

38 [http://rte.gen.tr/ak-parti-genel-baskani-ve-basbakan-recep-tayyip-erdogan-aze\\_6238.html](http://rte.gen.tr/ak-parti-genel-baskani-ve-basbakan-recep-tayyip-erdogan-aze_6238.html)

believes that this conflict should be resolved through peaceful means within the territorial integrity of Azerbaijan. He has also emphasized that unfortunately, twenty percent of Azeri territory is under Armenian occupation and that one million Azerbaijanis have to live as refugees or immigrants within their own country.

Prime Minister Erdoğan who has expressed that until a settlement is reached related to Karabakh it will not be possible to achieve peace and stability in Southern Caucasus, has also referred to the declaration of the Turkish Foreign Ministry on April 22 which states that, “Turkey and Armenia, together with Switzerland as mediator, have been working intensively with a view to normalizing their bilateral relations and thus, promoting peace, security and stability in the whole region”. He has also noted that the point reached in Turkish-Armenian talks has provided a positive perspective for the continuing process of negotiation which is also in favor of Azerbaijan.

On the same day, after the meetings between the delegations, Prime Minister Erdoğan in a press conference together with President Aliev, has indicated that relations with Azerbaijan is constantly developing and has stated that “the opinion of others that we do not share cannot damage our unity, solidarity, and interdependence” and has emphasized “the importance to develop the ‘one nation, two states’ belief for Turkey and Azerbaijan towards the future.” By indicating that the sensitivity of Azerbaijan over the Karabakh issue is also the sensitivity of Turkey, has stated that “opening of the border is not possible without the occupation coming to an end”.

Azeri President Ilham Aliev has expressed his appreciation to Prime Minister Erdoğan for not opening the border with Armenia without the Karabakh conflict reaching a settlement. He has also said that no further doubt remains in their minds about this subject and has stressed the historical bonds existing between the two countries. By emphasizing that the stances of both countries are the same, he has stated that both Azerbaijan and Turkey are in favor of achieving peace and stability in the region. Concerning the speculations on Turkey opening its Armenian border, Aliev has expressed that “there is no room for any doubt. The statement of Prime Minister Erdoğan is the best response against these speculations”.<sup>39</sup>

After the Prime Minister’s visit to Azerbaijan and his speech addressed in the Azerbaijan Assembly, the “anti-Turkish campaign” in Azerbaijan has come to an end.

Ahmet Davutoğlu, the new Minister of Foreign Affairs of Turkey who visited Baku approximately two weeks after Prime Minister Erdoğan’s visit, has also expressed the importance of resolving the Karabakh conflict as soon as possible within the territorial integrity of Azerbaijan. He has stated that in accordance with UN resolutions, without the occupied territories being given back to Azerbaijan, the Turkish-Armenian border will not be opened.<sup>40</sup>

39 [http://rte.gen.tr/basbakan-erdogan-aliyev-ortak-basin-toplantisi-\\_6236.html](http://rte.gen.tr/basbakan-erdogan-aliyev-ortak-basin-toplantisi-_6236.html)

40 “Ahmed Davutoglu a lancé un message dur et rappelelant un ultimatum”, *Armenews*, May 29, 2009.

#### 4. Armenian Public Opinion and Withdrawal of Dashnaks from the Coalition Government

It has not been easy explaining to the Armenian public opinion that an agreement for the normalization of relations between Turkey and Armenia has been reached and that a road map has been created for this purpose. In an interview, Armenian Foreign Minister Edward Nalbandyan has expressed that “When we say normalization of relations without preconditions we mean that there are no preconditions connected with the resolution of the Karabakh conflict and the recognition of the Armenian genocide”.<sup>41</sup> Since Karabakh and the surrounding territory is not part of Turkish soil, we have seen earlier that it is not possible to reach an agreement on this issue between Turkey and Armenia. Concerning the genocide allegations, Armenia has accepted that a commission (or a sub-commission) is to be established in order to review the 1915 incidents, meaning that Armenia has given a concession to Turkey on the genocide allegations. One issue that Nalbandyan has not mentioned at all and could be considered as a precondition is that both sides have agreed upon recognizing each others borders (or their territorial integrity). Therefore, in order not to close the door on the aspirations of creating a Great Armenia one day, Armenia has abandoned its policy pursued from 1992 onwards of not officially recognizing Turkey’s borders.

As a matter of fact, when the texts of the protocols have been published on August 31, 2009, the Armenian authorities has had difficulties in explaining that there were no preconditions or that no concession has been given to Turkey.

The reason why Armenian authorities have insisted that no preconditions exist for the normalization of relations is, starting with Dashnaks, nationalist Armenians have regarded all contact with Turkey with suspicion and have completely rejected giving any kind of concession to Turkey. Moreover, the idea of building normal relations with Turkey has not been highly embraced by the Armenian public opinion. In a survey conducted in the middle of April, 61% of those who participated have been against building close relations with Turkey.<sup>42</sup> In another public survey about the joint statement made on April 22, 2009 on establishing an agreement on creating a comprehensive framework and road map, 67% of the participants have expressed a negative opinion.<sup>43</sup> This situation has pushed the Armenian Government to act cautiously, and specifically to argue that no concession has been given to Turkey.

Actually, a similar situation has existed also in Turkey. In a research conducted by GENAR on 17-April 26, for the question whether “the attempt to open the Armenian border and establish diplomatic relations with Turkey is supported or not”, 67% of the participants have expressed that they do not support it. It is likely that this is due to fierce

41 “Edward Nalbandian: Armenia-Turkey Relations Had Never Gone This Far”, *Armradio*, April 27, 2009.

42 “61% of Armenians Are Opposed to Establishing Closer Relations With Turkey”, *PanArmenian*, April 14, 2009.

43 “67.2% Voted Against Frontier Opening”, *A1+*, May 4, 2009.

opposition of Azerbaijan. It is also likely that this stance of the Turkish public opinion has been the reason why Prime Minister Erdoğan has linked opening of the border to the ending of the occupation in Azerbaijan.

As mentioned above, despite the Armenian Government acting with caution and stating that no concession has been given, Dashnaks have not been satisfied and the Armenian Revolutionary Party has withdrawn from the coalition on April 27, 2009.

The Armenian Revolutionary Federation established in 1890 is a political organization identified with the independence of Armenia and the terror and atrocities committed against Turks and Azerbaijanis. After the Sovietization of Armenia, this Federation has started conducting activities abroad and has become the main political activity of the Diaspora. This is the party that has created and partially controlled the organized Armenian terror in the past, which has put forth the genocide allegations, conducted activities against Turkey on all occasions, and targeted Turkish diplomats in years 1973-1986, killing about 30 of them. This party has started conducting its activities in Armenia and Karabakh right before the independence of Armenia and has drawn attention with its extreme nationalistic and uncompromising attitude. Due to its stances and policies going far beyond the opposition and which can be categorized as being harmful, it has been shut down in 1994. When the President of that time, Levon Ter Petrossian has started experiencing problems with the Armenian Parliament and has been forced to resign as a result of the Karabakh conflict, Dashnaks have played a great role in supporting and electing Prime Minister Robert Kocharian as President. After being elected, Kocharian has awarded the Dashnaks by making them partners of the Government. From 1998 to 2009, Dashnaks have participated in all coalition governments and have attracted notice with their extreme nationalistic and anti-Turkey attitudes.

The Dashnak Party,<sup>44</sup> in a statement, has expressed that the main reason for their withdrawal from the Government has been the Turkish-Armenian agreement and the road map drawn. The Party has always emphasized that the universal recognition and condemnation of the Armenian genocide, especially by Turkey, is the main task of the state's national security strategy, not only in the context of the restoration of historical justice but also as a way to improve the mutual trust in the region while also preventing similar crimes in the future.

Although Dashnaks have shown the talks with Turkey as the reason from withdrawing from the Government, it is likely that they have acted within internal political considerations. Likewise, in spite of benefiting from all the advantages of being part of the Government for 11 years, this Party has not been able to increase its votes. About two years ago, in the General Elections conducted in May 2007, Dashnaks with 12.7% have been able to bring in 16 deputies to the Armenian Parliament containing 131 chairs. In the Presidential elections conducted in February of 2008, Dashnaks have received only

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44 "ARF Quits Governing Coalition", *Asbarez*, April 27, 2009.

6.2% of the votes and lost about 50%. Meanwhile, we should note that Serge Sarkisian who won the elections, have received 52.8% of the votes. In this situation, it is likely that Dashnaks are attempting to get the votes of the extreme right wing and gain a much stronger place in the Parliament in the 2012 elections through their anti-Turkish, uncompromising attitudes and demagogic proposals. However, this calculation may not work, as Dashnaks have received 4.7% of the votes in the Yerevan City Council elections. Dashnaks continually receiving fewer votes makes this party marginal.

## 5. Recent Developments

It can be seen that the new Foreign Minister of Turkey Ahmet Davutoğlu is considering Turkish-Armenian bilateral relations, also within the framework of peace and stability in Southern Caucasus. He has emphasized that in this region, “For a permanent and comprehensive normalization to take place, developments have to be made in the Azeri-Turkish case”.<sup>45</sup> Davutoğlu has also expressed that the normalization process is continuing after April 22<sup>nd</sup>, there is no interruption in the course of the talks and there are ongoing direct and indirect contacts with Armenia.<sup>46</sup> He has also stated that by carrying out the two processes, Turkish-Armenian and Azerbaijan-Armenian talks in parallel with each other would ensure lasting peace in the region.<sup>47</sup>

In response to a question about whether the Karabakh conflict will be taken to the Security Council, Davutoğlu expressing that Turkey is chairing the Security Council, has stated that “Turkey favors discussions over matters of international importance including the Karabakh problem”,<sup>48</sup> showing that he favors this matter being brought to the Council. However, while Turkey was chairing the Council, this case has not been discussed there. However, Turkey being a member of the Council will enable her to actively pursue this matter. Although Armenia did not have any instant reaction to the likelihood of bringing the Karabakh conflict to the Security Council, it is natural that bearing in mind the Council’s resolutions in 1990’s which were against Armenian interests, Armenia would not like this issue to be brought up again and would try to prevent it.

On the other hand, it can be seen that Armenia’s usual attitude is continuing and that there is a desire to establish normal relations with Turkey without any preconditions; on the other hand, it has been stressed that Turkey has nothing to do with the settlement of the Karabakh conflict. Furthermore, Armenia accepting the establishment of a mixed commission of historians is not openly stated. Instead, creation of a certain commission, in which conflicting views of both sides can be discussed, has been expressed in response to questions related to this matter.<sup>49</sup>

45 “Davutoğlu’ndan Ermeni Çıkışı (Davutoğlu on the Armenian Issue)”, Haberler.com, June 4, 2009.

46 “Turkish FM Says There’s No Interruption in Talks With Armenia”, IBID and PanArmenian.Net, June 4, 2009.

47 “Carrying out Turkish-Armenian and Azerbaijan-Armenian Talks in parallel with each other would ensure lasting peace in the region”, *Journal of the Turkish Weekly*, June 27, 2009.

48 “Ankara to Bring Up Karabakh Problem For UN Security Council Discussions”, Trend, June 15, 2009.

49 “Armenia Still Hopeful about Deal with Turkey”, *RFE/RL*, June 22, 2009.

Foreign Minister Nalbandyan, by stating that the ball is in Turkey's field,<sup>50</sup> expects Turkey to take a new step. This holds Turkey responsible for the delay of the negotiations. In response, Davutoğlu has stated that the ball is in the field (mid-field), steps should be taken mutually, Turkey's role is to establish stability in the region, and that this will not be possible without only one side taking a step.<sup>51</sup> This way, he has invited Armenia to be more constructive in solving problems.

Following the Joint Statement on April 22<sup>nd</sup>, the expectations to normalize Turkish-Armenian relations and opening of borders has arisen. As this was not the case, frustration arose in Armenia, especially within the opposition parties. Criticisms have been made such as, Turkey has exploited the process to thwart U.S. recognition of Armenian genocide without having to open its border, not only is there no progress in bilateral relations but they have actually regressed, and balance in the process has been breached to the detriment of Armenia.<sup>52</sup> In response to these criticisms, Sarkisian has been obliged to express his discontent towards Turkey's attitudes. In a press conference given together with the President of Greek Administration of Southern Cyprus Hristofias who had visited Armenia, has stated the following: "We want to eliminate closed borders remaining in Europe and to build normal relationships without preconditions. But in that endeavor, we do not intend to allow [anyone] to use the negotiating process for misleading the international community. Unfortunately, in our case, failure to honor mutual agreements leads to greater distrust and a deeper gap and requires much greater efforts in the future".<sup>53</sup>

It can be seen that the Armenian President has criticized Turkey for using the negotiation process as a means to mislead the international public and not showing respect towards the mutual agreements. With these highly vague statements, the President has tried to show that Turkey has used the negotiation process in attempt to prevent some states, including the U.S., to take action in pursuing the recognition of the genocide allegations, and that Turkey has not put the agreed road map into practice.

## II- THE U.S. AND THE ARMENIAN QUESTION

After President Obama has come to power, he has called the presidents or prime ministers of some states by telephone and discussed their common problems. As expressed before,<sup>54</sup> on February 16, 2009, he has called both President Gül and Prime Minister Erdoğan. This uncommon conduct has shown the importance the new President gives in his foreign policy towards Turkey.

50 "Şimdi Top Türkiye'de (Now the Ball is in Turkey's Field)", *Taraf*, May 18, 2009.

51 "Ermenistan'dan 'adımlar karşılıklı atılmalı' mesajı ('Steps Must Be Taken Mutually' Message from Armenia)", *Zaman*, June 22, 2009.

52 "Critics 'vindicated' by Sarkisian's Warning to Ankara", *RFE/RL*, July 7, 2009.

53 "Sarkisian Frustrated Over Stalled Talks with Turkey", *Asbarez*, July 6, 2009.

54 Ömer Engin Lütem, "Facts and Comments", *Ermeni Araştırmaları*, No. 31, pp.26.

Among the reasons for giving such importance firstly comes the desire to put an end to some tensions between the two states during the Bush Administration. As known, the Turkish Grand National Assembly has not allowed the U.S. to invade Iraq by going through its territory in 2003. This matter, along with the lengthy and bloody occupation of Iraq has led to loss of American prestige within the Turkish public opinion. On the other hand, despite not being as effective as the Iraq occupation, the draft resolutions on Armenian genocide allegations within the American Congress have also played a role in the loss of prestige. It can be understood that the new American Government was attempting to get rid of this anti-American feeling, or at least was trying to reduce it.

On the other hand, it is clear that for the new American Government to put some of their policies into practice, they have to work together with Turkey. First of all, some of the American forces in Iraq should have to retreat through Turkey. Moreover, Turkey's cooperation is needed in U.S.'s effort in Afghanistan and partly in Pakistan to counter Taliban and Al-Qaeda activities. Also, the U.S. desires Turkey to continue her efforts of mediation between Israel and Syria. Last of all, U.S. needs the backing of Turkey in at least partially solving the problems with Iran, especially in the nuclear weapons issue. Foreign Minister Hillary Clinton visiting Turkey on March 7, 2009, followed by President Obama a month later on 6<sup>th</sup> and 7<sup>th</sup> April, has provided evidence for the importance given to Turkey by the new American Government.

### 1. Foreign Minister Hillary Clinton's Visit to Turkey

In the Joint Statement<sup>55</sup> concerning the visit of Hillary Clinton to Turkey on March 7, 2009, statements concerning U.S. support for the efforts of Turkey and Armenia to normalize relations and joint support for the efforts of the Minsk Group to resolve the Nagorno Karabakh conflict have taken place. As can be seen, not even indirect references have been made to the genocide allegations. However, Foreign Minister Babacan in response to a journalist's question concerning Obama's message to be delivered on 24<sup>th</sup> April about the 1915 incidents, has expressed that the new U.S. Administration understands Turkey's sensitivity and view and hopes to resolve this issue without any problems that can hinder the bilateral relations.<sup>56</sup> Especially when the Turkish public opinion and Diaspora Armenians were wondering whether the "genocide" term would be used in the message, the foreign ministers of both countries not emphasizing this matter has shown that President Obama has decided not to use this expression in his annual message.

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55 [http://www.mfa.gov.tr/abd-disisleri-bakani-hillary-clinton\\_in-turkiye-disisleri-bakani-ali-babacan\\_in-davetine-icabetle-ulkemizi-ziyareti-vesilesiyle.tr.mfa](http://www.mfa.gov.tr/abd-disisleri-bakani-hillary-clinton_in-turkiye-disisleri-bakani-ali-babacan_in-davetine-icabetle-ulkemizi-ziyareti-vesilesiyle.tr.mfa)

56 "Laik Anayasa Vurgusu (Emphasis of a Secular Constitution)", *Milliyet*, March 7, 2009.



## 2. “Genocide” Draft Resolutions Submitted to the U.S. House of Representatives

A draft resolution about Armenian genocide allegations, prepared by Armenian supporters within the U.S. House of Representatives, has been opened to signature on February 13, 2009<sup>57</sup> and has been submitted to the House on March 17, 2009. From this, it can be seen that the motive was to partially reduce the negative effects on Armenians of President Obama’s successful visit and to reduce the likelihood of using the term ‘genocide’ in his message.

This draft which has taken on the number H. Res. 252 is the same as H. Res. 106 which was proposed in the previous legislative period, but was not brought to vote.

The draft calls upon the President to ensure that the foreign policy of the U.S. reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing and genocide. These rather unclear expressions could also serve the U.S. for interfering in other countries under the pretext of violation of human rights or ethnic cleansing or genocidal acts.

On the other hand, it has also been requested from the President to accurately characterize the systematic and deliberate annihilation of 1.5 million Armenians as genocide in his message given each year on April 24<sup>th</sup>.

As known, President Bush has not used the word “genocide” in his messages of 24<sup>th</sup> April, but has used synonyms like “annihilation” or “mass killings” to reduce Armenians’ reactions.

In the basic motives section of the draft, errors of facts exist. Earlier, we have indicated these to our readers.<sup>58</sup> As an example, we would like to evoke two of them. In the draft, the deportation of nearly 2 million Armenians during the Ottoman Empire period is mentioned. There are no sources, including the Armenian sources, which mention that 2 million Armenians have been deported. Moreover, Armenians have not been deported, but have been sent to the Der Zor province of the Ottoman Empire (today is in Syria). Furthermore, it is not true that the United Nations has recognized the Armenian ‘genocide’. Banki Mun, the General Secretary of this Organization has personally stated that this organization has not adopted any decision concerning facts occurring before his establishment. The interesting point is that despite those kinds of errors existing in all drafts brought to the House of Representatives since 2000 and brought to the attention of the cosponsors, they still have not been corrected. This shows that the cosponsors are not really interested with the facts, but are rather bystanders.

At the time of its presentation, the H. Res. 252 has had about 77 cosponsors. At the end of 2009, this number has increased to 136. Considering that the absolute majority in the

57 Ömer Engin Lütem, “Facts and Comments”, *Ermeni Araştırmaları*, No. 31, p. 24.

58 Prof. Dr. Kemal Çiçek, “Ermeni Yasa Tasarısının İçeriği ve İddialara Verilen Cevaplar” (Content of the Armenian Draft Law and Responses to the Assertions), *Ermeni Araştırmaları*, No. 23–24, pp.103–118.

House of Representatives is 218, it is rather difficult for the draft resolution to reach this number of cosponsors. However, the stance of the White House on that matter will be determining. But, this situation can change in the elections for the House of Representatives in late 2010. Under all circumstances, the normalization of Turkish-Armenian relations and opening of borders will reduce the likelihood of acceptance of the draft.

In Turkey, within the framework of non-governmental circles, the only reaction to this draft resolution has come from a group of retired ambassadors. 154 retired Turkish ambassadors have sent a letter to Nancy Pelosi, speaker of the House of Representatives, in which they have explained that the genocide allegations are historically not true. The retired ambassadors have requested the members of the Congress to be just and to reject the so called 'genocide' draft resolution which attempts to alter history. They have expressed that the arguments in the draft do not go beyond only being allegations and that the acceptance of the draft could damage Turkish-American relations. In the letter, it has been expressed that Armenians have collaborated with English, Russians and French who have invaded the Ottoman Empire during the First World War. The massacre and destruction conducted against the Muslim civilian population is not only mentioned in official Ottoman sources, but also in English and Russian archives. The ambassadors have expressed that the insufficiency of all kinds of supply and deficiency of security measures in the Ottoman Empire during the war has led to some undesirable results, but that no evidence exists which shows that the relocation of the Armenians was done deliberately for their destruction. On contrary, those seen as faulty in carrying out the relocation have been punished against these evidences and the "genocide" allegations have remained purely ungrounded".<sup>59</sup>

### 3. President Obama's Visit to Turkey

President Barack Obama has made an official visit to Turkey on 6<sup>th</sup> and 7<sup>th</sup> April. The most important issue before and during the visit was whether or not the President would raise the issue of the Armenian "genocide". However, it was not plausible to think that the President would support Armenian views. While the U.S. needs the cooperation of Turkey for certain issues, characterizing an incident which happened nearly a century ago as genocide in Turkey is meaningless, and especially that denomination is categorically rejected by the Turkish Government, Parliament and almost the entire public opinion.

Before the President's visit, several American think-tanks have made statements underlining the importance of building relations with Turkey. For instance, Stephen Larrabee from the well known Rand Cooperation has stated that Obama's foreign policy preferences are in line with Turkish governing AKP's preferences and that if the

59 "Emekli Büyükelçilerden Pelosi'ye 'Ermeni' Mektubu ('Armenian' Letter to Pelosi by Retired Ambassadors)", *Zaman*, April 2, 2009.

“genocide” draft resolution is adopted, the efforts to repair relations between the two countries will be of no use.<sup>60</sup>

In a report published at the end of March by the Center for Strategic and International Studies (CSIS) with the title “Turkey’s Evolving Dynamics, Strategic Choices for US-Turkey Relations”, it was stated that if President Obama cannot prevent the adoption of H. Res. 252 and if he uses the term “genocide”, he will draw harsh reactions from Turkey. Zbigniew Brezinski, writer and intellectual known worldwide, along with retired General Brent Scowcroft who was the advisor of the former President in presenting this report, have stated that the U.S. should be more concerned with promoting Turkish-Armenian diplomatic relations, rather than supporting a draft resolution concerning “genocide”.<sup>61</sup>

Meanwhile, in the American Congress, 29 members of the Turkish-American “Caucus” has sent a letter to President Obama expressing their views on Turkish-American relations and have urged the U.S. to give its full support for the normalization of Turkish-Armenian relations.

The New York Times Newspaper, which constantly supports Armenian views and criticizes Turkey, after reminding its readers of this traditional attitude, has called upon the Congress to refrain from reaching a decision on the “genocide” issue and has urged the President to abandon his recognition of the “genocide”.<sup>62</sup>

Los Angeles Times, being under Armenian influence due to it being published in California, has also stated that it is likely for President Obama to delay his recognition of the genocide in his 24<sup>th</sup> April message.<sup>63</sup>

This way, while there was a kind of consensus against President Obama using the word “genocide” in Turkey and in his message on 24<sup>th</sup> April; Armenian organizations in the U.S. have continued to take on an opposite stance.

Armenian National Committee of America (ANCA) which is believed to be a Dashnak organization, along with their rival Armenian Assembly of America (AAA), have launched a massive awareness campaign to support H.Res.252.<sup>64</sup>

Before Obama’s visit, representatives of AAA and ANCA have been invited to the White House to meet with the President’s foreign policy advisors. They have expressed that they look forward to President Obama honoring his pledges to recognize the Armenian genocide.<sup>65</sup>

60 “Tasarı İlişkileri Çökertir (Draft Relations will Crumble)”, *Sabah*, March 29, 2009.

61 “Obama Encouraged to Lobby Against Genocide Bill”, *The Hill*, April 1, 2009.

62 “Mr. Obama and Turkey”, *The New York Times*, April 4, 2009.

63 Paul Richter. “Turkey, Armenia Are Likely to Ease Conflict”, *Los Angeles Times*, April 4, 2009.

64 “Days of Expectation: Armenian –American Leadership Met Obama Policy Advisors prior to President Departure for Turkey”, *ArmeniaNow*, April 4, 2009.

65 IBID

The European Armenian Federation for Justice and Democracy (Eafjd), which claims that they are representing the Armenian institutions in Europe, has sent a letter to President Obama on April 3, 2009 in the name of 349 Armenian institutions in Europe. In the letter,<sup>66</sup> after the President has been reminded of his pledge during his election campaign, it has been stated that the European Armenian as well as the large democratic mainstream of Europe civic democratic society will strongly oppose Turkey's membership in the EU as long as Turkey denies the Armenian genocide, and that the U.S. recognition will provide an unprecedented momentum to the process of dialogue between Turkey and Armenia, but that any retreat by the U.S. would be interpreted by genocide-perpetrating governments as full license to continue their bloody acts and criminal complicity, as witnessed in Turkey's recent support for the Sudanese President. Hilda Tchobanian, the Head of this institution, has maintained that the recognition of the genocide is not an act of hostility against Turkey, but on the contrary it will help Turkey to be set free from its bloody past to stand at the respectable place it seeks among the international community.<sup>67</sup>

#### 4. President Gül and Obama's Press Conference

After President Obama's visit to President Gül on April 6<sup>th</sup> in Ankara, the two leaders have delivered a short speech and have responded to the journalists' questions. As expected, the first question to President Obama has concerned the Armenian issue. Due to the importance it brings, we are quoting the President's response to this question:

*PRESIDENT OBAMA: Christy Parsons, Chicago Tribune — hometown — hometown newspaper.*

*Q Thank you, Mr. President. As a U.S. senator you stood with the Armenian-American community in calling for Turkey's acknowledgement of the Armenian genocide and you also supported the passage of the Armenian genocide resolution. You said, as President you would recognize the genocide. And my question for you is, have you changed your view, and did you ask President Gül to recognize the genocide by name?*

*PRESIDENT OBAMA: Well, my views are on the record and I have not changed views. What I have been very encouraged by is news that under President Gül's leadership, you are seeing a series of negotiations, a process, in place between Armenia and Turkey to resolve a whole host of longstanding issues, including this one.*

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66 "US Recognition of Genocide to Provide Unprecedented Momentum to Turkey-Armenian Dialogue", PanArmenian.Net, April 4, 2009.

67 "European Civil Society Asks Obama to Recognize The Armenian Genocide", European Armenian Federation for Justice and Democracy, Press Release, April 7, 2009.

*I want to be as encouraging as possible around those negotiations which are moving forward and could bear fruit very quickly very soon. And so as a consequence, what I want to do is not focus on my views right now but focus on the views of the Turkish and the Armenian people. If they can move forward and deal with a difficult and tragic history, then I think the entire world should encourage them.*

*And so what I told the President was I want to be as constructive as possible in moving these issues forward quickly. And my sense is, is that they are moving quickly. I don't want to, as the President of the United States, preempt any possible arrangements or announcements that might be made in the near future. I just want to say that we are going to be a partner in working through these issues in such a way that the most important parties, the Turks and the Armenians, are finally coming to terms in a constructive way.*

*Q So if I understand you correctly, your view hasn't changed, but you'll put in abeyance the issue of whether to use that word in the future?*

*PRESIDENT OBAMA: What I'd like to do is to encourage President Gül to move forward with what have been some very fruitful negotiations. And I'm not interested in the United States in any way tilting these negotiations one way or another while they are having useful discussions.<sup>68</sup>*

*Q Thank you.*

First, it should be noted that the U.S. President has used the term 'tragic events' instead of "genocide". But, he has not refrained from expressing that his view on this matter has not changed and that these have been recorded, referring to his written statements about recognizing the genocide allegations. Obama has linked "not focusing on his own views" or in other words, not using the term "genocide" to his encouragement of the Turkish-Armenian talks which could bear fruit very soon. In other words, the President has wanted to avoid any action which could be detrimental to the talks. As a matter of fact, in response to a journalist persisting about this subject, he has openly said that he does not want the U.S. to mislead the negotiations between Turkey and Armenia.

As can be seen, a link exists between President Obama not using the term "genocide" and Turkish-Armenian talks resulting in a positive settlement. If the talks are unable to reach a settlement, then the U.S. President has the right to change his attitude and can use this term if necessary, and can also give a green light for the adoption of the H.252 resolution which is standing by in the House of Representatives. Moreover, for instance, Turkey not fulfilling its role in the Afghanistan, Iraq, and Philistine conflicts makes it likely for the

68 <http://armenians-1915.blogspot.com/2009/04/2798-transcript-obama-turkish-president.html>

U.S. to use the “genocide” term. In fact, even if Turkish-Armenian relations are normalized, any time when the U.S. does not need Turkey’s cooperation too much, the President or Congress can characterize the 1915 incidents as genocide under the pressure of the Armenian Diaspora. Therefore, the U.S. President not using the term “genocide” can be satisfactory today, but will raise concern for the future.

Following President Obama’s response as given above, President Gül has felt the need to explain Turkey’s stance against Armenia’s allegations. He has stated the following:

*PRESIDENT GUL: (As translated.) Let me also share my views on this subject. This is an issue under great discussion. But it is not a legal or political issue, it’s a historical issue. What is being discussed is a situation that was experienced in 1915 under the conditions of World War I, when the Ottoman Empire was battling on four fronts. And unfortunately, some citizens of the empire then were provoked by some other countries and there were many internal clashes and many people lost their lives. And we share the sorrow of all those who lost their lives, but we have to remember that the Muslim population also suffered greatly at the same time.*

*And at the time from the Balkans, from the Caucasus, there were millions of Muslim Turks who were displaced, who had to come to travel to Turkey, and there were many losses as they traveled. So the losses there took place during the chaotic times of the situation then.*

*But when the Turkish republic — the modern republic was established, the Turkish republic did not create this into big issue in order not to create greater hatred or hostility in future generations. But unfortunately, these issues politically, especially by the Diaspora, have been brought to the agenda as a way to perhaps cling to their identity.*

*And our view to that has been that we should let the historians, the experts on the subject, sit down and talk about this issue. We are ready to face the realities, the facts. It cannot be the politicians and the legal experts who can make decisions here as to what happened when, under what conditions, and who lost more lives, and who is right and who is wrong. It is not a parliamentarian, a politician, who can make a decision on this without knowing the circumstances to the situation.*

*So that’s why we suggested that a joint history commission be established and that we would agree to the results or the conclusions of this commission. And Turkey opened — made its archives available for that purpose.*

*And we invited everyone, including the Armenians, and we took one more step forward and we said that if another country, for example, the United States or*

*France, if they are very much interested in this issue, then they, too, could be a part of this joint commission and we would be ready to listen to the conclusions of that commission.*

*We, as Turkey, we would like to have good relations with all the countries in our region. Our relations with Armenia, unfortunately, did not exist so much, although there are some Armenian citizens in Turkey now — there are more than 70,000 Armenians who work — live in Turkey, who send money back to their families and there are some cultural activities. But we didn't have other relations. And our goal in order to normalize these relations, as Mr. President has just said, we initiated some discussions to normalize relations and we would like to see a good resolution of these discussions.*

*No doubt there's a new situation in the Caucasus. We saw how potential events could flare up in the Caucuses last year. So it's important that in this process we work together to try to resolve the issues in the Caucasus. We should work to resolve issues between Armenia and Azerbaijan, and all the conflict in the region so that the area becomes fertile ground for greater cooperation.*

*And we have a lot of work, with the best of intentions, in that regard, and I do believe that when we reach a conclusion we will have resolved many issues.<sup>69</sup>*

## **5. President Obama's Speech to the Turkish Grand National Assembly**

In the afternoon, on the same date, President Obama has given a speech in the Turkish Parliament. Concerning the Armenian issue, he has stated the following:

*Another issue that confronts all democracies as they move to the future is how we deal with the past. The United States is still working through some of our own darker periods. Facing the Washington monument that I spoke of is a memorial of Abraham Lincoln, the man who freed who were enslaved even after Washington led our Revolution. And our country still struggles with the legacy of our past treatment of Native Americans.*

*Human endeavor is by nature imperfect. History, unresolved, can be a heavy weight. Each country must work through its past. And reckoning with the past can help us seize a better future. I know there are strong views in this chamber about the terrible events of 1915. While there has been a good deal of commentary about my views, this is really about how the Turkish and Armenian people deal with the past. And the best way forward for the Turkish and Armenian people is a process that works through the past in a way that is honest, open and constructive.*

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69 IBID.

*We have already seen historic and courageous steps taken by Turkish and Armenian leaders. These contacts hold out promise of a new day. An open border would return the Turkish and Armenian People to a peaceful and prosperous coexistence that would serve both of your nations. That is why the United States strongly supports the full normalization of relations between Turkey and Armenia.*

*It speaks to Turkey's leadership that you are poised to be the only country in the region to have normal and peaceful relations with all the South Caucasus nations. And to advance that peace, you can play a constructive role in helping to resolve to Nagorno-Karabakh conflict, which has continued for far too long.<sup>70</sup>*

In this speech, the important points can be summarized as follows:

President Obama has not used the term “genocide” and has characterized the 1915 incidents as “terrible”.

Obama has not referred to recognizing the genocide allegations while he was candidate, but has touched indirectly upon this subject by stating that there has been a good deal of comments about his views. On the other hand, he has tried to avoid this subject by emphasizing that the important matter is how Turkey and Armenia will account for their past.

Another important point the President has focused on is how Turkey will account for or face up to its history. This means that Turkey should accept that there are mistakes or even crimes in its history. Thus, indirectly and not too persistently, the President has suggested to Turkey to accept the genocide allegations.

Another subject the President has emphasized is the opening of borders. He has expressed that this will be to the benefit of both countries and that the U.S. fully supports the normalization of relations between the two sides. On the other hand, officials of the U.S. State Department under the influence of the Armenian views have started using ‘without preconditions’ for the normalization of relations. Since normalization without preconditions means establishing diplomatic relations and opening the borders without settlement of the existing conflicts, Turkey does not accept it. Not touching upon ‘preconditions’ by the President can be seen as a positive development.

Finally, the President has expressed that Turkey can aid in resolving the Karabakh conflict, but has not explained how. Since the co-chairmen of the Minsk Group are responsible in settling this question, there has been no proposal, nor any demand for Turkey to join this group. Armenia is against the idea of giving Turkey a role in settling

70 “Remarks by President Obama to the Turkish Parliament”. April 6, 2009.  
[http://www.whitehouse.gov/the\\_press\\_office/Remarks-By-President-Obama-To-The-Turkish-Parliament/](http://www.whitehouse.gov/the_press_office/Remarks-By-President-Obama-To-The-Turkish-Parliament/)



the Karabakh problem.<sup>71</sup> For this reason, how Turkey can be of help in the resolution of this problem remains unclear.

In Turkey, the visit of the US President has been generally well received, but his statements on the Armenian conflict have been criticized.

Concerning Obama's speech, Chairman of the Turkish MHP Party Devlet Bahçeli has stated that "it's unacceptable that the President compares some negative aspects of American history to Turkish history" and has suggested that Turkey should do the same by confronting the past and has refused this approach, which would lead to Turkey accepting some lies concerning its past.

Chairman of the Republican People's Party, Deniz Baykal has assessed this visit as a missed opportunity for Turkey, because during this visit Turkey could have explained her views concerning several issues, especially the Armenian issue.<sup>72</sup>

## 6. President Obama's 24<sup>th</sup> April Message

After President Obama's visit, generally it was believed that he would not use the term "genocide" in his message to be delivered on 24<sup>th</sup> April. However, as none of the officials have expressed any commitments that the President will not use this term and the emphasis has been bestowed upon the positive developments of the Turkish-Armenian relations, some hesitations have still come to exist.

In President Obama's Armenian Remembrance Day message on 24<sup>th</sup> April, the following points seem to be the most important:

- a. 1915 incidents have not been conveyed as genocide, but have been described with other terms
- b. Obama has emphasized that he has not changed his mind concerning these events
- c. Acceptance of the post events has been expressed
- d. On this matter, dialogue between Turks and Armenians and also within Turkey has been considered as courageous
- e. Efforts by Turkey and Armenia have been strongly supported
- f. The contributions American Armenians have made to the American Community has been praised

71 Many statements of Armenian authorities exist on this subject. See: "Turkey Has Nothing To Do With the Karabakh Settlement, Armenia Foreign Minister Stated", *Radiolour*, June 11, 2009.

72 "Baykal'da Obama Ziyareti Yorumu (Baykal's Interpretation of the Obama Visit)", *NTV*, April 8, 2009.

Down below, we will try to analyze each of these points separately.

- a. As expected, President Obama has not used the term “genocide” in relation to the 1915 events. Apart from President Reagan using this term in 1981 only as an example, the other presidents have not referred to this term. Instead of genocide, President Obama has used “Mets Yegern.” These two words mean “great disaster” in Armenian language, but can also mean genocide. Therefore, in the Armenian translation of the message, genocide has been enounced while this is not the case for other languages. Through this, it can be said that President Obama has attempted to please both sides. However, as will be explained below, the President has been criticized by both Turks and Armenians.

Meanwhile, we should note that “Mets Yegern” was not first used by President Obama. According to our records, this phrase was first used in 2001 by Pope Jean-Paul II in his visit to Yerevan.<sup>73</sup> This way, the Pope taking into account the sensitivity of Turkey on the matter, has not used “genocide”, while at the same time has tried to please Armenians by using a term that means genocide in their language.

The expression “Mets Yegern” has secondly been used during the meetings held in the U.S. Senate for the approval of the appointment of Marie Yovanovitch as U.S. ambassador to Armenia. Chairman of the Senate Foreign Affairs Commission Joe Binden (now Vice-President), then Senator Barack Obama who was a member of the Commission, along with Robert Menendez and others, have pressed Marie Yovanovitch to categorize the 1915 events as genocide, but she has insisted on using the words “Mets Yegern”. Although with some difficulties, her appointment as Ambassador to Yerevan has been approved.<sup>74</sup>

Thirdly, “Mets Yegern” has been used during the ‘Apology to the Armenians’ Campaign in Turkey. In the text for this apology which has been open to signature on the internet, there is a passage stating “the Great Disaster Ottoman Armenians were exposed to”, and the apology is most probably meant for this disaster.<sup>75</sup> If one asks why the term “Great Disaster” is used instead of “genocide”, it can be said that in a text expected to be signed by many (but has only reached 30.000), using “Mets Yegern” is preferable since the word ‘genocide’ has created negative feelings in Turkey.

Relating to the 1915 events, in the 2009 message of U.S. President, there exists phrases such as, “one of the great atrocities of the 20th century”, “Armenians massacred or marched to their death”, “terrible vents of 1915”, “painful history”, and “man’s inhumanity to man”. These are rather harsh descriptions. The President’s predecessors have used much severe characterizations.<sup>76</sup> For instance, President W.

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73 Ömer Engin Lütem, “Facts and Comments”, *Ermeni Araştırmaları*, No. 3, pp. 13-15.

74 Ömer Engin Lütem, “Facts and Comments”, *Ermeni Araştırmaları*, No. 30, pp.27-29.

75 Ömer Engin Lütem, “Facts and Comments”, *Ermeni Araştırmaları*, No. 31. pp 13.

George Bush has used the terms “annihilation” and “mass killings” as synonyms for genocide. Meanwhile, it can be seen that in the beginning, the American Presidents have used “massacre”, “deportation”, and “cruelty”, but later under the pressure of Armenians, harsher terms have been utilized.

Within the messages, the point which is necessary to take into consideration is the numbers of Armenians who have died/killed. In Jimmy Carter’s (1978), Ronald Reagan’s (1981), George Bush’s (1990), George W. Bush’s (2003), and Bill Clinton’s messages of 1994 and 1995, the number of deaths has not been expressed. Under the pressure of the Armenians, Bill Clinton in his 1996 message has conveyed the number as 1.5 million which have been used thereafter, except in George W. Bush’s message in 2003. However, the meaninglessness of giving a concrete number must have been perceived that generally words like “roughly”, “approximately”, and “as many as” have started to be used, trying to slightly diminish the criticisms of Turkey. In the meantime, we should also indicate that no credible source, including the Armenian ones, has given the number of Armenian deaths as 1.5 million; therefore, insisting on 1.5 million casualties without any evidence is not compatible with the seriousness of the Presidency that should exist.

- b. As explained above, during the election campaign, President Obama has expressed orally and by writing many times that if he is elected, he will recognize the genocide allegations. However, after being elected, taking into account the necessity of cooperating with Turkey, he has not used “genocide” but has said that his views on the 1915 events have remained unchanged. In order to please Armenians, he has repeated this formulation in his message given on 24<sup>th</sup> April.
  
- c. The U.S. President has expressed that his interest remains with the achievement of a full, frank and just acknowledgment of the facts. Since he accepts that genocide took place, the conclusion can be drawn that his words of “events being accepted” targets Turkey. However, looking at the following paragraph, it can be seen that the President wants both Turkey and Armenia to consider their past events. Reaching a conclusion for these highly ambiguous words is difficult. With an optimistic approach, that statement can be interpreted as Turkey and Armenia assessing past events together and the President favoring the Turkish proposal of a commission of historians or a similar institution. However, the same statement can also be interpreted as the expectation for Turkey to unilaterally accept the “full, frank and just acknowledgment of the facts”. As will be mentioned below, Foreign Minister Babacan has understood it that way also. On the other hand, we should note that President Bush has supported the idea of a historical commission in some of his 24<sup>th</sup> April messages. The reason why President Obama has not openly supported that idea could be, since he recognizes the genocide allegations, accepting a commission to review the events will cause the Armenians to criticize him for acting contradictory to himself.

- d. The President has said that the best way to acknowledge the facts fully, frankly, and justly is for the Turks and Armenians to address the facts of the past as part of their efforts to move forward. In other words, approaching these events in order to solve their disputes is suggested. The President has also expressed that he strongly supports Turkish and Armenians striving for this purpose. Moreover, he has conveyed to that end there has been courageous and important dialogue among Armenians and Turks, and within Turkey itself.

The dialogue between Turks and Armenians that the President has mentioned is some meetings backed up by the U.S. State Department and conducted between persons who have not held any official positions in Turkey and Armenia. The most well known of these, is the Turkish Armenian Reconciliation Commission (TARC), being active from 2001 to 2004. This Commission which we have depicted in detail above<sup>77</sup> has fallen apart when its Chairman David Phillips with the Armenian members have pursued the recognition of the genocide allegations, which have caused the resignation of some of its Turkish members, most importantly the late Ambassador Gündüz Aktan.

Concerning the “courageous and important dialogue within Turkey”, President Obama has probably meant the “Apology to the Armenians Campaign” of a group of Turkish liberal intellectuals.<sup>78</sup> This campaign has supported Armenian views and has aimed for these to be accepted in Turkey.

Meanwhile, we should also note that the topics of the Turkish-Armenian dialogue and the dialogue within Turkey can also be seen in President Bush’s messages.

- e. As expected, President Obama’s message has strongly supported the efforts by Turkey and Armenia to normalize their relations and for this purpose, the two governments have agreed on a framework and roadmap. The President has expressed that the two countries can forge a relationship that is peaceful, productive and prosperous. Furthermore, he has also stated that the Armenian and Turkish people will be stronger as they acknowledge their common history and recognize their common humanity.

Just as the messages of other presidents, President Obama has also ended his message by praising the contributions of the Americans of Armenian origin to the U.S.

To sum it up, the 24<sup>th</sup> April message of President Obama is not very different from the messages of his predecessors. Relating to the genocide allegations, the President has

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76 The American Presidents issuing statements for the Armenian Remembrance Day are the following: Jimmy Carter (1978), Ronald Reagan (1981), George Bush (1990), Bill Clinton (1994, 1996, 1997, 1998, 1999, 2000), George W. Bush (2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008). Ömer Engin Lütem, *Ermeni Sorunu: Temel Bilgi ve Belgeler*, Ankara 2007, pp. 378–396.

77 Ömer Engin Lütem, Facts and Comments, *Ermeni Araştırmaları*, No. 2, pp. 15–22; No. 3, pp. 23–25, No. 4, pp. 15–18.

78 Ömer Engin Lütem, Facts and Comments, *Ermeni Araştırmaları*, No. 31, pp. 12–22.

tried to use expressions that would not offend the Turks and Armenians and has supported the efforts for the normalization of Turkish-Armenian relations, while at the same time praising the Armenians for their powerful role within U.S. internal affairs.

Despite these, the President's message has been criticized by Diaspora Armenians and some political circles within Turkey.

In reaction to the message, the stances of the Armenian organizations in the U.S., which is the country where Diaspora is the most powerful, can be summarized as follows:

Hirair Hovnanian, the Chairman of the Armenian Assembly of America (AAA) which represents rather wealthy Armenians, have sent a letter to President Obama<sup>79</sup> in which he has expressed his profound disappointment in the President's 24<sup>th</sup> April message. Hovnanian has also stated that the term *Mets Yegern* was an inadequate substitute for Armenian genocide and this was a regrettable retreat from promises as a President candidate. By stating that the recognition of the genocide has nothing to do with the Turkish-Armenian negotiations, Hovnanian has opposed to the President's idea of not harming these talks. Moreover, he has also expressed the hope that the H.252 draft resolution in the House of Representatives will be supported by the American Government. An interesting aspect of this letter is American Vice-President Joseph Biden calling Hovnanian and discussing with him the affirmation by the U.S. Government of the Armenian genocide. Remembering Biden's stance in the past, it can be understood that the Vice-President has continued to openly support the Armenian genocide allegations.

Ken Hachikian, Chairman of Armenian National Committee of America (ANCA) which is a Dashnak institution, has made a declaration about this subject<sup>80</sup> and has mentioned that due to "failure to honour his solemn pledge to recognize the Armenian genocide", the President has created profound disappointment. He has also mentioned that this situation has caused Armenians to remain a hostage to Turkey's threats, that the prevention or recognition of genocide issue that can be traded away should never be allowed, and that it should not be retreated from under pressure or be used to advance a political agenda. Then, he has requested the President to condemn this crime, remove Turkey's gag-rule, and work for the adoption of the Armenian genocide resolution before Congress and quickly correct his Administrative stand on the Armenian genocide. In the same letter, the U.S. Government has been criticized for reducing the aid given to Armenia.

ANCA has begun a campaign to send e-mails to the President, Senate, and House of Representatives, expressing the disappointment of Armenia.<sup>81</sup>

79 AAA Is Disappointed At The Statement of Barack Obama, PanArmenian.Net, April 28, 2009.

80 Armenian National Committee of America, Press Release, April 24, 2009. President Obama Retreats From Armenian Genocide Pledge.

81 "Express Your Disappointment. Send an ANCA WebFax to the White House", *Asbarez*, April 24, 2009

European Armenian Federation for Justice and Democracy (FEAJD), by using a much stronger language, has stated that the President's message is a retreated step, that it has not met the expectations of millions of Armenians and Europeans, has cast doubt on the credibility of the U.S, and that 400 Armenian institutions have been disappointed. The Head of this institution, Hilda Tchobanian, has stated that the Turkish State remains politically and criminally liable for genocide towards the Armenian people.<sup>82</sup>

In Armenia, the press has criticized President Obama's message in a milder tone. The essential point which has been emphasized is that the expression "Mets Yegern" does not exactly mean genocide.<sup>83</sup>

Edward Nalbandyan, Armenian Foreign Minister, on the contrary, has stated that President Obama has repeatedly spoken out on the events of 1915, that he has not changed his views, and that his message is a step further compared to the messages of other presidents.<sup>84</sup>

Although the President's message has not used the term genocide directly, it has been criticized in Turkey.

When assessing Obama's message, President Abdullah Gül has expressed that there are parts he has not agreed with and has stated that especially in 1915, there have been hundred and thousands of Muslims losing their lives; the pain of the deceased should be shared.<sup>85</sup> Furthermore, he has expressed that it is necessary to look to the future and give diplomacy a chance to work.

Concerning this message, Prime Minister Erdoğan has said that this message which tries to keep the promises made during the presidential campaign is not satisfactory and therefore, not acceptable, and that Turkey is not a country to be cheated.<sup>86</sup>

Köksal Toptan, Head of the Turkish Grand National Assembly, has said that these kinds of statements can negatively affect the normalization process instigated by Turkey and that Turkey might have to take other measures.<sup>87</sup>

The Ministry of Foreign Affairs has made the following press release:<sup>88</sup>

*As in the previous years, President Obama issued a written statement on 24 April on the occasion of the "Armenian Commemoration Day". We consider some*

82 "Armenian Genocide: Obama Broke His Pledge", European Armenian Federation for Justice & Democracy, Press Release, April 28, 2009.

83 "L'Armenie Blâme Son Gouvernement", *Armennews*, April 29, 2009.

84 "Nalbandian Praises Obama's Statement as 'Step Forward'", *Asbarez*, April 27, 2009.

85 "Gül'den Obama'nın Ermeni Mesajına İtiraz (Gül's Opposition to Obama's Message)?", *Stargazete*, April 25, 2009.

86 "El Bebek, Gül Bebek Okşanacak Ülke Değiliz (We are Not a Country to be Cheated)", *Yeni Şafak*, April 27, 2009

87 "Türkiye Başka Önlemler Almak Zorunda Kalabilir (Turkey Might Have to Take Other Measures)." *Cumhuriyet*, April 26, 2009

88 [http://www.mfa.gov.tr/no\\_58\\_-25-nisan-2009\\_-abd-baskani-obama\\_nin-\\_ermeni-anma-gunu\\_-vesilesiyle-yaptigi-yazili-aciklama-hk\\_tr.mfa](http://www.mfa.gov.tr/no_58_-25-nisan-2009_-abd-baskani-obama_nin-_ermeni-anma-gunu_-vesilesiyle-yaptigi-yazili-aciklama-hk_tr.mfa)

*expressions in that statement and his views of history concerning the events of 1915, as unacceptable.*

*It should not be forgotten that several hundreds of thousands of Turks have lost their lives as well in the same region and throughout the same period in the context of the 1915 events.*

*History can be construed and evaluated only on the basis of undisputed evidence and documents. The common history of the Turkish and Armenian nations has to be assessed solely through impartial and scientific data and historians must make their evaluations only on this basis. It is with such an understanding that we support the historical dimension of the Turkish-Armenian dialogue.*

*On the other hand, we regard positively the stance of President Obama on the Turkish-Armenian normalization process.*

Foreign Minister Ali Babacan, in one of his statements in the Turkish Grand National Assembly, has also stated that it is impossible for him to accept the U.S. President's historical interpretation of the 1915 incidents. In that period and that area, hundred thousand Turks have also lost their lives, and that forgetting this reality is a serious drawback. Babacan has also expressed that if the President has made a bias provision about the commission of historians, this cannot be accepted and that the American Embassy in Ankara has been notified of these matters.<sup>89</sup>

Obama's message has also been received negatively by the opposition parties.

Head of MHP Devlet Bahçeli has opposed the message by stating that instead of the term genocide, by using "great disaster" Obama has tried to create a balance and from this, to draw a conclusion that Turkey not being excluded is absurd. Armenians have tried to show that the 1915 incidents are on the same level as 'holocaust' of the Jews in order to equalize Turks with Nazis.<sup>90</sup>

Head of CHP Deniz Baykal has criticized this message by stating that President Obama's speech has been made in a way that shows that he completely agrees with the Armenian interpretations about the 1915 events and disregards the other side of the 1915 incidents where Muslims have been murdered unjustly.<sup>91</sup>

As we have tried to explain above, President Obama's message is milder compared to the messages of his successors. However, the Government and Opposition in Ankara have heavily criticized this message. The main reason of this is, starting with the short visit of President Gül to Armenia in 2008, the Armenian question and Turkish-Armenian

89 [http://www.mfa.gov.tr/Diřisřleri-bakani-sayin-ali-babacan\\_in-turkiye-buyuk-millet-meclisi-genel-kurulundayaptiklari-konusma-29-nisan-2009-tbmm\\_tr.mfa](http://www.mfa.gov.tr/Diřisřleri-bakani-sayin-ali-babacan_in-turkiye-buyuk-millet-meclisi-genel-kurulundayaptiklari-konusma-29-nisan-2009-tbmm_tr.mfa)

90 "Liderlerden Obama Salvoları (Obama Salvo from the Leaders)", *Hürriyet*, April 28, 2009.

91 IBID.

relations have grown into a matter of internal affairs in a way that has not been seen before. On this account, the opposition parties have criticized the Government for their policy and President Obama for his message. As a result of these criticisms, the Government has not stayed silent and has been obliged to express their displeasure with the President's message. However, in a short while, it has been noticed that the President's message has not affected Turkish-American relations negatively. As a matter of fact, in the American-Turkish Council convened in Washington D.C. in June, the new Foreign Minister Davutoğlu, the Minister of National Defense Vecdi Gönül, the Chief of General Staff İlker Başbuğ, and a couple of American officials in their speeches have not mentioned the Armenian question at all.

### III – TURKISH-ARMENIAN PROTOCOLS MADE PUBLIC

As stated above, in a joint declaration issued on April 22, 2009, the ministries of foreign affairs of Turkey, Armenia and Switzerland have expressed their agreement on “a comprehensive framework for the normalization of bilateral relations in a mutually satisfactory manner” and have stated that “a road-map has been identified”.<sup>92</sup> This declaration has created the belief that the two sides would soon reach an agreement. However, four months had to be waited before it was declared that an agreement had been reached. According to a source, the draft protocols were already agreed upon and initialed by the former Minister of Foreign Affairs Ali Babacan,<sup>93</sup> but the parties were busy discussing the text of the statement which would announce the protocols to the public. According to other sources, negotiations were taking place over the protocols itself. In a situation where the views of the sides differed greatly, it was normal for delays to take place.

Finally, with a press release issued on August 31, 2009 by the ministries of foreign affairs of the three countries (Turkey, Armenia and Switzerland), it has been declared that two protocols have been initialed between Turkey and Armenia. The text of the press release issued by the Ministry of Foreign Affairs of Turkey is given below:

*Press Release By*

*The Swiss Federal Department of Foreign Affairs*

*Journal of Turkish Weekly, September 3, 2009*

*Press release by the Swiss Federal Department of Foreign Affairs, the Ministry of Foreign Affairs of the Republic of Armenia and the Ministry of Foreign Affairs of the Republic of Turkey*

92 See: Ömer Engin Lütem, “Facts and Comments”, *Ermeni Araştırmaları*, Vol. 32, p. 15.

93 “Babacan Paraf Etti, Ancak Protokoller Dört Ay Bekletildi (Babacan Initialed the Protocols but Four Months Had to be waited)”, *Zaman*, September 2, 2009.



*The Republic of Armenia and the Republic of Turkey have agreed to start their internal political consultations on the two protocols – the “Protocol on the establishment of diplomatic relations” and the “Protocol on the development of bilateral relations” – which have been initiated in the course of their efforts under Swiss mediation.*

*The two Protocols provide for a framework for the normalization of their bilateral relations within a reasonable timeframe. The political consultations will be completed within six weeks, following which the two Protocols will be signed and submitted to the respective Parliaments for the ratification on each side. Both sides will make their best efforts for the timely progression of the ratification in line with their constitutional and legal procedures.*

*The normalization of bilateral relations will contribute to the regional peace and stability. The Republic of Armenia and the Republic of Turkey are committed in pursuing their joint efforts with the assistance of Switzerland.*

As can be seen, one of the two protocols is related to the establishment of diplomatic relations. The other concerns the development of bilateral relations after diplomatic relations have been established. In other words, it is about which areas or issues the two sides will be cooperating upon.

The Turkish text of these protocols has been published by the Ministry of Foreign Affairs of Turkey.<sup>94</sup> The Ministry of Foreign Affairs of Armenia has issued the Armenian (and also English and Turkish) texts of the protocols.<sup>95</sup>

The point concerning the press release given above which requires attention is that the protocols have been initialed, not signed. Usually, the signing of international texts, rather than their initialing has been announced to the public. The reason for not doing it this way has arisen from the six-week time period necessary for “political consultations” to take place in each country. This is highly unusual, since the general practice is that all the consultations concerning the text to be signed have finished before their initialing. But, apparently a rather difficult situation existed which has led to this different use of method. Over time, it has been understood that rather than Turkey, these “political consultations” are vital for Armenia for the explanation of the protocols to the parties forming the coalition government and to the opposition, the public and the Armenian Diaspora. However, at the end of these consultations, reviewing the protocols is out of the question, as the protocols will be signed at the end of the six-week period. Taking this fact into account, it can be seen that rather than “political consultations”, only providing information to the political parties and the public was the real issue at hand.

94 <http://mfa.gov.tr/data/DISPOLITIKA/Türkiye-ermenistan-turkce.pdf>

95 [http://www.armeniaforeignministry.com/pr\\_09/20091013\\_protocol1.pdf](http://www.armeniaforeignministry.com/pr_09/20091013_protocol1.pdf)

#### IV – CONTENT OF THE PROTOCOLS

The full English and Turkish texts of the two protocols can be found in the “Recent Documents” section of our Journal.

First of all, we should explain why the two sides have concluded protocols rather than exchanging notes or initialing conventions, agreements or treaties. Legally, there is no difference among these five types of diplomatic documents all determining international obligations of the signatories. The difference is on the political importance. Less important issues can be resolved through the exchange of notes. As the issue gains importance, protocols and the other documents will be signed. However, no rule exists on which document will be signed for which issue. The parties, after consultations, will determine the type of document to be signed. Since usually diplomatic relations between two countries is not considered to be a highly important issue, a protocol will be signed. Despite the establishment of relations between Turkey and Armenia being a rather important issue due to the existing conflicts between them, the sides have not changed the traditional name of the document relating to this subject.

On the other hand, protocols are not usually submitted to the Parliament for ratification. However, regardless of what it is, governments can submit all types of documents they find important to their Parliament for ratification.

(From now on, in order to make it easier, we will state the “Protocol on the Establishment of Diplomatic Relations between the Republic of Turkey and the Republic of Armenia” as “Protocol on Establishment of Diplomatic Relations” or the “First Protocol”; “Protocol on Development of Relations between the Republic of Turkey and the Republic of Armenia” as “Protocol on Development of Relations” or the “Second Protocol”.)

##### A. PROTOCOL ON ESTABLISHMENT OF DIPLOMATIC RELATIONS

The “Protocol on the Establishment of Diplomatic Relations between the Republic of Turkey and the Republic of Armenia” refers firstly to some important or essential points which are considered necessary for the establishment of relations. At the end of the Protocol, it has been stated that the sides have agreed upon establishing diplomatic relations and to exchange diplomatic missions.

This Protocol, along with the Protocol on Development of Relations, will enter into force on the first day of the first month following the exchange of instruments of ratification. But, when the parliaments will ratify the protocols is unknown. In practice, parliaments ratify the texts over which not much discussion exists in a short period of time. However, since the main features of the protocols along with its details are highly debated in both Turkey and Armenia, it can be seen that the ratification process will take a rather long time.

## 1. The Main Points of the First Protocol

In the First Protocol, the points being mentioned for the establishment of diplomatic relations between the two sides can be summarized as follows: The purpose of establishing diplomatic relations is given as establishing good neighborly relations and developing bilateral cooperation in the political, economic, cultural and other fields for the benefit of the peoples. The parties have also referred to their obligations under the Charter of the United Nations, the Helsinki Final Act, and the Charter of Paris for a New Europe. In all of them, the main purpose underlying these obligations is to preserve peace. In the following paragraph, the main principles found in the two charters and final act mentioned above has been listed. The parties reconfirm their commitment in their bilateral and international relations to respect and ensure respect for the principles of equality, sovereignty, non-intervention in internal affairs of other states, territorial integrity and inviolability of frontiers.

Moreover, the sides have also expressed the importance of the creation and maintenance of an atmosphere of trust and confidence between them that will contribute to the strengthening of peace, security and stability of the whole region, and are determined to refrain from the threat or the use of force, to promote the peaceful settlement of disputes, and to protect human rights and fundamental freedoms.

Later on in the Protocol, the mutual recognition of the existing border between the two countries has been confirmed (we will examine this subject separately) and their decision to open the common border has been emphasized.

Also, their commitment to refrain from pursuing any policy incompatible with the spirit of good neighborly relations has been reiterated.

One of the most important items in the First Protocol is the one related to terrorism. The two countries have expressed their condemnation of all forms of terrorism, violence and extremism irrespective of their cause, and have pledged to refrain from encouraging and tolerating such acts and cooperating in combating against them.

Last of all, in the First Protocol, the sides have affirmed their willingness to chart a new pattern and course for their relations on the basis of common interests, goodwill and in pursuit of peace, mutual understanding and harmony.

This way, the two sides has put forth the main points necessary for establishing diplomatic relations between them. Two of these are especially crucial for Turkey.

## 2. Mutual Recognition of Borders

In the beginning of the 1990's, Turkey, in order to build diplomatic relations, has signed protocols with each new state that emerged from the disintegration of the Soviet Union

and Yugoslavia. Apart from Armenia, the signing of the protocols has taken place with no difficulty. But, Armenia has shown an unwillingness in accepting the principle relating to territorial integrity (or inviolability of frontiers), or in other words, confirming that the existing border between the two countries is recognized. However, they have displayed an attitude which does not denounce this principle, but also does not want to openly accept it.

This attitude of the Armenian Government is based on a false belief that Eastern Anatolia actually belongs to Armenians. Although it is true that most of the Ottoman Armenians lived in Eastern Anatolia, Armenians have not composed a majority in any part of this region. This fact is also conferred by some of the Armenian historians. When this is the situation, the Treaty of Sevres of 1920 signed at the end of the First World War for the partition of the Ottoman Empire, has granted 120.000 km<sup>2</sup> of territory (today's Armenia is 28.000 km<sup>2</sup>) to the Republic of Armenia proclaimed in 1918. However, when the Government of Ankara under Mustafa Kemal's leadership clearly rejected the Treaty of Sevres, this has not been put into force. On the other hand, apart from Greece, this Treaty has not been ratified by the other signatory states. When the Armenians have started demanding for the territories given to them by the Treaty of Sevres, Turkish forces in the region, under the command of Kazım Karabekir, have drawn the Armenian forces out of Eastern Anatolia. In December 1920, with a treaty signed in Gyumri, Armenians have accepted the invalidity of the Treaty of Sevres. This treaty has also delimited the Turkey-Armenia border. With minor changes, this border is approximately the same border as today. Armenia has lost its status as being an independent state by joining the Soviet Union and the Treaty of Gyumri has not been implemented. However, about four months later, the Ankara Government has signed the Treaty of Moscow with the Soviet Union. This Treaty has also indirectly confirmed the invalidity of the Treaty of Sevres and has delimited the border between the Soviet Union and Turkey. This border is the same border determined by the Treaty of Gyumri. About six months later, in October of 1921, Georgia, Azerbaijan and Armenia which were part of the Soviet Union, have signed the Treaty of Kars. The borders accepted with this Treaty are the same as the ones in the treaties of Gyumri and Moscow. In conclusion, Turkey's borders in this region have been determined by the treaties signed with the Soviet Union and the three countries within this Union. These treaties (Treaty of Moscow and Kars) are still valid today.

Although no Armenian majority existed in those areas mentioned in the Sevres Treaty and the Treaty of Lausanne replaced it, in other words, although the legal and political situation had changed, the territories earmarked for Armenia with the Sevres Treaty has been considered as belonging to Armenia (Western Armenia) in Armenian minds. Following the Second World War, this belief has been reinforced once again when the Soviets have demanded for the provinces of Kars and Ardahan from Turkey in 1945. Meanwhile, especially within the Diaspora, some thesis have developed trying to prove the validity of the Treaty of Sevres, since it was signed by Ottoman representatives, and the invalidity of the Treaty of Kars, arguing that Armenia was not independent during

signing of the Treaty. However, apart from Dashnaks and other extreme nationalists, no one has accepted this.

At the basis of the Armenian Government's stance not to openly recognize its borders with Turkey lies the fact that this belief has been deeply rooted within Armenia and the Diaspora. However, the Armenian Government taking into account that the Turkish-Soviet border has been recognized as an international border among all countries, that no changes have taken place following the disintegration of the Soviet Union, and that Armenia does not have sufficient strength to claim and acquire territory from Turkey, has not formally demanded territory from Turkey, but has also refrained from officially stating their recognition of the borders. Previously, in response to a question on this subject, the former President of Armenia, Robert Kocharian, has stated that Armenia "cannot demand territory from Turkey for the time being and that this is the task of the future generation."

It can be seen that President Sarkisian tries to adopt a realistic attitude concerning this matter. This is because, if Armenia cannot demand and acquire territory from Turkey today, under normal conditions Turkey's strength will increase in the future and it will also be impossible to request territory from Turkey later on. On the other hand, the Turkish border gate being closed has led to Armenia's isolation, and the short combats taking place last year between Russia and Georgia have displayed the disadvantages of this isolation in a rather striking manner. Presumably, because of this, President Sarkisian has not dwelled upon territorial demands which anyway have a rather utopian feature. Taking into consideration the reactions to be received on this subject from the Diaspora and from within the country, Sarkisian has leaned towards making an agreement which would lead to the opening of the borders as soon as possible.

### **3. Condemning Terrorism and Cooperating in Combating Against Terror**

In the first Protocol, apart from the recognition of borders, the most important principle for Turkey is for both countries to condemn all types of terrorism, violence, and extremism, and refrain from encouraging and tolerating such acts, and cooperating in combating against them.

Between 1973 and 1986, Turkey and especially Turkish diplomats have been subjected to Armenian terror with 32 diplomats and their relatives being murdered in foreign countries and many being injured. These events which existed at the top of the agenda back then, has unfortunately been somewhat erased from the memories of the public. Although today's circumstances are very different than the 1980's, remembering the extremism of Armenian militants, it is not totally impossible for these types of activities to be triggered again. Therefore, incorporating an item into the Protocol on Establishment of Diplomatic Relations which condemns terror and emphasizes the need to combat it has been very appropriate.

On the other hand, both countries reaffirming their readiness to support the actions of the international community in addressing security threats such as terrorism, transnational organized crimes, and illicit trafficking of drugs and arms in the Second Protocol on the development of relations are important commitments regarding these issues.

## **B. PROTOCOL ON DEVELOPMENT OF RELATIONS**

The complete title of the Protocol is “Protocol on Development of Relations between the Republic of Turkey and the Republic of Armenia”.

### **1. Main Points of the Second Protocol**

In this Protocol, the parties touch upon some points which they find important or essential and express these as follows:

To develop bilateral relations based on confidence and respect to their mutual interests and enhance their bilateral relations in the political, economic, energy, transport, scientific, technical, cultural issues and other fields, based on common interests of both countries; to support the promotion of cooperation especially within the framework of the UN, the OSCE, the Council of Europe, the Euro-Atlantic Partnership Council and the Black Sea Economic Cooperation; to cooperate for enhancing regional stability on the basis of the norms and principles of international law; to reiterate their commitment to the peaceful settlement of regional and international disputes and conflicts on the basis of the norms and principles of international law.

Moreover, as mentioned above, the two countries have reaffirmed their readiness to support the actions against terrorism, transnational organized crimes, and illicit trafficking of drugs and arms.

### **2. Agreed Matters**

In this Protocol, the parties have stated that they have agreed mainly on three issues.

#### **1. Opening the common border**

#### **2. Determining the areas in which relations will develop**

These areas are:

- a.** Conduct regular political consultations between the Ministries of Foreign Affairs of the two countries

- b. implement a dialogue on the historical dimension of relations
- c. make the best use of existing transport, communications, energy infrastructure and networks
- d. develop the bilateral legal framework in order to foster cooperation
- e. cooperate in the fields of science and education by encouraging relations between the appropriate institutions, promoting the exchange of specialists and students, act with the aim of preserving the cultural heritage of both sides and launching common cultural projects
- f. establish consular cooperation to provide protection to the citizens of the two countries
- g. take concrete measures in order to develop trade, tourism, and economic cooperation
- h. engage in a dialogue and reinforce their cooperation on environmental issues

**3. Establishment of an intergovernmental bilateral commission which shall comprise separate sub-commissions for the prompt implementation of the commitments mentioned above**

- a. To prepare the working modalities of the intergovernmental commission and its sub-commissions. For this, a working group headed by the two Ministers of Foreign Affairs shall be created and these modalities determined by the group shall be approved at ministerial level.
- b. Besides consular topics, a sub-commission will be created for each of the areas in which relations will develop given above in item 2. These are:

The Sub-commission on Political Consultations

The Sub-commission on Transport, Communications and Energy Infrastructure and Networks

The Sub-commission on Legal Matters

The Sub-commission on Science and Education

The Sub-commission on Trade, Tourism and Economic Cooperation

The Sub-commission on Environmental Issues

The Sub-commission on the Historical Dimension

#### 4. Timings for the Implementation of the Protocol Clauses

- a. Opening of the common border: two months after the entry into force of the Protocol
- b. Establishing a working group to prepare the working modalities of the intergovernmental commission: two months after the entry into force of the Protocol
- c. Approving the working modalities of the intergovernmental commission and its sub-commissions: within three months after the entry into force of the Protocol
- d. The first meeting of the intergovernmental commission to be held immediately after the adoption of the working modalities
- e. First meetings of the sub-commissions: at the latest, one month after the first meeting of the intergovernmental commission

The schematic illustration of these timings can be shown as follows:

##### **Following the entry into force of the protocols:**

**2 months later:** opening of the border, establishing a working group

**3 months later:** approving the working modalities, the first meeting of the intergovernmental commission

**4 months later:** meetings of the sub-commissions

The point to be noticed here is that the opening of the border and the operation of the intergovernmental commission and sub-commissions do not take place at the same time. It is possible that after the opening of the border, the Armenian side could adopt an unwilling approach and attempt to prevent or delay the meeting of the “Sub-commission on the Historical Dimension” which has drawn reactions from both the country and the Diaspora.

#### 5. Explanations of some issues

Some issues exist in the Protocol on Development of Relations which requires explanation. According to their order in the Protocol, some considerations about these issues are given below:

- a. The statement “the common purpose of both States to cooperate for enhancing regional stability and security; their commitment to the peaceful settlement of regional and



international disputes and conflicts on the basis of the norms and principles of international law” is related to the Karabakh conflict. After the Protocol’s entry into force, it will be expected from Armenia to take these commitments into account and progress towards resolving the Karabakh conflict as soon as possible.

b. It was mentioned above that the statements existing in both protocols and concerning the condemnation of all forms of terrorism, violence and extremism, pledging to refrain from encouraging and tolerating such acts and cooperating in combating against them was especially important for Turkey. It is also noted in the second Protocol that the parties are ready to support the actions against illicit trafficking of drugs and arms. This is also important for Turkey, as PKK and similar organizations’ activities are part of the “transnational” organized crimes. There is some news in the press that several PKK members are residing in Armenia. These individuals might not conduct violent activities in Armenia, but Turkey, according to the Second Protocol, can request their extradition. On the other hand, combating against illicit trafficking of drugs and arms is also important for Turkey. Turkey can bring these issues to the sub-commissions to be established for political consultations and legal matters.

c. We believe that the most important subject in the Second Protocol is the establishment of the “Sub-commission on the Historical Dimension”. The text of the protocol concerning this matter is exactly as follows: “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 Turkish, Armenian as well as Swiss and other international experts shall take part.”

What is actually meant with historical dimension is not defined in the Protocol. However, it is without doubt that this expression concerns the situation of the Armenians in the Ottoman Empire. The period from the 1878 Congress of Berlin in which Ottoman-Armenian relations have deteriorated, to the end of 1920 in which the independent Armenian Republic lost its independence, is especially important. As will be discussed below, a conviction exists on the Armenian side that the “Sub-commission on the Historical Dimension” will not discuss the Armenian “genocide”; but it is without doubt that if the Sub-commission does not discuss the genocide allegations, then it will have no function.

On the other hand, the aim of the establishment of such a sub-commission has been said to restore mutual confidence between the two nations. In reality, the main problem that has led to loss of confidence between these two nations is the genocide allegations. Therefore, it is essential for these allegations to be examined in depth within the sub-commission.

As to what is expected from the works of this sub-commission, in the Second Protocol this has been explained as “defining existing problems and formulating

recommendations”. This statement and especially “defining problems” is not clear and makes one think that besides the examination of historical events, Armenians plan on bringing other issues in front of this Commission. As a matter of fact, Armenian Prime Minister Tigran Sarkisian and Deputy Foreign Minister Shavarsh Kocharian had conveyed that the property left behind by the relocated Armenians and the compensation to be given to the “genocide victims’ descendants” were to be brought on the agenda.<sup>96</sup> Recently, President Sarkisian has started using similar statements. For example, as will be explained below, in his response to a letter by William Shabas, the President of the International Association of Genocide Scholars, Sarkisian has stated that the Sub-commission on the Historical Dimension is not a commission of historians, that the elimination of the consequences of the genocide should be the goal of the sub-commission’s work, and the fact of the genocide itself can in no way become a subject of discussion within the agenda of the commission.<sup>97</sup>

Issues dealing with property and compensation have been resolved through the Lausanne Treaty and the Turkish legislation of that time; and Turkey is under no obligation to return back the properties left behind by Armenians and to pay compensation to the descendants.

This Sub-commission will conduct its works through “an impartial scientific examination of the historical records and archives”. Turkish, Armenian, Swiss and other international experts shall take part in the commission.

In order for the scientific examination of the genocide allegations which have harmed relations between the two nations for a long time, Prime Minister Erdoğan has sent a letter to President Kocharian on 14 April, 2005 in which he has stated, “we invite your country to form a group comprised of historians and 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”.<sup>98</sup> President Kocharian has not given a direct response to this proposal and has written that “an intergovernmental commission may be formed to discuss any issue or issues available between our countries aiming at solving them and coming to a mutual understanding”.<sup>99</sup> On the other hand, the Armenian public opinion and Diaspora have objected strongly against Turkey’s proposal by putting forth that it will open the genocide reality to debate. During Kocharian’s presidency, no development has been made concerning this issue, but President Sarkisian being more courageous, has accepted the Commission’s proposal despite the several reactions he has received. However, it is noteworthy to keep in mind that President

96 For Prime Minister Tigran Sarkisyan see: “Türkiye’nin sınırlarını tanıyoruz (We Are Recognizing Turkey’s Borders)” *Hürriyet*, October 9, 2009; For Foreign Minister Şavarş Kocharian see: “Armenia Not To Weaken its Stance on International Recognition of Genocide”, Panarmenian.net, October 9, 2009.

97 “Sarkisian to IAGS President: No to Commission of Historians, Yes to Eliminating Consequences of Genocide”, *The Armenian Weekly*, December 14, 2009.

98 For the full text of Prime Minister Erdoğan’s letter see: *Ermeni Araştırmaları*, Vol. 16-17, pp. 27-28.

99 For the full text of the letter of President Kocharian’s response see: *Ermeni Araştırmaları*, Vol. 16-17, p. 33.

Sarkisian also considers the 1915 events as genocide. As mentioned above, it is understood that Armenians do not want to discuss whether the 1915 events are genocide or not, but believe that these events are genocide and try to put the demands concerning the returning of property and paying compensation to the top of the agenda.

In this situation, not only is it highly difficult for the Sub-commission on the Historical Dimension to reach a conclusion, but so is carrying out its normal works; this can create negative effects on the examination of the other items of the protocols and reaching to some results will be very difficult. On the other hand, putting aside political beliefs and studying the genocide allegations in a scholarly manner will make it possible to reach “restoring mutual confidence between the two nations” conveyed in the protocols.

Lastly, following the establishment of the sub-commission, if some states or international organizations continue to adopt resolutions on the genocide allegations, this will not only hinder the works of the sub-commission, but will also prevent the restoring of mutual confidence.

## V – DEVELOPMENTS IN ARMENIA

As stated above, in the statement of the three states on August 31, 2009, it was expressed that the protocols would be signed after a six-week political consultation period.

Allowing the countries to have a six-week “political consultation” period before signing of the protocols is not a widely used method. In general, the parties carry out consultations they deem necessary before the signature, and even before the initialing of the texts. Since changing the text of the protocols is out of the question, then consultations on them are meaningless. Therefore, it would be correct to understand the term “consultation” as explanations or providing information.

These “consultations” are vital for Armenia, because objections to the protocols are quite a lot in that country and in its Diaspora, because by recognizing the Turkish border, the protocols put an end to the dream of “Great Armenia”. On the other hand, although it is refuted, the discussion of the 1915 events by the Sub-Commission on the Historical Dimension is inevitable. As will be seen below, the protocols have also been criticized in Turkey, but compared to those in Armenia, these criticisms have been limited.

President Sarkisian has given information on the protocols on different levels: political parties, the press, and the Catholicos of Etchmiadzin, the Armenian Council of Public, and travelling to France, U.S.A, Lebanon, and Russia, has contacted the Diaspora organizations. Minister of Foreign Affairs Edward Nalbandyan has also provided information to diplomatic missions in Armenia and since President Sarkisian was abroad, Nalbandyan has attended the debates on that issue in the Armenian Parliament.

## A. ARMENIAN INSTITUTIONS BEING INFORMED BY PRESIDENT SARKISIAN

### 1. Political Parties

On September 17, 2009, President Sarkisian has convened a conference with the heads of the political parties on the subject of the Current Stage of the Normalization of the Turkish-Armenian Relations. 64 political parties have been invited with 52 of them attending.<sup>100</sup> The Armenian National Committee, the main opposition party headed by Ter Petrossian, has not attended,<sup>101</sup> but the Dashnak Party, the major opponent to the protocols, has been present at the conference.<sup>102</sup>

Sarkisian, in his opening speech for the conference,<sup>103</sup> has said briefly that the Armenian Government is strong enough to see the irrationality of moving against the global developments, the tension between Turkey and Armenia is not imaginary, situational or a war of the elites, and this animosity is the result of the darkest page of history and the Armenian Genocide perpetrated in the Ottoman Empire. Also, if relations with Turkey are to be normalized, it will be necessary to engage both societies; otherwise the problem will not be solved. If the Turkish-Armenian normalization process comes to a dead end, then contradictions and the animosity will be deepened. The Armenian President has said that he does not know any opinion expressed by a political force in opposition of opening the borders or opposing the normalization of relations with Turkey. Furthermore, establishment of diplomatic relations with Turkey is a minimal condition which would allow the starting of a dialogue with the Turks and there are many issues in the realm of the Armenian-Turkish relations that need solving - ranging from economic and political to the historical.

In short, right from the start, the Armenian President has tried to get rid of the criticisms that could be made against the protocols by stating that nobody is openly against the opening of borders and establishing diplomatic relations with Turkey. On the other hand, his words about many problems that would exist with Turkey that need to be solved following the establishment of diplomatic relations, and historical matters being among these have drawn attention. We would like to remind that Turkey has considered that the Armenian claims on property, compensation and territory are already reserved by the treaties of Kars and Lausanne.

Meanwhile, the Armenian President not mentioning the “Sub-Commission on the Historical Dimension” at all in his speech draws attention. It is likely that following the opening speech, these matters were brought forward in the conference which was closed to the press.

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100 “Discussion of Armenian-Turkish Protocols to Last until October 13”, PanArmenian.Net, September 17, 2009.

101 “Les Consultations du Président Sarkisyan avec les Leaders des Forces Politiques”, *Armenews*, September 21, 2009.

102 “Sarkisian Explains Turkey Moves to Armenian Parties”, *Armenialiberty.org*, September 17, 2009.

103 For the full text of the speech see: <http://www.president.am/events/news/eng/?id=702>

The reactions of the political parties attending (and not attending) towards the President will be examined separately.

## 2. The Press

On September 17, Serge Sarkisian met with over thirty press (media) representatives, providing information about the protocols and listening to the opposing views of the representatives for about two hours.<sup>104</sup> Although no explanation has been given, it is normal for Sarkisian to repeat his views in the opening speech which were expressed in the meeting with heads of the parties.

## 3. The Armenian Parliament

Foreign Minister Edward Nalbandyan has delivered a speech in the Parliament on September 16, 2009 and has given some information about the protocols. He emphasized that Armenia would not give up on its policy of the international recognition of the genocide, and stated that he had also expressed this view while he was in Turkey.<sup>105</sup>

In this first meeting convened in the Armenian Parliament concerning the protocols, Edward Nalbandyan has stated also that no preconditions exist in the protocols, the reality of the Armenian genocide is not questioned, the international recognition of the Armenian genocide is not being hampered, and that no connection exists between the protocols and the Karabakh negotiating process.

The Armenian Revolutionary Federation (Dashnaks) and the Heritage Party have expressed their oppositions to the protocols and has specifically focused on the Sub-commission on the Historical Dimension. On this matter, Nalbandyan has stated that the sub-commission will not seek to determine whether the Armenian massacres constitute genocide, but will only serve as a forum for Turkish-Armenian discussions on numerous issues coming from the past. He also stated that this sub-commission has no other mandate, nor does it have any time limits as it is this process (the discussion of the historical issues) can last very long, maybe 10, 20, 50 years, or maybe longer.<sup>106</sup>

## 5. The Public Council

Shortly after Sarkisian was elected as President, he declared that a Council of Public was to be established to discuss the main problems experienced by the country and to give

104 "President Serzh Sargsyan Had A Meeting with the Head of Over Thirty Armenian Mass Media Outlets", *ARKA*, September 23, 2009

105 "Nalbantyan: 'Soykırımın vazgeçemeyiz (Nalbandyan: We will not abandon Our Claims for Genocide)", *Ntvmsnbc*, September 17, 2009.

106 "Armenian FM Under Fire", *RFE/RL*, October 1, 2009.

advice on these matters. The 36 members of this Council were elected from among the top elites, but the opposition parties had not sent representatives to the Council.<sup>107</sup> Sarkisian has held a meeting with the representatives of this Council on September 30.

In this meeting, Sarkisian has delivered a speech in an uncommon form and manner, which can even be qualified as being courageous.<sup>108</sup> Presumably, the reason for acting this way is to put an end to the continually increasing criticisms towards the protocols, or at least to limit them. The summary of the speech is given below.

President Sarkisian, by expressing that the protocols are neither an agreement on Armenian capitulation to Turkey, nor a big treaty on strategic partnership, has tried to convey that the protocols should neither be overestimated, nor underestimated. He has expressed that they have no purpose in solving all problems with Turkey or being the friend of this country, but they are trying to create a suitable atmosphere for a dialogue since the normalization of relations with Turkey is crucial. Then, in response to the criticisms that Armenia could not obtain everything they wanted from Turkey, he has stated that if somebody thinks that these documents should only contain Armenian claims, they need to be a little realistic and understand that that's not possible. Sarkisian has also accepted that the protocols can carry potential risks for the Armenian side and has added that there can be risks on all subjects.

Sarkisian has stressed that the documents do not contain any preconditions, but that they have some points that are the result of compromise; on the other hand, that the Turkish-Armenian dialogue has not developed as a result of the external pressures.

The Armenian President has also expressed that establishing relations with Turkey does not at all mean consigning the Armenian genocide to oblivion, as he has said it hundreds of times, and that even if the process of international recognition of the Armenian genocide slows down, it will not be the result of the signing of the protocols, but rather, some forces discontented with the documents, stopping in exerting necessary efforts. Moreover, he has stated that he does not claim that the Armenian-Turkish protocols, if signed, will facilitate the international recognition of the Armenian genocide, and that all those denying the genocide will refer to the documents. This means that they must show persistence to a greater degree and exert even greater efforts toward the international recognition of the Armenian genocide. Furthermore, he has also said that even if the signing of the Armenian-Turkish Protocols slows down the process of international recognition of the Armenian genocide, it will intensify debates over the issue inside Turkey and has asked, "What is more important for us - the recognition of the Armenian genocide by a country or, for instance, Turkey's abrogating the law providing for

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107 "President of Armenia Serzh Sargsyan Forms Public Council", *RFE/RL*, March 12, 2009.

108 For this speech where the language other than Armenian does not exist, the following sources have been used: "Sarkisian Defends Landmark Deal with Turkey", *RFE/RL*, September 30, 2009; "Serzh Sargsyan: Some Points of Protocols Result of Compromise", *News.am*, September 30, 2009; "Serge Sargsyan Revealed", *Largir*, September 30, 2009; "Serge Sarkisian: "Je suis prêt à payer le prix", *Armenews*, October 1, 2009.

criminal responsibility for using the term ‘genocide’?” Sarkisian who has mentioned that he does not rule out the idea that Turks will try to get the issues of the Armenian genocide to be discussed by the Sub-commission on the Historical Dimension, has also expressed that the Armenian scholars to be involved in it must be able to decisively repel their Turkish counterparts’ attempts and advance convincing counterarguments.

Concerning the recognition of borders between the two states, Sarkisian has stated that the Soviet Union recognized the Treaty of Kars five times and that when Armenia joined the Commonwealth of Independent States in 1991, pledged to comply with all agreements signed by the Soviet Union. However, he has also insisted that at the same time, neither protocol obligates Yerevan to recognize the 1921 Kars Treaty.

The Armenian President has rejected that a link exists between the Armenian-Turkish protocols and the Nagorno-Karabakh peace process and has dismissed as ludicrous his detractors’ claims that Turkey agreed to make peace with Armenia only in return for additional concession to Azerbaijan allegedly promised by him. He has indicated that his administration’s position on the Karabakh conflict is not different from his predecessor Robert Kocharian’s policy. He has also pointed out that Turks can state the necessity for settling the Nagorno-Karabakh conflict simultaneously with the Armenian-Turkish normalization process which is nothing but their own wish, whereas, the international community have repeatedly stated that the Nagorno-Karabakh problem has nothing in common with the Armenian-Turkish relations.

Sarkisian has expressed that some Armenians fear economic and geographic expansion of Turkey if the Armenian-Turkish border is reopened, that he does not share these feelings, and that experts believe that an open order will open up ampler opportunities for Armenian producers than for Turkish producers since the Turkish market serves three million people, while the Armenian market is 70 million, which is almost 23 times as much. Moreover, he has also indicated that there is constant fear of the penetration of cheap Turkish products into the Armenian market, which creates the impression that cheap goods are not wanted in the Armenian markets, while on the other hand; surprise is expressed at the fact that nobody has ever voiced fears of Iranian economic expansion.

During the speech, the most important statement of the Armenian President has been that the normalization of the Armenian and Turkish relations carries a price and he is ready to pay that price.

With 26 affirmative and 2 abstaining votes, the Public Council has endorsed the protocols. 6 members have not taken part in the voting.<sup>109</sup> It should be noted that the Public Council is a counseling organ, its decisions are not binding, and the Armenian Parliament has the right to take final decisions about the protocols.

109 “PCA for Armenian-Turkish Protocols”, News.am. September 30, 2009.

## 5. Declaration of the Etchmiadzin Catholicosate Supreme Spiritual Council

The majority of Armenians is from the Gregorian denomination and appertains to two different catholicosates. The first is located in the city of Etchmiadzin near Yerevan. The second is the Cilician Catholicosate in Antelias near Beirut. Compared to Antelias, Etchmiadzin has spiritual supremacy, but Antelias is independent in all its matters. Although generally it is believed that Antelias is the Catholicosate of the Diaspora, this is not correct. The majority of the Diaspora churches are attached to Etchmiadzin. The Armenian Church in Turkey is also connected to Etchmiadzin.

The stances of Antelias or Cilicia Catholicosates towards the protocols will be seen later on when Diaspora Armenians are explained.

Following the meeting of President Sarkisian with Karekin II, the Etchmiadzin Catholicos,<sup>110</sup> in a declaration issued on September 30 by the Supreme Spiritual Council of the Catholicosate, the process to establish diplomatic relations free of preconditions between Armenia and Turkey and the process to normalize Armenian-Turkish relations for the sake of regional security, preservation of peace and the development of regional cooperation has been welcomed. The discussions on the protocols currently taking place between the Armenians are positively addressed. Turkey has been criticized based on the “bitter historical experience of Armenian people” with Turkey, Turkey’s official policy of denying the Armenian genocide, and its intolerant position towards the Republic of Armenia. Then, after it has been expressed that the Armenian genocide is an indisputable fact, it is stated rather in an irrelevant way that the independence of the Republic of Nagorno Karabakh and the self determination of Armenians of Karabakh has nothing to do with the protocols. In the declaration, all Armenians uniting together against existing problems and avoiding polarization has been emphasized.

## B –ARMENIAN POLITICAL PARTIES’ POSITIONS

With several exceptions, the general stance of the Armenian political parties concerning the protocols is that the coalition parties, with some hesitations, are in favor while the opposition parties, with some differences among them, are against the protocols. The stances of the main political parties are summarized below:

### 1. Republican Party

The Republican Party which supports the protocols, has 64 of the 131 seats in the Armenian Parliament, is a great partner of the government coalition, and is headed by Serge Sarkisian.

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110 “Sarkisian to Visit Diaspora to Muster Support for Protocols”, *Asbarez*, September 24, 2009.



However, in order to avoid this party being perceived as an advocate of Turkey, it has been stated that the normalization of Turkey-Armenia relations is necessary for all countries in the region, that Armenia will never make unilateral concessions and that all preconditions are unacceptable for Armenia, that Armenia will never allow any country, including Turkey, to throw around ultimatums, and that Armenia could also put forth preconditions and say that it will normalize relations only after Turkey recognizes the Armenian genocide, but for the security of the region they have not done this.<sup>111</sup> The arguments brought forth by those opposing the protocols must have surely affected the members of the Republican Party, since President Sarkisian has visited the party and has provided explanations about the protocols.<sup>112</sup>

## 2. Prosperous Armenia Party

Prosperous Armenia, the second party of the government coalition formed before the parliament elections in May 12, 2007 and which is said to be under the influence of former President Robert Kocharian, also supports the protocols. The Party has expressed that with the First Protocol, Armenia has normalized relations with Turkey without any preconditions and this may promote the recognition of the Armenian genocide. The Party has also clarified that the intergovernmental commission would allow for the assessment of all conflicting issues between the two states, including genocide. However, the Karabakh problem not being touched upon in the protocols has been criticized.<sup>113</sup>

## 3. Rule of Law Party

Orinats Yerkir Party, translated as Rule of Law, which is the third party of the government coalition and has gained 9 seats in the 2007 elections, has also declared their full support of the protocols.<sup>114</sup>

## 4. Armenian National Congress

The Armenian National Congress, being the greatest opposition party in Armenia and formed by Levon Ter Petrossian who was President from 1991-1998, is not represented in the Parliament since the party was created after the parliamentary elections. In the presidential elections conducted on February 19, 2008, Ter Petrossian has gained 21.5% of the votes (Sarkisian has gained 52.8%).

111 "Armenia Not To Allow Any Country Throwing Around Ultimatums", PanArmenian.Net, October 29, 2009.

112 "Ruling Party Members Concerned About Turkish Diplomacy", *RFE/RL*, 29 September 2009.

113 <http://www.iragir.am/scr/index.php?id=Irahos!!politics&pid=15086>

114 "Orinats Yerkir Supports Government's Position on Armenian-Turkish Protocols", ParArmenian.Net, 15 September 2009.

Following the announcement of the protocols being initialed, the Armenian National Congress has issued a declaration on that subject.<sup>115</sup> As a summary, in the declaration, it has been stated that the normalization of Armenian-Turkish relations is in the best interests of the two countries, their peoples and for regional peace and security and that these protocols are a giant leap forward towards the establishment of diplomatic relations between Armenia and Turkey and mutual relations in general. On the other hand, it has also been stated that the creation of a sub-commission of historians, which will question the reality of the Armenian genocide, is unacceptable, and that Turkey will delay the ratification process by arguing that the Karabakh conflict has yet to be resolved, and thus postponing the opening of the Armenian-Turkish border. In short, although the Armenian National Congress has a positive attitude towards the protocols, it has strongly rejected the historical commission and has been apprehensive about Turkey's ratification of the protocols being linked to the resolution of the Karabakh conflict.

In the following statements of the Armenian National Congress on that matter, their support of the protocols has not been highlighted or has not been mentioned at all. Instead, criticisms related to the historical commission and the effects of the protocols on the Karabakh conflict have been pushed to the foreground. This way, the National Congress has attempted in making the protocols an instrument of the opposition against the Sarkisian administration. It should be noted that on September 16, the Armenian National Congress has not attended Sarkisian's meeting with the political parties in which Sarkisian provided information about the protocols.

After the signing of the protocols on October 10 in Zurich, the criticisms of the Congress towards Sarkisian have increased. In a declaration published on October 12,<sup>116</sup> the "Zurich betrayal" has been mentioned and it has been expressed that the opening of the border at the price of accepting the idea of a commission studying the historical facts has cast a doubt on the fact of the Armenian genocide before the world, Turkey received what he wanted before signing as well as after, Turkey conditioned the opening of borders on the Karabakh problem, and that with the Kocharian-Sarkisian policy of the last ten years which placed the issue of the Armenian genocide on the foreign policy agenda, the matter has become a subject of bargaining. Lastly, it has been argued that the only way to prevent this anti-national process and to avoid further losses is Serge Sarkisian's resignation.

However, with a speech delivered on November 11, 2009,<sup>117</sup> Ter Petrossian has surprisingly changed his attitude displayed above.

First of all, he has recognized the legitimacy of Serge Sarkisian's presidency. As will be remembered, the opposition parties had objected to the presidential elections made on

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115 "Armenian National Congress Concerned About Protocol Ratification Process", <http://hetq.am/en/politics/anc-4/>, 2 Eylül 2009.

116 Noyan Tapan, October 13, 2009.

117 "Ter-Petrosian Reaches Out to Sarkisian, Blasts "Extreme Nationalists", *RFE/RL*, November 11, 2008.

February 19, 2008 on the grounds that there was manipulation involved. Also, great demonstrations took place which lasted for months, in which many have been arrested and 10 people, including one policeman, have died due to the intervention of security forces.<sup>118</sup> During this period, Ter Petrossian and his advocates has wanted Sarkisian's resignation and the re-holding of the elections and has refrained from engaging in any dialogue with Sarkisian. This time, Ter Petrossian recognizing the legitimacy of Sarkisian and presenting him to the world as a realistic and resolute statesman worthy of the 21<sup>st</sup> century, has given new strength to the Armenian President who was highly worn down by the protocols. It can be understood that with this attitude, Ter Petrossian aims at securing the protocols, rather than Sarkisian. As a matter of fact, during his presidency (1991-1998), Ter Petrossian has worked harder than Kocharian in the resolution of the Karabakh conflict and the normalization of relations with Turkey and has resigned after entering into conflict with the Parliament over the Karabakh conflict.

In his speech delivered on November 11 concerning the protocols, Ter Petrossian has strongly criticized the Dashnaks and other extremist nationalists. At the top of these criticisms lie the concept of "historical rights" in which extremist nationalists frequently refer to and which establishes the basis of Armenian territorial demands from Turkey. Ter Petrossian, righteously, has stated that neither international relations, nor international law accepts this kind of a concept. On the other hand, he has also expressed that without precluding Armenian claims in its eastern regions, Turkey will never normalize relations with Armenia. He has conveyed that Dashnaks and other extremist nationalists link the normalization of relations to the "unconditional surrender" of Turkey, but Turkey seems unwilling to "surrender" and this shows that Dashnaks and others are totally against the normalization of Turkish-Armenian relations. In the meantime, he has also indicated that it was not Sarkisian who firstly recognized the Turkish-Armenian border, but the Dashnaks who recognized it with the 1920 Treaty of Gyumri, and that it was not Sarkisian who renounced territorial claims, but his predecessor Kocharian.

The only item criticized by Ter Petrossian about the protocols is the Sub-commission on the Historical Dimension. He believes that this commission "would cast doubt on the reality of the Armenian genocide and halt the process of its international recognition". On the other hand, he has stated that this is a severe psychological blow to the worldwide Diaspora. Furthermore, Ter Petrossian has also stated that Turkey will continue to make the normalization of bilateral relations conditional on a pro-Azerbaijani solution to the Karabakh conflict.

Last of all, Ter Petrossian has expressed that Sarkisian has made unforgivable concessions to the Turks for gaining Western support and thereby offsetting the lack of domestic legitimacy.

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118 Ömer Engin Lütem, "Facts and Comments", *Ermeni Araştırmaları*, Vol: 39, pp.37-40.

In short, apart from the Sub-commission on the Historical Dimension and the normalization of relations being linked to the resolution of the Karabakh conflict, Ter Petrossian is in favor of the protocols. This situation has strengthened Serge Sarkisian's position within the country.

## 5. Armenian Revolutionary Federation (Dashnak Party)

The Armenian Revolutionary Federation or Dashnak Party is the champion and persistent follower of the "historic rights" of Armenia which was mentioned above and which has no legal basis, as well as the idea of establishing justice for the Armenian people which also has no legal value. As known, these expressions have been helpful in bringing forth issues relating to Turkey giving territory to Armenia within the limits determined by President Wilson, giving compensation to those subjected to "genocide" (to their descendants), returning of the properties to the descendants of those being relocated, and above all, Turkey recognizing the "genocide" and apologizing for it. All the problems created by the First World War, have been resolved by the treaties concluded after the war (for Armenians, these are the treaties of Kars and Lausanne). But Dashnaks seems not to be concerned with this fact and time is stopped for them in year 1918.

This extremist attitude has always caused Dashnaks to have supporters, although in small numbers. Within the Diaspora, going through a serious identity crisis, Dashnaks have become the sole political power with the appeal of their extremist stances. Looking at the subject from this point of view, the Turkey-Armenia protocols contain some clauses which could never be accepted by Dashnaks, including the recognition of the existing borders and the Sub-commission on the Historical Dimension. Consequently, the Dashnak Party has immediately strongly rejected the protocols in both Armenia and the Diaspora, almost as if they have declared war. We should also bring to mind that upon the declaration that a road map had been agreed upon by Turkey and Armenia, Dashnaks had withdrawn from the Government coalition last April.<sup>119</sup>

In the declaration issued by the Dashnak Party in Yerevan on September 1, 2009, a day after the publishing of the texts of the protocols,<sup>120</sup> it has been stated that Armenia and Armenians entered a new phase which is encumbered with numerous threats and dangers. Following this statement, the position of the Party has been determined in the following way:

a. As neighboring states, Armenia and Turkey are bound to take steps to normalize relations. However, good neighborly relations can be established between the two countries only when Turkey recognizes the Armenian genocide and reestablishes the

119 Ömer Engin Lütem. "Facts and Comments", *Ermeni Araştırmaları*, Vol: 32, p. 21–22.

120 "ARF Bureau Issues Announcement on Protocols", *The Armenian Weekly*, September 1, 2009.

rights of the Armenian people. The establishment of relations without preconditions and the lifting of the blockade are merely first steps.

The point here that has to be taken into consideration is that establishing diplomatic relations and opening the borders (removing the embargo) does not mean peace has been made. In order to achieve peace, it is necessary first to recognize the Armenian genocide and secondly, to “return the rights of the Armenian people”, or in other words, giving territory to Armenia, paying compensation to the descendants’ of those being relocated and the returning of properties.

**b.** Dashnaks consider that the proposal by Armenia to establish relations without preconditions can be deemed as a serious concession given to Turkey.

**c.** It is unacceptable to establish relations with Turkey at the expense of the Armenian government’s sovereignty and viability, as well as the national rights of Armenia’s future generations.

This means that the recognition of the border with Turkey and the establishment of the Sub-commission on the Historical Dimension are against the sovereignty and viability of Armenia. As to the “national rights of future generations”, what is meant here is that today Armenia is lacking the power to obtain territory and compensation from Turkey, but Turks can find themselves in a similar situation in the future. In other words, while Armenia gains power, Turkey can weaken. Thus, it is necessary that starting from today, the “national rights of future generations” are not damaged.

On the other hand, the Dashnak Declaration entails that the protocols contain the well-known preconditions of the Turkish side, that is, to call into question the veracity of the Armenian genocide and to invalidate the unwavering rights of the Armenian people. Furthermore, not undertaking any steps that would contradict Azerbaijan’s interests is a third precondition concerning the Karabakh issue.

With these considerations, during the domestic deliberation stage, the Armenian Revolutionary Federation has expressed that they will utilize all means available to expose the existing dangers within the protocols in an effort to neutralize them and has called on the Armenian people and the political forces in Armenia to properly assess the negative consequences of the Armenia-Turkey relations process.

In the following days, the Dashnak Party in Armenia has attempted on all occasions to bring the items described above to the attention of the public. This can be seen in the speeches delivered frequently by the leading Dashnaks and in their press. On the other hand, demonstrations have been held in order to draw more attention. Among these, many have participated in the demonstration held on October 9, 2009.<sup>121</sup> The

121 Different numbers are given for those demonstrating. These vary between 60.000 (*Asbarez*, October 9, 2009) and 4-5 thousand (*PanArmenian.net*, October 9, 2009).

demonstrators have marched from the Presidential Residence to the Genocide Memorial with posters entailing slogans of “No to Protocols”, “No Concessions to Turkey”, and “No to Preconditions” in their hands.<sup>122</sup> Moreover, in order to draw the public’s attention, a group of fifty people have taken part in a sit-in hunger strike in front of the Ministry of Foreign Affairs in Yerevan. It has been understood that these protestors have taken turns breaking their fasts every two days.<sup>123</sup>

Foreign Minister Edward Nalbandyan has been chosen as the scapegoat for the signing of the protocols and his resignation has been demanded. Moreover, although the resignation of President Sarkisian has not yet been asked, this possibility has also not been ruled out.<sup>124</sup> Actually, it is clear that the matter of resignation is attempted to be used as a threat against Sarkisian. However, it cannot be expected from the President being elected with 52% of the votes and having wide support in the Parliament to blench from such threats. The situation of the Foreign Minister, a career diplomat, is different. Vice-president of the Republican Party, Razmik Zohrabian, by rejecting the assertions of the Dashnaks and expressing that the Foreign Minister has applied the policy of the government,<sup>125</sup> has alleviated the pressure Nalbandyan has been exposed to.

The Dashnak Party, together with 12 other parties, has published another declaration opposing the protocols on October 6, 2009. The main items in it are the same as those given in the declaration on September 1, 2009 explained above.<sup>126</sup> Among the 12 parties, only the Heritage Party is represented in the Parliament. These parties and several civil society organizations have sent a letter to President Sarkisian on October 9, 2009, demanding that the protocols should not be signed.<sup>127</sup> Following the signing, Dashnaks have issued a statement on October 12, 2009, repeating their views and expressing that they have been compelled to prevent the ratification of the protocols in order to neutralize the dangers threatening Armenia.<sup>128</sup>

## 6. Heritage Party

The Armenian Heritage Party has been created before the 2007 Parliament elections. They have 7 seats in the Parliament. Its leader, an American Armenian, Raffi Hovannissian, has been the first Foreign Minister of Armenia. For wanting to pursue a highly tough policy towards Turkey, he has been dismissed from his post in 1992 by former President Levon Ter Petrossian. In a way, the Heritage Party is the party of the

122 “Demonstration in Yerevan. Protesting Against RA-Turkish Protocols”, PanArmenian.Net, October 9, 2009.

123 “Armenian Politics Stagnate While Threat to Statehood Looms”, *Hairnik.com/weekly*, September 23, 2009.

124 “Dashnaks Not Seeking Sarkisian’s Resignation”, *Armenianliberty.org*, September 8, 2009.

125 “Le parti Dashnak isolé quant à ses critiques sur la Turquie et le Karabakh”, *Armenews*, September 3, 2009.

126 “ARF Initiates Multy-Party Anti-Protocol Announcement”, *Asbarez*, October 6, 2009.

127 “Participants of October 9 March in Yerevan Call on Armenian President not to Sign Armenia-Turkey Protocols”, Noyan Tapan, October 9, 2009.

128 “ARF: We Will Use all Political Means to Ensure Failure of Protocols Ratification Process”, *Hairnik.com/weekly*, October 12, 2009.

Diaspora, but has a separate identity than the Dashnaks dominating Diaspora. The Heritage Party is no different than Dashnaks in being against Turkey and Turks. They share the criticisms of the Dashnaks against the protocols.

After the text of the protocols were made public, the Heritage Party has suggested that a referendum should be organized for them, along with a referendum on whether Sarkisian could be trusted or not.<sup>129</sup> However, the great partner of the coalition, the Republican Party has rejected this proposal.<sup>130</sup> Some time later, the Heritage Party has also appealed to the Constitutional Court to examine whether the protocols are suitable to the Constitution.<sup>131</sup>

Another reason for the Heritage Party opposing the protocols is once they come into effect, they will pose risks where Armenian Diaspora's financial and political support is concerned.<sup>132</sup> From time to time, the Heritage Party also organizes rallies against the protocols. Only 15 people taking part in an anti-ratification rally held at the end of October has specifically drawn attention.<sup>133</sup> An explanation for this situation could be the disagreements seen within the party itself. Head of the Party, Raffi Hovannissian resigning from deputyship without providing any reasons and then changing his mind and withdrawing his resignation is the result of these disagreements.

The Heritage Party has also submitted a draft resolution to the Parliament, seeking to declare April 24 which is the "Commemoration Day of Genocide Victims" as "Condemnation Day of Homeland Deprivation" at the same time.<sup>134</sup> What is meant with the expression of "homeland" is Eastern Anatolia.

## VI – DEVELOPMENTS WITHIN DIASPORA

After the texts of the protocols were made public on August 31, 2009, the main Diaspora organizations have started to explain their assessment for these documents. A summary of their views is given below.

### 1. U.S.A

The country the Armenian Diaspora is the most organized, thus the most active is the U.S.A.

129 "Le parti Héritage d'opposition a réagi aux protocoles arméno-turcs", *Armenews*, September 10, 2009.

130 "Armenian Politics Stagnate While Threat to Statehood Looms", *Hairenik.com/weekly*, September 23, 2009.

131 "Heritage Party Applies to Constitutional Court With Initiative to Organize Discussion on Initial Armenian-Turkish Protocols", *Arminfo* September 23, 2009.

132 "Stepan Safaryan.: Presidential Meetings With Armenian Diapora", *PanArmenian.Net*, October 28, 2009.

133 "Heritage Holding Anti-Ratification Rally Once Again", *PanArmenian.Net*, October 29, 2009.

134 "Zharangutiun Proposes Marking April 24 also as Condemnation Day of Homeland Deprivation", *Noyan Tapan*, November 2, 2009.

The Armenian Assembly of America (AAA), supported mostly by wealthy Armenians, and which gives special importance to having close relations with the U.S. governments and is also on good terms with the Armenian government, has issued a press release on October 21<sup>135</sup> in which it has examined the protocols based on the American government's approach to the Turkey-Armenia tensions, but has also criticized Turkey for its allegedly tract record of broken promises. AAA has not openly endorsed the protocols, but since the normalization of relations with Turkey has been supported without preconditions in the press release and these protocols are considered as an important step in achieving this normalization, it has been understood that AAA actually is in favor of the protocols. The Assembly, despite this hesitant attitude, has not been able to escape the criticisms of Dashnaks.<sup>136</sup>

The Armenian General Benevolent Union (AGBU), known as the wealthiest organization of the Diaspora and which is active in the areas of education and charity in principle, have also issued a declaration on September 12, expressing that the policy towards Turkey should not impede the fundamental and historical rights of the Armenian nation and also, the universal recognition of the genocide should not be sacrificed for any immediate diplomatic consideration. Moreover, it has been conveyed that Armenia has been supported in order to safeguard the rights of the Armenian nation and promote their historic and cultural rights.<sup>137</sup> This declaration makes one think that AGBU is not pleased with the protocols, but they also do not want to criticize the Armenian Government on this matter.

Concerning Dashnaks, this party has separate branches in the east and west coasts of the United States. These branches have published declarations concerning the protocols.<sup>138</sup> However, Dashnaks carries out their activities mostly through the Armenian National Committee of America (ANCA) which is a civil society organization. Immediately after the publishing of the protocols' texts, ANCA has sent a letter to the members of the Congress on September 1<sup>st</sup>, indicating their reservations and concerns regarding the protocols.<sup>139</sup> In this letter signed by Aram Hamparian, the Executive Chairman of ANCA, it has been stated that attempts to establish normal relations between Turkey and Armenia cannot last long as it is not based on the historical fact of the Armenian genocide. The following have been requested from the Congress members:

- To persuade the President to honor his pledge to recognize the Armenian genocide
- That the U.S. Government will not, in any way, accept submitting the issue of the Armenian genocide to the historical commission

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135 Armenian Assembly of America, Press Release, October 2, 2009. <http://www.aaainc.org>

136 "As Community Unites, Armenian Assembly Steps Away", *Asbarez*, September 18, 2009.

137 "AGBU Central Board of Directors Issues Statement on Armenia-Turkey Protocols", *Asbarez*, September 14, 2009.

138 "ARF Western US Statement on Proposed Armenian-Turkey Protocols", *Asbarez*, September 2, 2009.

139 "ANCA Concerned With Protocols Initiated for Improving Armenian-Turkish Relations", Noyan Tapan, September 3, 2009.



- The U.S. State Department must hold Turkey accountable for its failure to honor its commitments
- The U.S. Congress should move quickly to pass the Armenian Genocide Resolution

It is awkward to have that kind of requests from the U.S. Government as if they are party to the protocols.

In a letter sent by the Chairman of ANCA, Ken Hachikian to the U.S. Secretary of State Hillary Clinton,<sup>140</sup> the Armenian American community concerns about the one-sided protocols have been expressed and it has been stated that if the protocols are adopted, it will call into question the reality of the Armenian genocide, threaten Armenia's security, jeopardize the freedom of Karabakh and compromise the inalienable rights of all Armenians. Although not being stated openly, the bizarre point here is that Dashnaks want the U.S. Government to interfere in Armenia's affairs.

Several Congress members have aided Dashnaks in their initiatives towards the U.S. Congress and Government. Co-chairs of Armenian Congressional Caucus, Frank Pallone and Mark Kirk have issued a declaration,<sup>141</sup> in which they have stated that they are concerned with Turkey's willingness to cooperate in normalizing relations and that any attempt to include a review of historic facts such as the Armenian genocide and Karabakh peace process into these negotiations stands in direct opposition to the intent of these talks.

Apart from Dashnaks, the main Armenian organizations in the U.S. have sent a letter to President Obama on September 9, 2009, expressing their concerns in view of Turkey's prior failure to uphold its international obligations. Thus, they have requested from the U.S. Administration to hold the Turkish Government accountable with respect to Turkey's commitments to lift the blockade and establish permanent diplomatic relations with Armenia. Other than the chairmen of AGBU and AAA, the letter has also been signed by the archbishops of the East and West coasts. The reason for Dashnaks not being a part of this initiative is based on their divergences with other organizations. Moreover, which commitment Turkey has failed in fulfilling up till now is not specified. Unfortunately, the Armenian Diaspora cannot overcome their tendency to recourse to propaganda on even the most serious matters.

On the other hand, there has been an attempt in increasing the number of co-sponsors of the draft resolution numbered H. Res. 252 about the recognition of the Armenian genocide and which was presented to the House of Representatives on March 17, 2009. But, this number did not increase significantly, reaching to 136 on January 12, 2010. It is worth mentioning that the number of absolute majority in the House of Representatives is 218.

140 "ANCA Calls on Hillary Clinton to Lift U.S. Pressure on Armenia", Armenian National Committee of America, Press Release, September 30, 2009.

141 "Congressional, Armenian-American Reactions to Protocols is Mixed", Washington Briefing, September 4, 2009.

Moreover, the same draft resolution, under the number S. Res. 316 has also been presented to the Senate on October 21, 2009. The number of co-sponsors, including the Senate Majority Leader Harry Reid,<sup>142</sup> on December 3<sup>rd</sup> 2009 has been 10. As known, the absolute majority in the Senate is 51.

The Armenian churches within the Diaspora, especially the ones depending on Etchmiadzin generally try to remain outside daily politics, although they are in the center of the anti-Turkey activities taking place before and after April 24 commemorating the genocide allegations.

The Armenian churches in the U.S. are separated into East and West “prelacies”<sup>143</sup> as required by the country’s geography. Archbishop Musheg Mardirossian, at the head of the prelacy in the West has been dealing with “political” issues for a long time. Following the publication of the protocols’ texts, he has convened a meeting about the protocols, by inviting the prominent people of the church and the representatives of the Dashnak Party. In his speech, he has stated that although the protocols in theory outline some positive changes like bilateral normalization of relations, ultimately the rights of the Armenian people will be compromised.<sup>144</sup>

Meanwhile, it has been seen that several “scientific” Armenian organizations in the U.S. has also opposed the protocols. Roger W. Smith, chairman of Zoryan Institute which has gathered militant Armenian historians and non-Armenian scholars together, has sent a letter to President Sarkisian,<sup>145</sup> in which he has expressed that the sub-commission on the historical dimension creates anxiety among the scholars, that a large academic consensus exists on the Armenians being subjected to genocide, and that all archives, including the Turkish ones, displays this. Furthermore, it has been stated that they have no faith in a commission being created with political motives to come to a compromise on a historical fact and that the historical commission will encourage those planning on committing genocide in the future. Then, Smith has requested that the article concerning the historical dimension in the Second Protocol be changed, but if such modifications are not possible due to diplomatic pressures, then it has been prudent to stage the process so that the discussion of the “historical dimension” is deferred.

Recently, it can be seen that Armenians and pro-Armenian historians together with other scholars with similar convictions put forth that there exists a large consensus on Armenians being subjected to genocide and that archives also prove this. Thus, they refrain from entering into any discussion concerning the issue of the Armenian allegations. Smith’s letter is in the same line. However, beyond this, not only does this scholar refrain from carrying out a joint scientific study relating to the genocide

142 “Senate Majority Leader to Cosponsor Armenian Genocide Resolution”, *Asbarez*, 19 November 2009.

143 “Prelacy” is a religious post similar to archbishopric.

144 “Western Prelacy Hosts a Discussion on Armenia- Turkey Protocols”, *Western Prelacy News*, September 11, 2009

145 “Open Letter for the Protocols to Pres. Sargsyan from Prof. Roger W. Smith”, <http://www.zoryaninstitute.org/> 30 September 2009.

allegations, but even avoid entering into any discussions. The reason for this might be the fear that the Armenians' assertions can be refuted by the collective work and discussions. Those having strong arguments would not at all hesitate in discussing these.

The new Chairman of the International Association of Genocide Scholars<sup>146</sup> which has close links with the Zoryan Institute, William Shabas, has also sent a letter to Prime Minister Erdoğan and President Sarkisian, stating that the “acknowledgment of the Armenian Genocide must be the starting point of any ‘impartial historical commission,’ not one of its possible conclusions.”<sup>147</sup> Here, it is also very clear that the purpose is refraining from discussing the Armenian genocide.

The former chairman of the International Association of Genocide Scholars has sent a letter to Prime Minister Erdoğan<sup>148</sup> on November 3<sup>rd</sup> 2009, expressing his objection to a historical commission in which Turkey would be involved for the reason that Turkey has denied the Armenian genocide; and under article 301 in the Turkish Penal Code, affirmation of genocide is a crime. On the other hand, he has alleged that the Prime Minister has repeatedly stated that even if a historical commission found that the Armenian Case is genocide, Turkey would ignore the finding. Actually, the Prime Minister has stated the complete opposite of this.

Moreover, article 301 under the Turkish Penal Code does not convict those affirming that the Armenian genocide has taken place. The term “genocide” does not even exist in the article. This article is concerned with the public defamation of Turkishness, the Republic and the Grand National Assembly of Turkey, the Government of the Republic of Turkey, judicial institutions of the State, and the military of security organizations. The article clearly emphasizes that ideas conveyed with the purpose of criticizing is not considered as crime. Thus, only those asserting that genocide took place with the purpose of denigrating are included within this scope.

Well known scholars<sup>149</sup> exist among those signing this letter in the capacity of the former President of the International Association of Genocide Scholars. It is quite sad to see these scholars distorting the truth to such a degree.

Also, demonstrations have been organized in opposition to the protocols. The Armenian Youth Federation, a subsidiary formation of Dashnaks, has demonstrated in front of Armenia's Permanent Mission to the U.S. on September 19, 2009 with around 800 participants. The signing of the protocols has been protested and slogans have been shouted in support of Karabakh's independence, Turkey's recognition of the Armenian genocide, and reparations and restitutions of land.<sup>150</sup> About a week later on September

146 For this Association see: Ömer Engin Lütem, “Facts and Comments”, *Ermeni Araştırmaları*, vol: 27–28, pp. 42–45.

147 “The Politics of Genocide and the Turkey-Armenia Protocols”, *Azd Daily*, October 31, 2009.

148 “Former IAGS Presidents Consider Historical Commission an Attempt to Deny Armenian Genocide”, *The Armenian Weekly*, November 20, 2009.

149 Helen Fein, Roger W. Smith, Frank Chalk, Joyce Apsel, Robert Melson, Israel W. Charny, Gregory Stanton.

150 “East Cost Armenians Protest for Justice, Oppose Armenia-Turkey Protocols”, *Asbarez*, September 24, 2009.

27, a public rally has been conducted by Dashnaks in Glendale in which presumably over 10,000 people have participated, including Hunchakians and Ramgavars. In a decision taken in this demonstration, after the re-emphasis of the Dashnaks' views concerning the historical commission, recognition of the existing borders, and the absence in the protocols of the self-determination of Karabakh etc., it has been expressed that the protocols, in their current form, are unacceptable and dangerous and the signing of them will have irreversible and heavy consequences. Furthermore, it has been demanded from the Armenian Government to immediately end all efforts and activities for the signing and approval of both protocols, otherwise the President of Armenia would bare sole responsibility for future events and be treated accordingly by the Armenian people and history.<sup>151</sup>

As to the scholars of Armenian origin, it can be seen that all those expressing their opinions are opposed to the protocols. This stands as evidence of how much Dashnaks dominate the Diaspora. These scholars, in a long article written by Khatchik Mouradian, the editor of *The Armenian Weekly*, have expressed their negative opinions about the historical commission.<sup>152</sup> The names and titles of these scholars are given in the footnote.<sup>153</sup> Three days after the text of the protocols, Taner Akçam, in an interview published in the *Taraf* newspaper, has expressed his negative views of the protocols; this interview has also been published in the Armenian press in the U.S.<sup>154</sup>

The newspapers of *Asbarez* and *The Armenian Weekly* supporting Dashnak politics and being considered as the unofficial organs of this Party, has carried out a public opinion survey among American Armenians about the protocols in the beginning of October and the following results have been obtained:<sup>155</sup>

a. Those against the creation of a historical commission 88.2%

b. Those against Armenia officially recognizing its current border with Turkey 88.6%

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151 "Resolution Urges End to Protocol Process", *Asbarez*, September 28, 2009.

152 "Leave it to the Historians": Scholars from Armenian Diaspora Reflect on Sub-Commission on Historical Dimension", *The Armenian Weekly*, October 18, 2009.

153 Prof. Richard Hovannisian, the chair of modern Armenian history at UCLA; Peter Balakian, professor of the humanities at Colgate University; Dr. Ara Sanjian, associate professor of Armenian and Middle Eastern History and director of the Armenian Research Center at the University of Michigan-Dearborn; Hovann Simonian, the co-author of *Troubled Waters: The Geopolitics of the Caspian Region* and editor of *The Hemshin: History, Society and Identity in the Highlands of Northeast Turkey*; Dr. Elyse Semerdjian, associate professor of Islamic world history at Whitman College; Aram Arkun, New York based scholar who has conducted archival research and published material on various aspects of modern Armenian history and the Armenian Genocide; Dr. Dikran Kaligian, the author of *Armenian Organization and Ideology under Ottoman Rule 1908–1914* and managing editor of the *Armenian Review*; Dr. Razmik Panossian, the author of *The Armenians: From Kings and Priests to Merchants and Commissars*; Dr. Bedross Der Matossian, lecturer in the faculty of history at the Massachusetts Institute of Technology (MIT); Dr. Henry Theriault, professor of philosophy at Worcester State College and author of several articles on genocide denial; Marc Mamigonian, the director of academic affairs at the National Association for Armenian Studies and Research (NAASR) in Belmont.

154 "Taner Akçam: The Decision Will Be Made by Politicians, Not Historians", *The Armenian Reporter*, September 15, 2009

155 "Poll: Over 90% of Armenian Americans Oppose Protocols", *Asbarez*, October 2, 2009.

- c. Those against the lifting of Turkey's blockade of Armenia being linked to the settlement of Karabakh 94.7%
- d. Those believing that the protocols are in favor of Turkey 94.8%
- e. Those against the adoption of the protocols 90.5%

According to these results, a great majority of U.S. Armenians stand in opposition to the protocols. As will be described below, this is also seen in the treatment of Sarkisian by the Diaspora Armenians in New York and Los Angeles.

## 2. European States

In Europe, the country the Armenian Diaspora is the most active in is France. Here, in a declaration<sup>156</sup> published by the Coordination Council of Armenian Organizations in France (CCAF), who asserts that they represent all Armenian organizations in this country, it has been expressed that the Armenian genocide is not negotiable and could not be examined by a sub-commission and that the statement in the first protocol on the two countries "affirming their mutual recognition of their existing border as defined by relevant treaties in international law", requires clarification. Moreover, it states that any genocide results in moral, political and material compensation, Karabakh has the right to self-determination and right to participate in the settlement of this conflict, and Karabakh should be directly connected to the Republic of Armenia. Furthermore, it has also been stated that for the Armenian taboo to disappear in Turkey, Ankara should stop its denial of the Armenian genocide, abrogate articles 301-305 of the penal code, and Ankara should also stop its blockade of Armenia.

Following the declaration of the protocols, in a statement<sup>157</sup> of Chairman of the Western Europe department of the Armenian Revolutionary Federation in France, Murad Papazyan, has said that the Armenian cause is in danger, Karabakh is in danger, authorities of Armenia are committing the greatest political error since Armenia's independence, that creating a special structure (Sub-commission on the Historical Dimension) for studying Armenian genocide already calls into question the fact known to many well-known researchers, scholars and specialists, that this is a hard blow to the Armenian Cause and formidable victory of Turkish diplomacy, and that by accepting protocols on establishing diplomatic relations between Armenia and Turkey, Armenian authorities have renounced their claims.

As can be seen, although the reactions of the Armenian organizations in France towards the protocols are similar to those in the U.S., they are much harsher in their tone.

156 "CCAF Issues a Statement on Armenia-Turkey Protocols", Armradio.am, September 18, 2009.

157 "Armenian Authorities May Commit the Biggest Error", PanArmenian.Net, September 3, 2009.

European Armenian Federation for Justice and Democracy (EAFJD) established mostly to monitor Armenian interests in the European Union and to display anti-Turkey activities within the Union's organs, have issued a declaration<sup>158</sup> on September 2, 2009, stating that Turkey has imposed its preconditions on Armenia and the preconditions of Turkey have violated the principle of international law, because of the acceptance by Armenia of the conditions of illegitimate treaties long pre-dating the existence of independent Armenia (the Moscow and Kars treaties are being referred to). It also involves the abandonment by Armenia of all efforts toward the international recognition of the Armenian genocide, while at the same time showing the complete capitulation by Armenia to Azerbaijani terms in Karabakh negotiations. It is clear that a strong language is used in this declaration which also contains logical errors and some mistakes.

On the other hand, EAFJD has organized the “Votch” (means no in Armenian) or “No” to Protocols campaign supported by several intellectuals in France.<sup>159</sup> In this petition signed by Armenians in around 30 countries,<sup>160</sup> the criticisms relating to the protocols and explained above has been mentioned. About two months later, on November 24, 2009, the petition being signed by only 4,495 people displays this campaign's limited success.

Armenian organizations in many European states and especially in Switzerland, Italy, Greece, Greek Administration of Southern Cyprus, England, Sweden, and Germany, have also displayed views in opposition to the protocols.

Apart from Armenia, the situation of the Russian Federation should especially be underlined for containing the most Armenians (approximately 1, 2 million). However, since the majority of Armenians in Russia have arrived here to seek jobs for economic purposes after Armenia's independence and still maintain close ties with their country, it is difficult to say that an Armenian Diaspora exists in Russia similar to that in the U.S. or France. Some of the Armenian organizations in Russia have opposed to the protocols. The most known personality among the Armenians in Russia is a wealthy businessman named Ara Abrahamyan. Abrahamyan has established the “World Armenian Organization” which pretends to represent all Armenians remaining outside Armenia. Moreover, Abrahamyan is also the Chairman of the “Russian Armenians Union”. Being known all along for his anti-Turkey affiliate and attempting to govern the “World Armenian Organization” in this direction, in a speech relating to the protocols, he has stated that Turkey has not changed and that they should not fool themselves as to Turkey's intentions to open the border and establish good neighborly relations. Moreover, he has also expressed that they should not preclude that Turkey is aiming to spread discord between Armenia and the Diaspora.<sup>161</sup>

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158 “Armenian-Turkish Protocols: Turkey's Preconditions Violate the Principles of International Law”, Armenian Federation for Justice and Democracy, Press Release, September 2, 2009.

159 “Turkish-Armenian Protocols Unanimously Rejected. The “Votch” Petition is met with by Worldwide Acceptance”, Armenian Federation for Justice and Democracy, Press Release, September 29, 2009.

160 For the text of the petition see: [www.votch.org](http://www.votch.org)

161 “Ara Abrahamyan: Armenia Mustn't Engage in Wishful Thinking”, PanArmenian.Net, October 16, 2009.

### 3. Other States

Armenian organizations in some other states have also complied with the general trend and taken on an opposing stance towards the protocols.

Meanwhile, for the first time it has been found out that an Armenian organization exists in China. Entitled “Armenian Community of China”, this organization has indicated that they represent about 200 Armenian families and has issued a declaration in which they have accused Turkey by using a strong language and have also requested the rejection of the protocols.<sup>162</sup>

The biggest Armenian community in Southern America is found in Argentina. On October 3<sup>rd</sup> 2009, a demonstration in opposition to the protocols has been held at the “Armenian Martyr’s Monument” near the Armenian cathedral in Buenos Aires, in which around 1.500 demonstrators have participated.<sup>163</sup>

A rather small but quite active Armenian community exists in Australia. The Australian Armenians have supported the attacks against Turkish diplomats and extremist views within this community still exist. The protocols have been criticized in a demonstration organized by the Armenian National Committee of Australia, a subsidiary institution of Dashnaks in Sydney, in which about 600 protesters have attended.

### 4. Sarkisian’s Visit of the Diaspora Armenians

President Sarkisian has also included the Diaspora in his consultations. He has travelled to states where important Armenian communities exist, like Paris, New York, Los Angeles and Rostov in Russia, and has held talks with the representatives of the Armenian organizations in those countries as well as in neighboring countries.

In the press release of August 31, 2009 of Turkey, Armenia and Switzerland given above, although there has been a mention of political consultations, no amendment to the protocols is possible following the consultations. Therefore, the issue at hand is not really consultations, but providing information. In fact, this matter has been declared to the public by several Diaspora organizations before the President’s visit.<sup>164</sup>

On the other hand, as the protocols’ texts were made public a month before the President’s visit, the Diaspora organizations have had enough time to study them and declare their attitudes concerning these documents. As mentioned above, most Diaspora organizations have taken on an opposing stance towards the protocols. Thus, before his

162 ChinaHAY/Hong Kong, October 9, 2009.

163 “Armenians in Argentina Protest Turkey-Armenian Prorocols”, *Asbarez*, October 3, 2009.

164 As an example, the Declaration of the Armenian Relief Society and the Armenian Revolutionary Federation’s declaration of September 30, 2009, [www.hairenik.com/weeekly](http://www.hairenik.com/weeekly), September 30, 2009. “ARF Statement on Upcoming New York Meeting with President Sarkisian”.

visit, President Sarkisian was aware of this situation and that this visit would cause violent reactions. However, he has been courageous enough to make these visits and has confronted the protests. It is likely that this arose due to the Armenian public opinion that would welcome the providing of information to the Diaspora before the signing of the protocols.

Concerning the informing meetings held in the four states mentioned above, the free attendance in the meetings has been out of the question, as the organizations and the number of their representatives have already been determined beforehand. In the meetings, Sarkisian has delivered a speech, followed by the interventions and questions of the organizations' representatives. In other words, no "negotiations" have taken place.

President Sarkisian has commenced his visits on October 2, 2009 in Paris. First of all, he has put a wreath on the Armenian Genocide Monument (statue of composer Gomitas) situated in the most distinguished area of this city. Around 300 Armenians gathering here have chanted slogans of "traitor" against Sarkisian, attempting to disrupt the ceremony and scuffle with the police. Later on, Sarkisian has held a meeting with the representatives of the Diaspora organizations.<sup>165</sup> Several individuals in France of Armenian origin have supported the President's initiative. Among these are Charles Aznavour, the famous singer and Armenia's Ambassador of Bern, Alain Terzian, the chairman of "Académie des Cézars" which gives out movie awards, and as mentioned above, the chairman of the Coordination Council of Armenian Organizations in France, Alex Govciyan.<sup>166</sup>

The activities against President Sarkisian started before he set foot to the U.S. Several organizations, especially Dashnaks, have published declarations conveying their views. Meanwhile, a demonstration conducted on September 27 in Glendale near Los Angeles in California, in which 10.000 Armenians have been asserted to participate, has drawn attention. We had mentioned above that in New York, also before the arrival of the President, a demonstration was organized on September 19 with about 800 participants.

The Armenian organizations [AGBU, AAA and the Armenian Churches (the Prelates) of the East and West coasts] which have sent a letter to President Obama on September 9, have issued a press release<sup>167</sup> on October 1<sup>st</sup>, two days before the President's arrival to the U.S., in which they have expressed that the Armenian governments have previously offered to normalize relations with Turkey and reopen the border, but has been confronted with Turkey's insistence on Armenians forfeiting Karabakh and renouncing the Armenian genocide claims. However, the signatories of the letter have tried to defend the protocols by stating that the protocols announced on August 31<sup>st</sup> represent a marked change from the past and that Turkey has publicly committed to establishing normal

165 "Une visite Présidentielle Contestée", *Armenews*, October 3, 2009.

166 "Ils Font Confiance au Président Arménien", *Armenews*, October 5, 2009.

167 "Joint Statement of Major Armenian-American Institutions welcoming the President of the Republic of Armenia", <http://www.agbu.org/pressoffice/article.asp?ID=632>.



relations without preconditions. It has also been stated that in this case, attacking the protocols and the best intentions of the President of Armenia does not serve the interests of the Armenian people and that the President of Armenia deserves their support at this critical moment.

President Sarkisian has met with the representatives of the Diaspora organizations located in the eastern coast of the U.S. on October 3<sup>rd</sup> in New York. The text of his speech was not made public. However, according to the information given by those attending the meeting, the President has focused on the benefits of the protocols and has stated that no concession on the Karabakh issue will be given and that there will be no regress in the genocide issue. He has also expressed that the Sub-Commission of Historical Dimension will not discuss the issues of genocide, but its consequences and the fate of Armenian monuments in Turkey.<sup>168</sup>

A Dashnak newspaper has written that Sarkisian has wavered in response to some questions posed to him.<sup>169</sup> Another Dashnak newspaper<sup>170</sup> has written that it has been demanded from the President to stop the protocols' signing and ratification process and to recommit himself to establishing diplomatic relations with Turkey that do not endanger the unalienable rights of the Armenian nation.

In front of the hotel where the meeting took place, hundreds of demonstrators have carried posters proclaiming "Armenians want justice", "Turkey accept the genocide", and "No to the protocols" and have chanted slogans of "No more protocols, no more lies", "Do not betray the Armenian nation" and "Turkey is guilty, Turkey must pay". When attempting to enter the hotel, they have been halted by the police.<sup>171</sup>

President Sarkisian's meeting on October 5<sup>th</sup> in a hotel in Los Angeles with the Armenian organizations of the western coast of the U.S. is in essence similar to the meeting convened in New York.

Thousands of protesters have demonstrated in front of the hotel the meeting was held in. According to a Dashnak newspaper, the number of demonstrators was 12.000,<sup>172</sup> whereas the Los Angeles police gave this number as 3.000.<sup>173</sup> Similar posters and the same slogans have been used in this meeting also. An additional incident has been the flying of an airplane around the hotel carrying a streamer of "Stop Turkish-Armenian Protocols". The protesters have attempted to enter the hotel, only to be halted by the security forces.<sup>174</sup>

168 "Assesment of American Armenians after the New York meeting of Armenian President", *Armenpress*, October 5, 2009.

169 "Armenians protest Sarkisyan visit in New York", *Asbarez*, October 3, 2009.

170 "ARF Issue Statwement after Meeting with Sarkisyan in New York", *The Armenian Weekly*, October 4, 2009.

171 "New York Armenians Welcome President Sargsyan with Protest", PanArmenian. Net, October 5, 2009.

172 *Asbarez*, October 5, 2009.

173 "LA Rally Brought Together 3000 Protesters", PanArmenian.Net, October 5, 2009.

174 "Armenians Organize Action of Protests With Placards 'No to Protocols', 'Don't Betray Us' ", Noyan Tapan, October 5, 2009.

Concerning what results have been obtained from the meetings of President Sarkisian with the representatives of the Armenian Diaspora, it is believed that on first sight these have been entirely negative. The reason for this is the great demonstrations organized by Dashnaks in which they have provoked incidents along with the provoking questions. However, this appearance might be misleading and most of the Diaspora representatives might have been influenced positively by President Sarkisian. Oscar Tatosian from the Prelacy of the Eastern Region of the Armenian Church has said that the majority of the Diaspora is maintaining their silence and that they mainly support the President's initiatives.<sup>175</sup>

After the U.S., President Sarkisian has travelled to Lebanon and met with the representatives of the Diaspora organizations and Aram I, the Catholicos of Cilicia. He has also paid a courtesy visit to the President of Lebanon on October 6.

Around 100.000 Armenians live in Lebanon. Most of these are the descendants of Armenians relocated by the Ottoman Empire. Due to the crises in Lebanon in the last forty years, there has been a serious decrease in the numbers of Armenians in this country. However, since the state of Lebanon's main constituent is religious communities and not the nation, although the numbers of Armenians have decreased, their prerogatives as a religious community within the state continue. In this framework, six deputies in the Parliament of Lebanon and at least one (currently two) minister in the cabinet should be Armenian.

The Catholicosate in Lebanon is called "Cilicia" because this catholicosate was located in the city of Sis (today's Kozan in Turkey) in the region of Cilicia and was closed down in 1916, because there were very few Armenians left in that region due to the relocation. This catholicosate resumed its activities in 1930 in Antelias near Beirut. The Catholicosate of Cilicia is independent from the Catholicosate of Etchmiadzin. However, it recognizes the spiritual supremacy of Etchmiadzin. Aram I, who is the Catholicos today, is close to the Dashnak Party and is known for his statements against Turkey and Turks.

Concerning Lebanon, it should be noted that most of the Armenian terrorists targeting Turkish diplomats in 1975-1986 came from this country.

Before the President's visit to Lebanon, Aram I has sent a letter to him on September 21, 2009 expressing his concerns and stating that the very existence of the Diaspora is a direct result of the genocide. He has also indicated that the recognition of and reparations for the Armenian genocide are part of the Armenian national struggle and the genocide issue cannot be part of the negotiation process and that the protocols could have negative consequences on the Karabakh conflict issue.<sup>176</sup>

175 "Assessments of American Armenians after the New York Meeting of Armenian President".

176 *Asbarez*, September 23, 2009. "Aram I Appeals To Sarkisian On Protocols", *Armenpress*, October 5, 2009.

President Sarkisian's visit to Beirut has been more eventful compared to his visits to Paris, New York and Los Angeles. The protests have started in the airport, then stores in the Bourdj Hammoud district in which most Armenians reside have been closed down, and thousands of Armenians have gathered in front of the hotel where the meeting was held. They chanted slogans, carried posters, clashed with the police and some have been injured.<sup>177</sup> The inscription of "If you open the borders, you will see the bombs" on one of the posters has reflected the culture of violence dominating the majority of Beirut Armenians.<sup>178</sup>

Aram I, during the visit President Sarkisian paid to him, has discussed the subjects of his letter dated September 23 and has asked the Government of Armenia to continue to remind Turkey and the international community that the recognition of the Armenian genocide is a must and not a matter of negotiation. According to the press release issued by the Catholicosate, President Sarkisian has expressed that the issue of recognition of the Armenian genocide belongs to all Armenians, and therefore, he understands the anger of the Diaspora. However, he has also said that the economic-political terms of Armenia-Turkey agreement were important for Armenia.<sup>179</sup>

On October 7, 2009, President Sarkisian has met with the representatives of Armenian organizations from Russia, Ukraine, Belarus, and Moldova in the city of Rostov on the Don River in Russia. Because the majority of Armenians in these countries have migrated recently due to economic problems, they have maintained their close ties with Armenia. For this reason, characterizing them as "Diaspora" would not be completely correct. Most of them regard Sarkisian as their own President, whereas the Armenians migrating years ago to France, U.S., Lebanon and other countries view Sarkisian as the President of Armenia. In other words, they regard him as a stranger. This fact has also affected the meeting in Rostov. Although several criticisms have been made against the protocols in this meeting, with those of Ara Abrahamyan at the forefront, the majority has advocated Serge Sarkisian's viewpoint.<sup>180</sup>

After President Sarkisian has returned to Yerevan, he has given information about his meetings with the Diaspora to the National Security Council. The Catholicos of Etchmiadzin, Karekin II, although not being a member of the Council along with coalition partner and Chairman of the Prosperous Armenia Party, Gagik Tsarokyan, Public Council Chairman, Vazgen Manukyan, and the Diaspora Minister Mrs. Hranuş Hakopyan, has also attended this meeting. In the President's speech,<sup>181</sup> several points require attention. The first point is the emphasis that Armenia will never make one-sided concessions in the issue of Karabakh, which creates the belief that the Karabakh conflict will not be resolved

177 "Thousands Protest Protocols in Beirut", *Asbarez*, October 6, 2009.

178 "Sarkissian à Beyrouth: manifestation contre le rapprochement avec Ankara", *Armenews*, October 7, 2009.

179 Catholicosate of Cilicia, Press Release, October 7, 2009.

180 "Ara Abrahamyan Slashed Protocols", *News.Am.* October 10, 2009.

181 "Serzh Sargsyan: My Short Yet Eventful Trip about Diaspora Communities Gave Me very Important Impulses", Noyan Tapan, October 8, 2009.

shortly. The second point is the emphasis that Armenia has a duty to assure the recognition and condemnation of the genocide and will do that duty to the end. This signifies that problems with Turkey relating to the genocide issue will continue even after the signing of the protocols. Last of all, Sarkisian has stated that there was a concern in the issue of recognition of the current borders, but making territorial demands is not the best start for normalizing relations and that there are facts of political culture of the 21<sup>st</sup> century which should be taken into consideration. As a matter of fact, territorial demands has been considered as alien to the international political culture in the 21<sup>st</sup> century and even since the Second World War. One of the main principles of the United Nations Charter, whose essential role is to promote peace, is the respect for territorial integrity of states. The same principle also exists in the OSCE. While this is the situation and the borders between the two states has been delimited by the Treaty of Kars which is still in force today, the majority of the public opinion in Armenia and Diaspora in an awkward manner, have continued their territorial claims on Turkey by putting forth concepts such as historic rights and justice which do not exist in international law. The Armenian President has attempted to explain that these claims have no real meaning in the 21<sup>st</sup> century.

## VII – DEVELOPMENTS IN TURKEY

We will assess the developments in Turkey mainly in two sections: the consultations of Foreign Minister Ahmet Davutoğlu with the leaders of the Turkish political parties before the signing of the protocols and the meeting of the Turkish Grand National Assembly on the 21<sup>st</sup> of October, 2009 after the protocols have been signed.

### 1. Consultations of the Foreign Minister Ahmet Davutoğlu

Foreign Minister Ahmet Davutoğlu has declared that he has started a process of consultations in Turkey regarding the protocols and that this will be completed by the end of September. Within this framework, Davutoğlu has first met with Ali Şahin, the Chairman of the Turkish Grand National Assembly<sup>182</sup> and asked for an appointment from the opposition parties' leaders and the parties' leaders remaining outside the Parliament but receiving more than 1% of the votes. We do not have enough space to touch upon all meetings held within this framework. We will explain some of them briefly, but provide detailed information regarding the meetings of the Turkish Grand National Assembly on October 21.

MHP leader Devlet Bahçeli has not accepted to meet Davutoğlu. In a statement on this matter, it has been stated that Devlet Bahçeli has already expressed his views and the Government's views must be shared with the nation and put forth in the Turkish Grand National Assembly.<sup>183</sup>

182 "Türkiye-Ermenistan İstişare Süreci Başlıyor (Turkey-Armenia Negotiation Process Begins)", *Cnntürk*, September 10, 2009.

183 "Bahçeli'nin Tüm Kapıları Kapalı (All the Doors of Bahçeli are Closed)", *İhlassondakika.com*. September 11, 2009.

Previously, with a written statement on September 3, 2009,<sup>184</sup> Devlet Bahçeli has said that legal and political defects exist within the protocols. The first, related to the existing borders, is that there has been no mention of the Treaty of Kars which has delimited the border. Establishing diplomatic relations with Armenia which questions Turkey's territorial integrity and persistently continues a hostile attitude to Turkey can be seen as the second defect. Not dealing with suppression of the campaign related to the genocide allegation and Sarkisian clearly stating that discussion of genocide issues in the Sub-commission on the Historical Dimension cannot be possible, can be seen as another defect of the protocols. Last of all, while one fifth of Azerbaijan territory has been occupied by Armenians and one million Azerbaijanis has been forced to become refugees, not being mentioned in the protocols has also been criticized. As a result, it has been declared that because of these defects, the process of normalization with Armenia is against Turkey's national interests and is devoid of any legal and political legitimacy.

After meeting with Davutoğlu, Deniz Baykal, the leader of the main opposition Republican People's Party (CHP) has also expressed his reservations. He has stated that four main problems exist with Armenia which are: Armenia's refusal of the Treaty of Kars, occupation of Azerbaijan territories, the hostile policy towards Turkey based on the genocide allegations, and the Turkey-Armenia border remaining closed. He has also indicated that among these, only the opening of the border issue has been resolved and that the other issues remain imprecise.<sup>185</sup>

Hüsamettin Cindoruk, the leader of the newly formed Democratic Party, has approached the protocols from the problems of Azerbaijan, stating that relations with Armenia should be trilateral and that Azerbaijan must have its part in these relations; but that in the protocol there is not much sensitivity for the Azerbaijan issue. Furthermore, he has expressed that territorial claims on Turkey in the Declaration of Independence of Armenia has been suspended for the moment. Cindoruk has also said that he respects the normalization process of Turkey and Armenia relations, but do not support it full way.<sup>186</sup>

Yalçın Topcu, leader of the Great Union Party has criticized the protocols for being signed in Switzerland where the Armenian genocide allegations were recognized and has stated that the Khojaly massacre (in Azerbaijan) should be mentioned in the protocols. Then, he has expressed that "these problems must be carried out in collaboration with our Azerbaijani brothers" and that they want to trust the Prime Minister's pledge that "they won't open the border unless Armenia forfeits the occupied territories of Karabakh". Furthermore, he has stated that Armenia must declare that they have given up on their genocide allegations and that they recognize the Treaty of Kars. He has also emphasized

184 <http://www.mhp.org.tr/haber.php?id=2663>

185 "Deniz Baykal: Ermenistan'la Dört Sorun Çözülmemeli (Deniz Baykal: Four Problems with Armenia Should be Resolved)", *Sabah*, September 16, 2009.

that when the protocols will be debated in the Parliament, the deputies will act according to their convictions as they did in the March 1<sup>st</sup> motion (in other words, they will reject the protocols).<sup>187</sup>

After meeting with Davutoğlu, Numan Kurtulmuş, the leader of the Felicity Party has stated that “If Turkey does not take the correct step concerning the Armenia issue, troubles will arise in its relations with Azerbaijan. The new strategies Turkey has attempted to implement in the Caucasus will fail. Turkey will fall into a position of being an untrustworthy state. Turkey opening the borders without Armenians withdrawing from Karabakh and the occupied territories is not the right policy”.<sup>188</sup>

After meeting with Davutoğlu, Masum Türker, the leader of the Democratic Left Party, has expressed that their first hesitation concerns the Armenian authorities who believe that the Treaty of Kars should not be recognized even if the protocols are signed and the border opened. Moreover, after indicating that news from Armenia has conveyed that the genocide allegations will not be discussed in the Joint Historical Commission, Türker has expressed that their greatest reserve about this matter is that the Azerbaijani views has not been talking about the protocols.<sup>189</sup>

Meanwhile, it is necessary to also mention Prime Minister Erdoğan’s attitude towards the protocols, who at every given chance, has persistently expressed that opening of the borders depends on putting an end to the occupation of Azerbaijan territory.

## 2. The Turkish Grand National Assembly Meeting on the Protocols

The attitudes of political parties in Turkey towards the protocols have been further clarified after the Foreign Minister Ahmet Davutoğlu has given information to the Turkish Grand National Assembly on October 21, following the signing of the protocols on October 10, 2009. In the meantime, the attitudes of the political parties have been made public in the meeting of the parties groups.

It should be noted that these meetings are not held for the ratification of the protocols. Before the deliberations to be held for ratification later on, the Foreign Minister has wanted to provide information to the Turkish National Assembly. Political parties’ representatives and several deputies taking advantage of this situation, has expressed their views. These are especially important since they give an indication of the probable attitudes regarding the ratification of the protocols. For this reason, we are summarizing

186 “Demokrat Parti’den Ermeni Açılımına Yarım Destek (Half Support of the Democratic Party to the Armenian Overture)”, *Zaman*, September 16, 2009.

187 “BP: Ermenistan Protokolü de, İnşallah, 1 Mart Tezkeresi gibi Mecliste reddedilir (BP: Hopefully the Armenian Protocol, just as the March 1st Motion, will be rejected by the Parliament)”, *ANKA*, September 17, 2009.

188 “Ermeni İşgali Bitmeden TBMM Onayı Olmayacak (Without the Ending of the Armenian Occupation, the Parliament will not Ratify)”, *Milliyet*, September 16, 2009.

189 “Ermeni İşgali Bitmeden TBMM Onayı Olmayacak (Without the Ending of the Armenian Occupation, the Parliament will not Ratify)”, *Milliyet*, September 16, 2009.

below the main points of the views conveyed in the Parliament meeting of October 21, 2009.

Foreign Minister Davutoğlu taking the floor first, has provided explanations on the main essentials of the Turkish foreign policy and the main principles he is attempting to implement. Expressing that there exists frozen crises in the Caucasus which can create security problems at any time, he has said that this situation is not to the benefit of any country and Davutoğlu has emphasized the necessity in eliminating these problems one by one.

Regarding the protocols, Davutoğlu has stated that Turkey and Armenia has confirmed their mutual recognition of the existing borders between them; consequently, there is no doubt or hesitation that the border is recognized. Moreover, respecting the principles of territorial integrity and inviolability of borders also exists in the First Protocol, so the allegations that there is a border conflict between Turkey and Armenia and that there are Armenian land claims from Turkey are not legally valid. This has been confirmed in the protocol which refers to the “relevant treaties of international law” that there are two treaties of that kind; the first being the Treaty of Moscow (March 16, 1921) and the second being the Treaty of Kars (October 13, 1921), on the other hand, both treaties have stated the invalidity of the Treaty of Sevres.

Davutoğlu has said that the treaties of Kars and Moscow are still valid because the Republic of Armenia is the successor of the Union of Soviet Socialist Republics. Two conventions have been concluded in Vienna, first on the Law of Treaties and the second on the Succession of States, confirming this situation. According to paragraph 2/A of article 62 entitled “Fundamental Change of Circumstances” in the Vienna Convention on the Law of Treaties, 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. In other words, if a treaty has defined a boundary between two states, afterwards it is not possible to regard this treaty as invalid.

Examining whether Armenia is the successor of the Soviet Union, the Foreign Minister has expressed that many of the states, including Armenia, emerging from the disintegration of the Soviet Union has gathered in Almaty on December 21, 1991 and have accepted that the treaties concluded by the Soviet Union is binding upon them also. He has also stated that the protocols have identified Turkey’s borders in an absolute manner by the treaties of Kars and Moscow and the guarantee of Nakhchivan’s states are defined by these treaties.

The Foreign Minister has indicated that implementing a dialogue on the historical dimension is foreseen in the Second Protocol with the aim to restore mutual confidence between the two nations, define existing problems and formulate recommendations and that the works of the Commission would be based on an impartial scientific examination of historical records and archives. He has stated that Armenia has acknowledged this “impartial scientific examination”. In other words, Armenia has accepted that this matter

cannot be solved by one-sided views and that Turkey is trying to create a “just memory” without offending any nation.

Davutoğlu has stated that the negotiations aiming to resolve the Azerbaijan-Armenia conflict and ending the occupation of Azerbaijani lands have gained momentum, while the negotiations for the normalization of Turkish-Armenian relations are continuing. Furthermore, he has indicated that the presidents of Azerbaijan and Armenia have met five times within the last five months and that this haste has been the result of the momentum created by the Turkish-Armenian normalization process.

Davutoğlu, expressing that the territorial integrity of Azerbaijan is as sacred as the territorial integrity of Turkey, has also stated that Turkey will continue their efforts without delay in the resolution of the Karabakh conflict which they have carried out for seventeen years. Moreover, it has also been expressed that normalization in the region will only be possible if it is carried out comprehensively and that normalizing relations of Turkey and Armenia would not be achievable as it would not entail a comprehensive normalization.

The Foreign Minister has finished his speech by stating, “we can assure you that through these means, not only will the Turkey-Armenia relations be established again, but the Turkish and Armenian nations will agree on a mutually “just memory” which will allow them to understand each other better and the way to peace will be paved open which will ensure the territorial integrity of Azerbaijan which we deem sacred. We are aiming to accomplish these all together. We have forwarded the protocols to the Parliament within this perspective. When and how the protocols will be ratified depends only on the Parliament’s assessment.”

Oktay Vural, talking on behalf of the Nationalist Movement Party, has stated that while the Turkish Grand National Assembly and the Turkish public opinion has been alienated, David Phillips has provided information to the U.S. House of Representatives on May 14, 2009 regarding the protocols and has even explained the commissions to be established mentioned in the protocols. But, the Turkish Grand National Assembly has been informed of this situation 161 days later. Moreover, he has expressed that the protocols have actually been initialed on April 2, 2009 and that the opening of the Turkey-Armenia border has been revealed during the U.S. President’s speech delivered in the Turkish Parliament on April 6, 2009. Furthermore, it has been conveyed that the internal political consultation process foreseen for the signing and ratification of the protocols is an unprecedented singularity in diplomacy, that amendments would not be made in the protocols following the criticisms received during consultations, and that the internal consultations are in fact a digestion process.

Vural who has put forth that these protocols are not compatible at all with the nation’s interests, demands and decisions of the Turkish National Assembly, has strongly criticized the government by asking which interests have been obtained. After stating that



Armenia considers some of Turkey's territory as part of "Eastern Armenia" and that Mount Ararat is on Armenia's coat of arms, he asked what has changed on these matters. Moreover, he has said that Armenia has made genocide the main item of its foreign policy, has occupied Azerbaijani territory, carried out a massacre in Khojaly, and deprived one million people of their homes, country, and food. He has also criticized the government who acts like a partner of those carrying out this cruelty which would make them a contributor to it, and has asked why the Government is against the oppressed people whose territory has been invaded, rather than standing by them.

Concerning the Sub-commission on the Historical Dimension, Vural has stated that unfortunately it is not a historical commission and that while the Turkish National Assembly had proposed a joint historical commission in 2005 comprised by the historians of both countries, with this protocol today, a commission has arisen in which Swiss citizens have been incorporated.

Oktay Vural has finished his speech by stating, "When the protocols are signed and sent to the Turkish Grand National Assembly for ratification, the Nationalist Movement Party will strongly oppose it and will openly display the consequences and commitments of the Prime Minister and his friends towards history and their nation".

Diyarbakir Deputy Selahattin Demirtaş talking on behalf of the Democratic Society Party has expressed that the Armenian issue has not surfaced after Armenia's independence, but that it has existed for a century. Then, he has stated that in the last days of the Ottoman Empire in 1915-1916, the Ittihadists have systematically applied an elimination policy of non-Muslims and minorities in order to Turkify and Muslimize Anatolia and that they have tried to purge them either by threats, intimidation, population exchange, relocation, or massacre. Moreover, he has considered that within the historical conjuncture, measures taken by states in order to secure their internal and external security can be logical, but that none of the security concerns can justify massacres and forced deportation, and that the dimensions of a social disaster being turned into a complicated and controversial issue and choosing to deny and cover the truth as a way to cover the tragedy experienced in that period has been preferred. Demirtaş has also expressed that the attacks against Muslims by Armenian groups have been highly exaggerated, while the suffering experienced by Armenians have been conveyed in books as if they never took place, which has created a hostility, experienced for generations, towards Armenia by the state.

Demirtaş, arguing that concepts like "Armenian offspring" and "Armenian servant" are used as abusive language and insults in Turkey, has also expressed that the Democratic Society Party believes that a solution will be obtained if the Armenian question is examined in light of historical truth put forth by a commission comprised of independent historians, and if both nations, by reaching a compromise, convey their sorrows and apologies regarding the tragedies. Otherwise, pretending that nothing else has taken place beyond deaths during relocation due to bad conditions

would prevent the creation of a sincere and peaceful policy both internally and externally. Moreover, he has expressed the necessity to abolish and sort out the discriminatory language used in books and discriminating practices. He has conveyed that if the Turkish nation is to live together in harmony as Kurds, Turks, Armenians, Laz, Circassians, and Greeks, they should begin with correcting their common peace language and historical books.

In conclusion, Selahattin Demirtaş has expressed that as Democratic Society Party, they fully support the peaceful resolution of Turkey's internal and external conflicts, including relations with Armenia, through dialogue, negotiations and consultations and they hope that with the protocols entering into force, Turkey-Armenia relations will gradually normalize. Moreover, he has stated that especially with the opening of the borders, they believe that an economic revival will take place from Istanbul, to Kars and Iğdır, and with increasing unemployment in those regions, trade volume and working capacities of the locals will increase.

Istanbul Deputy Şükrü Elekdağ talking on behalf of the Republican People's Party, has expressed that the policies of the Government has led to a deep crisis with Azerbaijan and that the crisis is based on two matters. The first is mistrust of Azerbaijan towards Turkey and the second is the ill treatment of the Flag of Azerbaijan during the Turkish-Armenian national football match in Bursa. Elekdağ has stated that despite Prime Minister Erdoğan expressing in the National Assembly of Azerbaijan on May 14, of his assurance that Turkey will not open its border without Armenia withdrawing from the occupied territories and without the resolution of the Karabakh conflict, Azerbaijan has still not trusted Ankara and has been shocked with Turkey and Armenia declaring with a statement on April 22, 2009 that they have agreed on a comprehensive framework and a roadmap for the normalization of relations that satisfies both sides. Elekdağ has also stated that this roadmap has not entailed the Karabakh conflict and the occupied Azeri territories which have caused the Azerbaijani administration to believe that they have been deceived by Turkey; and with the signing of the protocols in Zurich, this feeling of deception has once again been revived. Moreover, he has said that despite the assurance that the protocols will not be sent to the Turkish Grand National Assembly for ratification until the resolution of the Karabakh conflict, the Government has changed its stance, sending them to the Assembly and then escalating the crisis by increasing Azerbaijani doubts and apprehensions. Secondly, Elekdağ has expressed that banning Azerbaijani flags during the Turkey-Armenia national football match in Bursa has deeply offended our Azeri brothers and that the assertion of this decision being the result of Armenia's application to FIFA could not be used as an excuse. Furthermore, he has stated that although what happened in Bursa was not acceptable, Azerbaijan removing the Turkish flags from the memorial to Turkish soldiers who died a martyr while fighting for Baku's liberation was equally wrong. As a result of these mistakes, a highly pessimistic atmosphere has developed and the definition of "one nation two states" used by deceased Haydar Aliyev has been endangered.

Elekdağ who has argued that the signing of the protocols carries serious risks for Turkish national interests, has stated that the Treaty of Kars not being mentioned in the protocols has led to a serious loss of legal ground for Turkey since the first action Armenia took after gaining independence was to declare that they did not recognize the Kars Treaty. Moreover, he has indicated that Armenia has not recognized Turkey's territorial integrity since they have referred to Eastern Anatolia as "West Armenia" in the Declaration of Independence adopted by the Armenian Parliament, that this Declaration has been referred to in the preamble of the Armenian Constitution, and that Mount Ararat as a national symbol is on the coat of arms of Armenia. Also, Elekdağ has stated that these are the proofs of the deep and indelible features of Armenia's aspirations towards Turkey. On the other hand, not indicating the validity of the Treaty of Kars in the protocols has led to a false conclusion that Turkey has renounced their rights and commitments on Nakhchivan.

Elekdağ has stated that the main point poisoning Turkish relations with Armenia has been Armenia's obsession with the genocide and that unless the two sides look at their bitter histories from a mutual perspective, this blood feud will continue and pass on from generation to generation. For this reason, although to establish a historical commission is very important, its terms of reference is extremely vague and as it is not clearly stated that the main task of the sub-commission is to shed light on the events of 1915, Armenian authorities have already started to say that the genocide issue will not be discussed in the historical commission.

Last of all, Elekdağ has referred to Atlantic Council senior fellow David Phillips's speech delivered in the U.S. Congress that "the Turkey-Armenia negotiations taking place under the mediation of Switzerland has actually been carried out with the supervision and contribution of the U.S.". With this reference, Elekdağ has ended his speech by stating that surrendering national interests to the guidance of another state (U.S.) will create these kinds of results.

Ömer Çelik, talking in the name of the Justice and Development Party and responding to those speaking before him, has expressed that some statements argue that the protocols securing the Turkish borders with Armenia has some disadvantages, but in fact Turkey, as far as its legal and political gains are concerned, has not even taken a millimeter of a step back, and that on the contrary, has gained a strategic and psychological superiority by establishing peace in the Caucasus. On why the treaties of Kars and Moscow have not been mentioned, Ömer Çelik has said that in the First Protocol the mutual recognition of the existing border between Turkey and Armenia as defined by the relevant treaties of international law has been confirmed, and that these relevant treaties are those of Kars and Moscow.

Ömer Çelik has stated, according to some criticisms, that there are ambiguities in the protocols and that speculations exist on the door to the Treaty of Sevres being opened, and has also expressed that these are not valid, that Turkey does not recognize the Treaty

of Sevres, that this treaty has not established the border (delimitation of the Turkish-Armenian border has been left to U.S. President Wilson) and that all these became invalid with the 1921 Treaty of Kars. It has also been stated that after the disintegration of the Soviet Union, several successor states, including Armenia, have issued a declaration in Alma-Ata conveying their recognition of all the treaties signed by the Soviet Union; consequently nothing exists in the protocols which could put the treaties of Kars and Moscow into danger.

Foreign Minister Ahmet Davutoğlu, in response to the criticisms that talks with Armenia have been conducted under the supervision of the U.S., has said that “since the establishment of the Turkish Parliament on April 23, 1920, all the governments of the Republic of Turkey have taken their decision in Ankara, have implemented these decisions in the name of the nation, and have not taken orders from anywhere”.

Secondly, Davutoğlu has referred to the flag incident with Azerbaijan by stating that Turkish martyrs’ graveyard and Turkish flags in the Martyrdom Mosque are entrusted to the glory and honor of the Azeri nation. The Flag of Azerbaijan is also our glory, our honor.

Last of all, Davutoğlu has expressed that their main goal is to “create a permanent stability and prosperity in the Caucasus, to accelerate the process of recovering the occupied territories of Azerbaijan, and to recreate and build an order in which Turkey would be the locomotive within the whole of their neighborhood”.

If we consider the speeches mentioned above and other speeches of some of the deputies in the Turkish Grand National Assembly, one can conclude that the overall views towards the protocols are negative. The main criticisms to the protocols can be summarized under the following main headings.

- Providing information about the content of the protocols to the U.S. Senate before the protocols have been debated in the Turkish Grand National Assembly
- The protocols not creating any change within the attitude of Armenia towards Turkey and Azerbaijan (no change in the term of “West Armenia” in the Declaration of Independence and Mount Ararat being the symbol of the Coat of Arms of Armenia, the continuing occupation of Azeri territory and Azerbaijani refugees)
- The protocols being prepared in Switzerland which has accepted the “genocide”
- The protocols causing a deep crisis between Turkey and Azerbaijan
- No mention of the Treaty of Kars in the protocols causing a loss of legal ground for Turkey, creating the false conclusion that Turkey has renounced its rights and commitments over Nakhchivan

- Terms of reference of the tasks of the Sub-Commission on the Historical Dimension being very ambiguous, not mentioning that the main task of the Sub-commission is to shed light on the 1915 events, historians being incorporated into the Historical Commission apart from those of the two countries

It can be seen that these types of negative approaches will also continue in the future, but taking into consideration the percentage of the votes of the opposition parties, the protocols will be ratified without much difficulty by the Assembly.

The main problem concerning the protocols is when they will be ratified. For ratification, it is understood that the Turkish Government expects at least some positive developments in the Karabakh conflict. Although the Armenian and Azerbaijani head of states and foreign ministers carry out talks frequently, it is believed that a solution is not around the corner.

### VIII – SIGNING OF THE PROTOCOLS

The protocols have been signed on October 10, 2009 in the city of Zurich in Switzerland. During the ceremony, U.S. Foreign Minister Hillary Clinton, Russian Foreign Minister Sergey Lavrov, Foreign Minister of France Bernard Kouchner, Swiss Foreign Minister Micheline Calmy-Rey representing the host and mediating state Switzerland, Slovene Foreign Minister and Chairman of the EU Committee of Ministers Samuel Zbogar, and EU High Representative for Common Foreign and Security Policy Javier Solana have been present during the signature. It is not common for these big power representatives and international organizations like the EU and NATO to attend a ceremony of signature by taking time from their busy agendas and travelling thousands of kilometers. This act displays the importance bestowed upon the reconciliation of Turkey-Armenia. The signing of the protocols not only shows that the hostility existing between the two states and nations for centuries has ended, but is also a process for assuring that security and cooperation has started in South Caucasus.

Although all preparations for the ceremony had been made, the guests had taken their seats and the televisions had started their live broadcasts, the signing had not taken place on the scheduled time. No formal statement had been made to explain this awkward situation, but news had been received that Armenian Foreign Minister Edward Nalbandyan had refrained from signing the protocols because he did not agree with some statements in Davutoğlu's draft speech. According to this news, Hillary Clinton had personally strived to find a compromise between the two sides. On the other hand, Russian Foreign Minister Lavrov has also recommended Nalbandyan to sign the protocols. In conclusion, the foreign ministers of Turkey and Armenia have accepted not to deliver a speech and the protocols have been signed with a 3,5 hour delay. Nalbandyan's frowning face during the signing has been published in all newspapers and TV channels around the world.

According to the press, Nalbandyan has opposed the statements in Davutoğlu's speech which have indirectly referred to the Karabakh conflict.<sup>190</sup> However, upon examination of the English text of Davutoğlu's speech,<sup>191</sup> it can be seen that not only does a disturbing expression not exist, but the word Karabakh is not even mentioned. It is our belief that Nalbandyan refraining from signing the protocols has not been based on his disapproval of Davutoğlu's speech, but is because of his concern that the protocols would create harmful results for him personally; causing him to try to give the impression that he was signing the protocols unwillingly. The role of Dashnaks carrying out a campaign against Nalbandyan and urging him insistently to resign has been influential in creating this situation.

Two days after the signing of the protocols, President Sarkisian has attended the Turkey-Armenia national football match held in Bursa. This visit has reinforced the positive atmosphere created by the signing of the protocols.

Despite the commitments made on all levels, starting with those of President Gül and Prime Minister Erdoğan, Azerbaijan has not been satisfied with the signing of the protocols and tension has arisen between the two states which has not been openly expressed, but the existence has been felt. Based on the rules of FIFA, banning of the Azerbaijan flags from entering the stadium during the national match in Bursa, confiscating the flags taken into the stadium, and later finding that some of these flags have been negligently thrown somewhere has been exaggerated within the Azerbaijan public opinion where emotion has already reached its peak. As a result of this, the flags at the Turkish Martyrdom Mosque in Baku were removed, which has created highly negative reactions in Turkey. Although the Turkish flag has been hung back up again at the Martyrdom Mosque following Foreign Minister Davutoğlu's visit to Baku, the discussions for increasing the prices of Azerbaijani natural gas sold to Turkey has caused resentment and distrust among the public opinion of both states towards each other. A Turkish newspaper has claimed that the concept of "one nation, two states" has crumbled.<sup>192</sup>

During his visit of the U.S. at the end of December, Prime Minister Erdoğan has persistently made statements linking the ratification of the protocols to the resolution of the Karabakh conflict, which has caused trust towards Turkey to be reborn in Azerbaijan. However, this time concerns have developed in Armenia and President Sarkisian has stated that if Turkey delays the ratification, they will use the opportunities provided by international law,<sup>193</sup> implying that they might denounce the protocols. In effect, this has alarmed the U.S., causing Foreign Minister Hillary Clinton to phone President Sarkisian and express that U.S. is in favor of a speedy normalization of relations between Armenia

190 "İşte Ermenilerin Kabul Etmediği Davutoğlu'nun Konuşması (Davutoğlu's Speech the Armenians Rejected)", *Zaman*, October 12, 2009.

191 "Address by Turkish FM Davutoğlu on Signing the Protocols Between Turkey and Armenia", *TurkshNY.com*, October 19, 2009.

192 *Hürriyet*, October 19, 2009.

193 "Sargsyan About Obama Efforts", *Largir*, December 10, 2009.

and Turkey without preconditions (without linking it to the resolution of the Karabakh conflict).<sup>194</sup>

## IX – CONCLUSION

Turkey is among the first countries to recognize the independence of Armenia in 1991. This gesture has arisen due to the desire to end the long-lasting hostility and inaugurate a period of friendship and cooperation between the two states and nations. For this period to begin, Turkey has deemed necessary that the problems between the two states should be solved first.

There were two main disputes between Turkey and Armenia. The first was Armenia's reluctance to recognize the existing border with Turkey and the second was reaching a kind of understanding on the genocide allegations which have poisoned relations. Armenia has not been ready to solve either problem, Turkey has not established diplomatic relations with this country whose independence has been recognized. Later, a reaction to the Armenian occupation of Azeri provinces outside of Karabakh has developed and Turkey has closed its border with Armenia in 1993, causing a third problem to arise which requires a solution.

From 1992 onwards, an open and sometimes confidential negotiation process which has sometimes been interrupted, only to start again, has taken place for the normalization of relations. This process has been conducted by high level diplomats and sometimes by foreign ministers. In response to Turkey's proposals for resolving first these three disputes in order to normalize relations, Armenia, taking an opposite stance, has proposed that existing problems be solved only after establishing diplomatic relations and opening the border.

Seventeen years later, due to its isolation, Armenia has shown a change in its policy. With the protocols, Armenia has recognized the borders between the two states and although unwillingly and with many hesitations, has consented examining historical questions by a sub-commission. But, it has rejected Turkey's participation to the negotiations on Karabakh, putting forth that the Minsk Group handles this issue. Turkey has signed the protocols which has not referred to the Karabakh conflict, but has linked the ratification of the protocols to the resolution of the Karabakh conflict. In this way, Karabakh has become an issue of Turkey-Armenia relations.

From now on, what kinds of developments can be expected?

We must first explain what is meant by the Karabakh conflict. This conflict can be separated into two sections, consisting of the occupation of Karabakh and the throwing

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194 "Clinton Phones Sarkisian After Armenian Warning To Turkey", *RFE/RL*, December 11, 2009.

out of Azerbaijanis from this region along with the occupation of seven Armenian provinces surrounding the Karabakh region and the fleeing of Azerbaijanis from these provinces to Azerbaijan. The definite resolution of the Karabakh conflict will perhaps take tens of years. It is understood that the continuing negotiations held with the mediation of the Minsk Group focuses mostly on the evacuation of Armenian forces from these seven provinces. In case the two sides reach an agreement for these provinces, it can be said that Turkey will find this satisfying enough to establish diplomatic relations with Armenia and open the borders. It is also clear that Azerbaijan will not oppose this either.

However, the problem here is that the timeframe for reaching an agreement on these seven provinces is not known. The Press Release on the 31<sup>st</sup> of August 2009 had stated that Turkey and Armenia agreed upon the “timely progression of the ratification” of the protocols, in other words, the sides have agreed upon a reasonable timeframe for ratification. Although, what is meant with this reasonable timeframe can be debated, it is likely that a short period is meant. We believe that this might entail a period of about six months. This corresponds to April of 2010. It is also important to keep in mind that each year, the Diaspora activities against Turkey reach its peak in April.

On the other hand, it is without doubt that the Diaspora, who has been highly disappointed but never has lost hope, will take every action possible in preventing the implementation of the protocols.

At the top of these actions comes the adoption of resolutions in recognizing the Armenian genocide within the U.S. House of Representatives, U.S. Senate or both. For the time being, it seems impossible for these resolutions to be adopted unless the U.S. Government supports them. However, although the U.S. Government has not yet lit a green light in order to warn Turkey, it would not prevent the number of cosponsors increasing. The negative scenario here is the White House losing their control and the adoption of the resolutions. However, in that case, it is difficult to expect Turkey to ratify the protocols. Not only will the government not ask for ratification, but almost all of the deputies will also refrain from voting for the protocols.

The European Union is also in favor of the ratification of the protocols as soon as possible. The delay of the ratification can be connected to Turkey’s membership process.

Concerning France, the only mean this country has is the draft law pending in the Senate which foresees the punishment of those denying the Armenian genocide. However, this draft has not been put on the agenda of the Senate not because of being against Turkey, but for being viewed by much respected historians and other scholars as infringing freedom of expression.

In short, non-ratification of the protocols for quite a long time will create reactions and pressures inflicted upon Turkey. Therefore, it is highly important to resolve the Karabakh



conflict as soon as possible. But, Turkey has no significant leverage on this issue. The decision depends on Armenia and Azerbaijan. If Armenia wants the swift opening of the borders, they can be more flexible towards the Karabakh issue. However, since the protocols have caused Sarkisian to be rather fragile, most probably he will not want to make concessions over the Karabakh issue and become the target of the criticisms in Armenia and Diaspora. It is even possible that he will delay the resolution of the Karabakh conflict. However, the Armenian government must follow a policy that will not endanger the protocols, since if the protocols are not ratified and the border not opened, Sarkisian's position will be further weakened and most likely he will not be elected as President again.

Concerning Azerbaijan, Armenian forces retreating from the seven provinces and the refugees returning to their homes will be welcomed, and although the accusations that no action has been taken to liberate the Karabakh region continue, President Aliyev's position will be strengthened. On the other hand, if the protocols are not ratified and the Turkish border not opened, Armenia will see no necessity in reaching a compromise over the Karabakh conflict. The only "reward" for Armenia to evacuate the seven provinces is actually the opening of the Turkish border.

Even if the protocols are ratified and put into force, it can be said that some problems will still exist and the terms of reference of the Sub-commission on the Historical Dimension will be the most important of them. Turkey expects that this Sub-commission will examine first of all Armenian genocide allegations. Armenia does not consider that this is the task of the sub-commission, which should discuss the "results of the genocide". In other words, matters related to the Armenian properties in Turkey before 1915, compensation to be given to the "genocide victims' descendants", and the maintenance and renovation of Armenian monuments in Turkey, but these matters are not mentioned in the protocols and the questions of properties and compensation have already been resolved with the Treaty of Lausanne. If Armenians completely reject the discussion of genocide allegations and insist on property and compensation claims, the question of what benefits the protocols bring can be brought forward in Turkey, which can affect the ratification process.

In conclusion, although the signing of the protocols has been a great leap in the normalization of relations between the two countries, it can be seen that even if the protocols are ratified, some important issues still exist which could negatively affect the creation of the much desired peace and cooperation between the two sides.

As a matter of fact, even before proceeding to the ratification, a new conflict arose between the countries concerning the protocols.

The Armenian Government, according to the existing procedure, has sent the protocols to the Constitutional Court for examination. The court in its decision on 12 of January 2010 had stated that the protocols were in conformity to the Armenian Constitution, but

linked this to the protocols being consistent with legal positions set forth in this Decision. In an usual way, many of the provisions of the protocols are being reviewed and several interpretations are being put forth in the Court's Decision. These interpretations are binding; in other words, they cannot be altered and have to be implemented as it is. But some of these interpretations are contradictory to both the content and the spirit of the protocols and even changes the meaning of some of its articles.

The Court Decision by referring to the Declaration of Independence of Armenia which is mentioned in the Preamble of Armenia's Constitution had stated that the provisions of the protocols cannot be interpreted or applied in a way that would contradict paragraph 11 of this Declaration. Paragraph 11 states the following: The Republic of Armenia stands in support of the task of achieving international recognition of the 1915 Armenian genocide in Ottoman Turkey and Western Armenia.

From this paragraph, we can draw two conclusions.

The first is that Armenia must make every effort to achieve recognition of the genocide allegations. Since genocide is accepted as a reality, it will not be possible to discuss whether the 1915 events are genocide or not in the Sub-commission on the Historical Dimension mentioned in the Second Protocol.

The second conclusion is that the statement of Western Armenia mentioned in paragraph 11 actually refers to Eastern Anatolia. By putting forth that some of the Turkish lands are in fact Armenian, Armenia indirectly claims a right over these territories. In other words, again indirectly, it does not recognize the border between the two countries. However, in the First Protocol, the recognition of the existing border between the two countries is confirmed. In the Court's Decision, this recognition is connected to safeguarding the normal operations of border checkpoints. Thus, the border has been recognized only to carry out checkpoint operations. This recognition is an operational one and does not mean that Turkey's territorial integrity is recognized. In other words, by asserting that they have historical rights, in the future, Armenia will be able to demand territory from Turkey just at a time when they see suitable.

On the other hand, it is stated in the decision of the Court that the commitments assumed within the framework of the protocols have a bilateral content exclusively and they cannot relate under any pretext with some third party. This way, it has been expressed that the protocols will not in any way be related to the Karabakh conflict.

In fact, in the protocols, there is no direct reference to Karabakh. However, the statements in the Second Protocol regarding the cooperation for enhancing regional stability and security of the region and commitment of the two countries to the peaceful settlement of regional and international disputes and conflicts on the basis of norms and principles of international law are indirectly linked to Karabakh. But, the Constitutional Court has not touched upon these subjects at all.

According to the decision of the Constitutional Court, two main items exist in the protocols which should be implemented. The first is the opening of the borders; the second is the establishment of diplomatic relations. Since 1992, Armenian governments raised these points against Turkey. However, the Turkish governments have linked the implementation of these two items to the recognition of the existing border (or recognition of each other's territorial integrity) and the scholarly examination of the genocide allegations. About 17 years later, Armenia has accepted the Turkish demands and has signed the protocols. But now, the decision of the Constitutional Court will prevent Armenia to recognize the territorial integrity of Turkey and the examination of the genocide allegations. Consequently the protocols could not be considered anymore as an important instrument for the normalization of relations of the two countries.

Prime Minister Erdoğan has reacted to the decision of the Armenian Constitutional Court by stating that the process of normalization will be challenged unless this mistake is corrected.<sup>195</sup> On the other hand, the Ministry of Foreign Affairs has issued the following press release.<sup>196</sup>

*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.*

*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.*

In summary, the Turkish Government is of the opinion that the Court's Decision impairing the letter and the spirit of the protocols and undermining their fundamental objectives cannot be accepted by the Turkish Government. In other words they would not be ratified unless a kind of correction is made.

Armenian Foreign Minister Edward Nalbandyan dismissed the Turkish point of view as nonsense and said that the efforts to normalize their relations with Turkey could soon end in failure if Turkey is not ready to ratify the protocols and continues to put forth preconditions, make some linkages and obstructs progress of the normalization process.<sup>197</sup> One can conclude that the Armenian Constitutional Court Decision has caused a retreat to the very beginning of the two countries very long and difficult normalization process, in other words a retreat to point zero.

195 Reuters, January 20, 2010.

196 *The Armenian Weekly*, January 2010.

197 News.am/tr, January 20, 2010.

