

THE INTERNATIONAL RECOGNITION PROCESS OF THE ARMENIAN GENOCIDE IN THE CONTEXT OF THE PROBLEM OF REPARATION ISSUE

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In the year of the hundredth anniversary of the Armenian Genocide the interest of the world public in this issue has increased significantly. This was due both to the need to highlight a number of dark pages of the age-old history of the World War I, and to study in detail the issue of genocide in the modern world.

The first genocide of the 20th century, *Mets Yeghern* - Genocide, was not actually convicted at the international level, the perpetrators of this terrible crime were not punished, no serious efforts were made to eliminate the consequences of the genocide. According to experts in the field of genocide, all this created a dangerous precedent: it is no accident that 1933-1945 Nazi Germany committed genocide -Holocaust against the Jewish people. And only after the end of the World War II, mankind came to its senses and condemned Nazi leaders in Nuremberg.

Years later, West Germany began to pay compensation to the young state of Israel, and the payments continue to this day. This amount, starting with Chancellor of Germany Konrad Adenauer to Angela Merkel, today reaches several hundred billion dollars.¹

It should be noted that the famous lawyer, a Jew by birth, Raphael Lemkin, defined the crime "Genocide", referring to what happened with Armenians in Western Armenia and in other areas of the Ottoman Empire in 1915-1923.² It became the basis of the well-known UN Convention of December 9, 1948 on the Prevention and Punishment of the Crime of Genocide.

However, unfortunately, the issue of the Armenian Genocide continued to be beyond the attention of the world community. And this in the case when the Armenians were not only physically destroyed, but also lost their homeland - Western Armenia, where they lived for thousands of years.

By the way, humanity remained indifferent to the tragedy of another people - the Aysorians as well who created an ancient civilization. During the First World War this people was subjected to genocide in its historical homeland - in Assyria by the Ottoman Turks. Similarly, the world was also silent about the Turks' genocidal policy at the same period in relation to the Pontic Greeks. It can be stated with certainty that a hundred years later the situation regarding this problem has not changed.

Before the Second World War the Armenians did not have any opportunity to raise the issue of condemnation of the Armenian Genocide on the international level.

¹ <http://www.claimscon.org/>

² Hovhannisyanyan N., *The Genocide of Armenians in the Conceptual System of Genocidology*, Yerevan, 2002, p. 11 (in Armenian).

During the times of the Stalin regime, as well as Soviet-Turkish comparatively warm relations, this issue was actually closed in Soviet Armenia. At the same time the dispersed Armenian Diaspora around the world was not able to raise this issue, as it was itself at the stage of formation. It was only in 1945-1947, when, on behalf of Soviet Armenia, the issue of the return of Armenian lands was raised in the context of the foreign policy of the Soviet Union.³

However, due to Anglo-American tough opposition, this issue was removed from the agenda. Moreover, the Soviet Union has also changed its position. On May 30, 1953 Khrushchev's leadership refused territorial claims to Turkey. The Armenian issue in the Soviet Union again became a very dangerous and closed topic.

The situation around the Armenian issue was changed after Soviet Armenia and the Armenian Diaspora officially celebrated the 50th anniversary of the genocide. In 1965, faraway Uruguay became the first country whose legislative body recognized the Armenian Genocide. Soon the Soviet leadership abandoned the previous unfavorable policy towards the Armenian question. The leadership of the Kremlin not to aggravate relations with the NATO member Turkey, did not recognize or condemn the tragedy of Armenians at the state level, but at the same time allowed to mention officially the day of the memory of the victims of the genocide in Armenia, build a memorial complex, publish scientific literature and so forth.

On June 18, 1987, the European Parliament adopted a resolution "On the Political Solution of the Armenian Question." The preamble of the document notes that "the Turkish government, refusing to recognize the 1915 genocide to this day, continues to deprive the Armenian people of their own history ... that the historically proven genocide has not received any political condemnation or appropriate compensation ..."⁴

In 1991, after the declaration of independence, the Armenian authorities did not include the issue of the Genocide in the priorities of the foreign policy of the young republic in order not to provoke Turkey's aggression against Armenia. Because of this in the first years of Armenia's independence, only three states that have close historical ties with our country recognized and condemned the crime at the level of the parliament - the Russian Federation (1995), Greece (1996) and Lebanon (1997).⁵

The position of the Armenian authorities on the issue of the Armenian Genocide radically changed after March 1998. President R. Kocharyan, Foreign Minister and other high-ranking officials repeatedly raised this issue at the OSCE summit in Istanbul, the UN, and the Parliamentary Assembly of the Council of Europe. From now on, this problem has become one of the priorities of Armenia's foreign policy.

³ Berlin (Potsdam) Conference of the Heads of the Three Allied Powers - USSR, USA and Great Britain (July 17 - August 2, 1945), Yerevan, 1989, p.168 (in Armenian).

⁴ Barseghov Yu. G., The Armenian Genocide - a Crime against Humanity (on the legality of the term and legal qualification), Yerevan, 1990, p.70 (In Russian).

⁵ The Armenian Genocide: Turkey's responsibility and obligations of the world community, documents and commentary. Comp. the author of the preface and commentary Yu. G. Barsegov, vol. 2, part 1, Moscow, 2003 (In Russian).

Undoubtedly, the change in the official approach of the Armenian leadership contributed to the condemnation of genocide on the highest levels in various countries. It is no accident that after that in 1998-2000 the Armenian Genocide was condemned by the parliaments of Belgium, France, the NKR, Sweden and Italy, the New York and Rome city halls, the Pope John Paul II, and dozens of USA states.⁶

Numerous attempts on the part of Turkey to prevent the process of international recognition of the Genocide, for example in 2001-2003 the activities of the so-called Armenian-Turkish reconciliation commission, only temporarily delayed the process. Soon the tragedy of Armenians was condemned by the parliaments of Switzerland (December 2003), Canada, Poland, Slovakia (2004).⁷ Until 2010, the number of countries reached two and a half dozen.

It is obvious that the Turkish policy of denying such an incontrovertible crime as the *Mets Yeghern* has completely failed. Progressive world community officially protested with condemnation. However, in the struggle against such a policy of Turkey, the Armenian side had missed an important, essential element - the problem of the need for compensation for the committed crime. Most of the aforementioned parliamentary resolutions do not reflect such a significant formulation as compensation; need to eliminate the consequences of this crime.

From this point of view, the statement-resolution of the State Duma of the Russian Federation of April 14, 1995 is singled out.⁸ Its clear legal formulation is similar to the "Declaration of Independence" of August 23, 1990, which also emphasizes in paragraph 11 that the genocide of Armenians was committed in Western Armenia and in Ottoman Turkey.⁹

It should be noted that the title of the document clearly expresses the essence of the issue. It is entitled as - "Statement of the State Duma of the Federal Assembly of the Russian Federation on the condemnation of the genocide of the Armenian people in 1915-1922." At the beginning of the statement it is stated that the conviction is based "... on irrefutable historical facts testifying to the extermination of Armenians on the territory of Western Armenia in 1915-1922."¹⁰

It means that before the adoption of this statement, a serious work was done to study the historical material, which leaves no doubt about the truthfulness of the genocidal policy of the Turkish authorities towards the Armenians. Secondly, such a

⁶ For details see Barseghyan LA., The Chronology of the Public Condemnation and Recognition of the Armenian Genocide (1915-2000), Yerevan, 2000 (in Russian).

⁷ The Armenian Genocide: Turkey's responsibility and obligations of the world community, documents and commentary. Comp. the author of the preface and commentary Yu. G. Barsegov, vol. 2, part 2, Moscow, 2003 (In Russian).

⁸ Collection of Legislation of the Russian Federation, Moscow, 1995, No. 17, p. 1497, Records of the Federal Assembly of the Russian Federation, Moscow, 1995, No. 14, p. 1024, (in Russian).

⁹ www.gov.am/am/independence/

¹⁰ Collection of Legislation of the Russian Federation, Moscow, 1995, No. 17, p. 1497, Records of the Federal Assembly of the Russian Federation, Moscow, 1995, No. 14, p. 1024, (in Russian).

policy was implemented by the Young Turk government not only in 1915 or throughout the entire period of World War I, as some historians often maintain, but had its own continuation after the war, already by Kemalist Turkey.

Consequently, the policy of mass extermination, that is the Armenian Genocide, which began in the 1890s since the time of Sultan Abdul Hamid II, alternately passed to the Young Turks, and then to the Kemalists. It is obvious that the change of power did not in any way affect the anti-Armenian policy of the Turkish rulers.

From the quotation cited above it also follows that the extermination of Armenians took place on the territory of Western Armenia, that is, in the homeland of Armenians. By the way, this important idea is repeated in the document in the penultimate phrase, where it is also noted that the anti-Armenian actions of the Turkish authorities were also directed against Russia. We quote "... the physical annihilation of the fraternal Armenian people **in its historical homeland** (underlined by us - A.M.) was committed with the goal of creating conditions for the destruction of Russia."¹¹

Thus, the document emphasizes that in addition to physical annihilation, the Turkish leadership, in the implementation of the policy of pan-Turkism, also aimed at depriving Armenians of their homeland. That is, in parallel with the genocide, the Patriot's policy of dispossession of the people of the Motherland was carried out.

Let us emphasize the above-mentioned thesis: the fact that the genocide was carried out on its own territories is absent in all resolutions of other states that condemned the genocidal policy of Turkey towards the Armenian people. In these parliamentary resolutions the phrase "Western Armenia" does not exist. Instead, it is stated that the extermination of Armenians occurred in the Ottoman Empire. Such a statement of the question is not accidental. Parliamentarians of more than twenty countries, avoiding the words of Western Armenia, don't want to take responsibility to the Armenian people and the world public on compensation of losses to Armenians. It's logical that this approach has a purely political background.

The authors of this important statement took care that, from the point of view of international law, it was compiled competently. Therefore, the document refers to almost all well-known international documents related to the definition of "Genocide". It notes that such a decision was made - "Following the spirit and letter of the United Nations adopted, "The Conventions on the Prevention and Punishment of the Crime of Genocide" of December 9, 1948 and the "Non-applicability of the statute of limitations for war crimes and crimes against humanity" of November 26, 1968."¹²

It is important that the statement also recalls Russia's role in condemning the Armenian mass pogroms as early as May 24, 1915. It was at the initiative of the Russian government that the European Great powers then issued a joint statement

¹¹ Collection of Legislation of the Russian Federation, Moscow, 1995, No. 17, p. 1497, Records of the Federal Assembly of the Russian Federation, Moscow, 1995, No. 14, p. 1024, (in Russian).

¹² Collection of Legislation of the Russian Federation, Moscow, 1995, No. 17, p. 1497, Records of the Federal Assembly of the Russian Federation, Moscow, 1995, No. 14, p. 1024, (in Russian).

sharply condemning the barbarian actions of the Turkish leadership against the peaceful Armenian population of the Ottoman Empire as a crime against humanity.¹³

At the end of the resolution, "The State Duma of the Federal Assembly of the Russian Federation condemns the organizers of the extermination of Armenians in 1915-1922, expresses its sympathy to the Armenian people and considers April 24 as a day of commemoration of the victims of the genocide."¹⁴

From the foregoing it follows that almost 20 years ago the highest legislative body of the Russian Federation adopted a very important legal document, which remained relevant in our time. Once again we recall that all the political forces of the Russian parliament on the issue of genocide had a unified approach, so all voted unanimously - "for". In those years, such results of the voting were sporadic.

However, the question arises whether this document was used to the full extent in the struggle against the Turkish shameless policy of denying the Armenian Genocide or became a means to achieve the goal of eliminating the consequences of this heinous crime. No doubt - no! Moreover, many don't even have an idea about it, and not only in foreign countries, including Russia, but also in Armenia itself. This is the fault of representatives of mass media, the political and scientific circles.

In the year of the 100th anniversary of the Armenian Genocide, thanks to the joint efforts of the relevant structures of Russia, Armenia and other countries, it was finally possible to inform the world community about the principled approach of one of the great world powers - Russia on the Armenian Genocide, in the name of fraternal, strategic Russian-Armenian centuries-old relations. By virtue of one of the points of this statement, April 24 "as a day of memory of the victims of the genocide" is celebrated at the state level in Russia.

¹³ The Armenian Genocide in the Ottoman Empire, a collection of documents and materials, ed. M.G. Nersisyan, 2nd ed., Yerevan, 1983, p. 602-603 (in Russian).

¹⁴ Collection of Legislation of the Russian Federation, Moscow, 1995, No. 17, p. 1497, Records of the Federal Assembly of the Russian Federation, Moscow, 1995, No. 14, p. 1024, (in Russian).