

FACTS AND COMMENTS

Ömer E. Lütem

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

Abstract:

This work focuses on the Armenian issue and the Turkey-Armenia relations in the second half of 2006. It covers topics such as the Turkey-Armenia bilateral relations, the genocide allegations, the European Parliament's 27 September 2006 decision on Turkey, the French President's visit to Armenia and the adoption by the French National Assembly of a bill that would make negation of the "genocide" a crime punishable by law.

Key Words: *Armenia, France, Robert Kocharyan, Vartan Oskanyan, Benedictus XVI*

Öz:

Bu yazı 2006 yılının ikinci yarısında Ermeni sorunuyla Türkiye-Ermenistan ilişkilerini ele almaktadır. Yazı Türkiye-Ermenistan ikili ilişkileri, soykırım iddiaları, Avrupa Parlamentosunun Türkiye hakkındaki 27 Eylül 2006 tarihli kararı, Fransız Cumhurbaşkanı'nın Ermenistan'ı ziyareti ve Fransız Ulusal Meclisinin Ermeni "soykırımını" inkar edenlerin cezalandırılmasını öngören bir kanun teklifini kabul etmesi konularını içermektedir.

Anahtar Kelimeler: *Ermenistan, Fransa, Robert Koçaryan, Vartan Oskanyan, Benediktus XVI*

I- TURKEY-ARMENIA BILATERAL RELATIONS

During the six-month period we are examining the foreign ministers of the two countries did not meet. In other words the two ministers did not have discussions over the past two-and-a-half years. Considering the fact that there are serious problems between the two countries that can be overcome only through negotiations and mutual understanding, this lull has been quite long indeed. Despite the lack of contact between the two ministers there have been press reports to the effect that talks have taken place between cer-

tain high-level officials of the two countries¹. Apparently these have not yielded any results.

During the second half of 2006 Turkish politicians made relatively fewer remarks on the country's relations with Armenia while their Armenian counterparts referred to these relations quite often. This is because bilateral relations are of primary importance to Armenia while bearing only relative importance for Turkey. Since it is not possible to give here the details of the statements the politicians of the two countries have made on this issue, we will dwell on the main issues they spoke about.

The Turkish side's stance regarding the genocide allegations and relations with Armenia can be summed up in the following manner²:

1. Turkey wants to normalize its relations with Armenia on the basis of the principles of good-neighborliness, mutual benefits and respect for one another's territorial integrity.
2. Turkey favors creation of a Joint Historical Commission that would look into the genocide allegations by researching the archives of the two countries as well as those of the third countries, a commission consisting of Turkish, Armenian and other experts. Also, regarding the genocide allegations Turkey would take this issue to an international court or seek international arbitration should these be necessary.
3. Regarding resolution of the Nagorno Karabagh problem Turkey strongly supports Azerbaijan. The Karabagh problem arises from Armenia's violation of the principles of international law according to which "borders must not be changed by resorting to force" and countries must respect one another's "territorial integrity".

The Armenian views are as follows:³

-
- 1 Noyan Tapan News Agency, March 7, 2006.
 - 2 The Turkish views are summed up on the basis of the speech Foreign Minister Abdullah Gül made at the Turkish Grand National Assembly's (TBMM) Plan and Budget Committee on 14 November 2006, the booklet titled "Our Foreign Policy As We Step into 2007" that was been distributed to the members of that committee as a source of information, and the speech the Foreign Minister made at the TMBB General Assembly on 21 December 2006.
 - 3 The Armenian views are summed up on the basis of the (a) President Kocharyan's remarks during an interview with the Al-Jazeera TV channel on 17 September and an interview with a German newspaper,

1. Armenia wants Turkey to form diplomatic relations with Armenia and reopen its borders without any preconditions. It keeps saying that Armenia is not demanding Turkish recognition of the “genocide” as a precondition. However, it is all too obvious that it wants to be able to reiterate its genocide allegations even after a potential establishment of diplomatic relations with Turkey.
2. Armenia wants Turkey to take a neutral stance on the Karabagh issue.
3. Despite the demands being made by the Armenian Diaspora, Armenia has not officially made any territorial demands on Turkey or sought compensation from Turkey. However, Armenia has never announced that it has no demands of this kind regarding Turkey.

These are the main lines of the Armenian stance but there are some other aspects that must be taken into consideration as well.

Since Armenia sees “the genocide” as an “indisputable fact” Armenia does not want this issue to be discussed. For this reason it rejects Turkey’s proposal for creation of a Commission of Historians and it opposes the idea that the genocide allegations should be brought before the international courts and that there should be arbitration on this issue. However, since the genocide allegations are the main problem between Turkey and Armenia, rejecting discussions on these allegations is tantamount to perpetuating the dispute. And this runs against Armenia’s policy of trying to establish diplomatic relations with Turkey and having the common border reopened.

Although Armenia has not actually demanded any territories or compensation from Turkey to date, it has made a point of not issuing an official statement to clarify this issue, thus giving the impression that it wants to retain the right to make such demands in the future. The Armenian Declaration of Independence of 1990, which forms part of the Armenian Constitution, refers to Turkey’s Eastern Anatolian provinces as “Western Armenia”. Also, Armenia refrains from officially acknowledging that the Kars Treaty (1921) that delineates the Turkish-Armenian border and is still in effect. Furthermore, Armenia has been turning down since 1991 Turkey’s standing offer for the two countries to sign a document with which they would pledge to respect one another’s territorial integrity.

Die Welt, on 17 November 2006 and his speech in Berlin at the Bertelsman Foundation on 18 November 2006, (b) Foreign Minister Oskanyan’s remarks during an interview with Financial Mirror, a Southern Cyprus-based newspaper, on 27 November 2006 and the interview he gave to Nursun Erel in Yerevan which appeared in The New Anatolian’s 4 December 2006 issue, (c) Armenian Defense Minister Sarkisyan’s article titled “In Spite of the Genocide...” which appeared in the 22 December 2006 issue of The Wall Street Journal.

Although it is true that on the Karabagh issue Turkey supports Azerbaijan, Turkey is not a party to this conflict. In fact, Turkey wants the negotiations being carried out via the Minsk Group to prove successful.

It is obvious that the Turkish and Armenian positions continue to be widely different from one another. Armenia is not making any meaningful effort to solve the existing disputes. Furthermore, it is rejecting the proposals put forth by Turkey, refusing, for example, to set up a joint commission of historians. It has ruled out—although Turkey had not officially made a proposal this effect—any attempt to bring the genocide allegations before an international court or to seek international arbitration on this issue.

Meanwhile, there is the European Parliament resolution that upholds the genocide allegations and urges Turkey to open its border with Armenia. The European Commission too is supporting this last item. This has given the Armenian politicians the impression that their problems with Turkey will be resolved by the European Union in their favor. This is the main factor that makes them reluctant to negotiate these issues with Turkey.

To sum up, Armenia is reluctant to discuss its problems with Turkey obviously because it is convinced that “others” are going to solve these problems or that more favorable conditions will arise in the future. Thus the existing problems are being perpetuated. Seen from a wider perspective, Armenia’s attitude is preventing the attainment of the much-desired climate for peace and cooperation in the South Caucasus.

II- DEVELOPMENTS CONCERNING THE GENOCIDE ALLEGATIONS

In 2006 no new country joined the ranks of those acknowledging the “Armenian genocide”. Although the Argentinean Parliament did pass a resolution—which will be examined below—on this issue the total number of parliaments acknowledging the genocide allegations has remained unchanged at 18 since the Argentinean Parliament had adopted similar drafts in the past as well.

Regarding the genocide allegations the most significant aspect of 2006 was that the French National Assembly passed a bill envisaging punishments for those rejecting the genocide allegations. We will look into this issue in detail.

Here are the highlights of the genocide allegations:

1. Karekin II Visits Bartholomeos, the Greek Patriarch of İstanbul

Karekin II who is one of the two patriarchs of the Armenians arrived in İstanbul last June as the guest of the Greek Patriarch of İstanbul Bartholomeos.

At a June 25 press conference Patriarch Karekin II said, in reply to a question posed by a Turkish journalist, that “the Armenian genocide is a fact and it can never be a matter for debate.” In reply to another question on how Turkish-Armenian relations could be improved, he said Turkey should face up to its past and acknowledge the “Armenian genocide”.⁴

These words have drawn strong reactions from the Turkish press. Let us point out that the purpose of the Patriarch’s visit was religious, and that it would have been better if he had chosen not to speak up on such a political issue on which the Turkish people have become highly sensitized, or, at least, not used such strong words. The Patriarch expressed his views in an intransigent and provocative manner. His remarks (the Armenian genocide is a fact and it can never be a matter for debate) sound quite dogmatic. These words would hardly have any meaning other than being demagogical as long as there exists a 70 million-strong people who reject this allegation and who could be joined, if needed, by hundreds of millions of Muslims in other countries.

Furthermore, the Patriarch’s contention that for the improvement of Turkey-Armenia relations Turkey has to acknowledge the “genocide” runs against the stance a succession of Armenian governments have taken on this issue. Armenian Foreign Minister Oskanyan has been saying, insistently, that Turkey does not have to acknowledge the “genocide” for the normalization of the relations between the two countries. There is no way the Patriarch would not know about the stance taken by the Armenian government on this issue; so his words must be aimed at influencing the public opinion. Meanwhile, the Patriarch’s harsh words may also have resulted from the ongoing rivalry between Karekin II and Aram I, the other Armenian Patriarch who is in Lebanon.

Coming to the Turkish authorities’ reaction to Karekin II’s behavior, Armenian press reports quoted an unidentified Turkish Foreign Ministry official as saying that Karekin II’s remarks were unfortunate and that the Armenians should take Turkey’s proposal into consideration and display the courage needed to sit at the

⁴ Mother See of Etchmiadzin, Press Release, 27 June 2006.

table to see what actually did and did not happen in the past – rather than brain-washing their own people with a distorted version of history.⁵

The Patriarch of the Turkish Armenians Mesrob II found himself in a difficult position due to Karekin II's remarks. Asked to comment on this issue he said he thought differently than Karekin II, expressing his conviction that for the sake of creating mutual empathy and understanding it would be useful to have the tragedy of 1915 discussed at separate platforms by politicians, diplomats, historians and sociologists.⁶ After Patriarch Mesrob II, the Holy Synod of the Turkish Armenians too criticized Karekin II's genocide remarks.⁷

In the final analysis Patriarch Karekin II's visit to Turkey has not made a favorable contribution to relations between the two countries; on the contrary, it has added yet another item to the already too long list of disagreements.

2. Pope Benedictus XVI Visits Turkey

During his stay in Turkey, Pope Benedictus XVI visited on 30 November 2006 İstanbul's Surp Asdvadzadzin (Virgin Mary) Armenian Church where he attended a religious service.⁸

Since the Vatican had recognized the alleged genocide in 2000 the news of the papal visit triggered some speculation as to whether he would refer to this issue or not in İstanbul. However, there was no strong expectation that the Pope would underline the genocide allegations –which would be bound to trigger great indignation in Turkey-- since his visit was aimed mainly at easing as much as possible the negative effects his Regensburg speech had created in the Muslim world. In a speech he made during his visit to the Armenian Church the Pope contented himself with saying that he prayed to God for the “Christian faith of the Armenian people, transmitted from one generation to the next often in very tragic circumstances such as those experienced in the last century”.⁹

The way the Pope used the term “tragic circumstances” when referring to the genocide allegations, did not elicit an adverse reaction from Turkey. However,

5 Hürriyet, 26 June 2006; Asbarez, 27 June 2006.

6 Hürriyet, 28 June 2006.

7 Hürriyet, 14 July 2006.

8 TNN, 2 December 2006

9 Catholic World News, 30 November 2006.

the Armenian press carried reports with somewhat untruthful headlines that said that the Pope had “mentioned”¹⁰ or “called to mind”¹¹ the “Armenian Genocide”. Meanwhile, in the US, a well-known lawyer of Armenian origin, Mac Gregos, denounced the Pope, saying that the Pope’s silence on the “Armenian genocide” was “shameful”.¹²

3. Argentina Enacts law Upholding Armenian Genocide Allegations

During the period in question significant developments took place in Argentina regarding the genocide allegations. The Buenos Aires and Cordoba provincial assemblies formally recognized the “genocide” and the Argentinean Senate passed to this effect a bill that had already been adopted by the lower house of the Argentinean Parliament. By now the bill has been presented to the President for approval.

Argentina had embraced the Armenian allegations a long time ago. For the first time in 1993 the Argentinean Senate passed a resolution to declare “solidarity with the Armenian community which was the victim of the first genocide of the 20th century”¹³.

A decade later, on 20 August 2003, the Argentinean Senate adopted another resolution “to commemorate the 88th anniversary of the genocide of 1.5 million Armenians, perpetrated by the Turkish state between the years 1915 and 1923”.

On 18 May 2004 the Argentinean Senate enacted a law that said that in schools, including the universities, students should be taught about the “Armenian genocide”, and that April 24 should be marked in schools every year as the Armenian “genocide” commemoration day. On 31 May 2004 it issued a declaration similar to the 1993 one.

On 20 April 2005 the Argentinean Senate adopted a resolution to remember the “victims of the Armenian genocide perpetrated by the Turkish state between the years 1915 and 1923 on the 90th anniversary of the genocide” and expressed solidarity with the families of the victims.¹⁴

10 AZG Daily 7 December 2006.

11 Armenews, 1 December 2006.

12 ABC News, 1 December 2006.

13 For the full texts of the decisions the Argentinean national and local parliaments have taken on this subject see <http://www.armenian-genocide.org/affirmation.html> (resolutions, laws and declarations of the state and the provinces).

14 Ömer Engin Lütem, “Facts and Comments” *Review of Armenian Studies*, Vol. 3, No.9, 2005, p.24.

In 2006 the Senate issued a special statement dated April 19 to mark the 91st anniversary of the “Armenian genocide” and to express regret over the “systematic denial of the genocide”.¹⁵

Adopting a resolution with the power of law on 17 May 2006 the Buenos Aires Provincial Assembly “designated” April 24th to be “the official day of the province of Buenos Aires as the ‘Day of Commemoration for the first Genocide of the 20th century’, as which the victims were the Armenian people.”

The Cordoba Provincial Assembly followed suit on 6 September 2006. By passing a law it “instituted in the province of Cordoba, that 24th day of April of every year as the ‘Day of Commemoration of Genocide against the Armenian people’ executed during the reign of the Ottoman Empire on that date...teaching in special classes the genocide suffered by the Armenian population.”

Issuing a statement¹⁶ on this issue the Turkish Foreign Ministry pointed out that objective research conducted by prestigious historians had shown that the genocide allegations were groundless. It stressed that the law passed by the Cordoba Provincial Assembly would adversely affect the development of the relations between the two countries. It denounced the law in question as unacceptable.

The texts cited above do not merely reflect the Armenians’ genocide allegations. They go beyond that, constituting an effort to blame the Republic of Turkey. This is why, in some of these texts, the term “Turks” has been used in place of the word “Ottoman”; and one discerns a special effort to create the impression that the relocation of the Armenians (which in reality took place during the 1915-1916 period) had lasted until 1923.

On 26 November 2006 Argentina’s House of Representatives passed, with 175 votes in favor and two abstentions, the bill titled “Declaration of 24 of April as Action Day for Tolerance and Respect among Peoples, in Commemoration of the Armenian Genocide”¹⁷. The bill had been submitted by a group of deputies led by former Foreign Minister Rafael Bielsa. The bill said that “all employees and public servants of Armenian origin” will be authorized to take time off on April 24 in order to participate in the “commemorative activities regarding this tragedy that has affected their community” as well as “all primary and secondary level students of Armenian origin that are currently attending classes at public schools”, and it

15 Ömer Engin Lütem, “Facts and Comments”, *Review of Armenian Studies*, Vol. 4, No.10, 2006, p.15.

16 www.mfa.gov.tr/MFA_tr/BasinEnformasyon/Aciklamalar/2006/Eylul/No143_15Eylul2006.htm

17 Armenews, 1 December 2006.

urged all provincial governments in Argentina to comply with the provisions of this new law.

In a statement¹⁸ issued on 1 December 2006 the Turkish Foreign ministry denounced the bill for “accepting groundless Armenian allegations as historical truths” and for “not supporting the Turkish government’s offer to set up a joint commission of Turkish and Armenian historians to examine the events of 1915”. It stressed that it found the bill unacceptable. It pointed out that “...the relocation decision made by the Ottoman government was a legitimate precaution taken on security motives against certain Armenian Groups who were in collaboration with invading forces”. And, finally, it stressed that the bill “fails to comply with the spirit of improving bilateral relations between Argentina and Turkey.”

The Argentinean Senate unanimously upheld the bill in question on 13 December 2006 and the bill has been presented to President Nestor Kirchner for approval.¹⁹

The way the Argentinean Senate passed the bill with unusual speed drew fresh criticism from the Turkish Foreign Ministry. In a statement issued on 15 December 2006 the Ministry said, in addition to the issues raised in its 1 December 2006 statement, that from the moment the bill was put on the agenda the Turkish side had warned the Argentinean authorities repeatedly, explaining to them that the bill was not compatible with the historical truths and that it would harm bilateral relations, and that in the latest instance Prime Minister Erdoğan had sent a letter to the President of Argentina, urging him to prevent the bill from becoming law, telling him that if it were to be put into effect the bill would foster negative prejudices against Turkey in the Argentinean society.²⁰

Considering the fact that there are no problems at all between Turkey and Argentina, it is surprising that over a period of less than a year the legislative bodies of Argentina –two of them provincial assemblies— announced on five different occasions that they were accepting the Armenian allegations. Argentina has thus become the country that has acknowledged the Armenian allegations on more occasions than any other country in the world.

It is no secret that the Armenian Cause Committee in South America (which is an organization founded by the Dashnaks and which operates in some of the

18 www.mfa.gov.tr/MFA_tr/BasinEnformasyon/Aciklamalar/2006/Eylul/No143_15Eylul2006.htm

19 Noyan Tapan News Agency, 15 December 2006.

20 www.mfa.gov.tr/MFA_tr/BasinEnformasyon/Aciklamalar/2006/Aralik/No189_15Aralik2006.htm

Latin American countries) had been intensely striving for years to muster support for the genocide allegations. However, since these demands were being made only by a small minority and compliance with them could adversely affect Argentina's relations with Turkey, under normal conditions Argentina would not be expected to take them into consideration. Interestingly, Argentina has preferred to support the Armenian allegations about what happened a century ago despite the fact that the Armenians have failed to prove that these allegations reflect the truth. Petro Muradian, the former leader of the Armenian Cause Committee, was presented with an award²¹ during a ceremony held on 12 December 2006 to mark the 58th year of the Declaration of Human Rights and, on the next day, the aforementioned bill was passed. These two developments speak for themselves, giving a good idea about the mood prevailing in Argentina.

Obviously the Argentinean political circles do not attach to their country's relations with Turkey the importance required. This may be due to a lack of interest arising from the big geographical distance between the two countries and the fact that these two countries have not formed an intense relationship in any field. On the other hand one has to take into consideration the effects of the anti-Turkey campaign the Armenians and some Christian Arabs that migrated to Argentina during the Ottoman era have been waging all these years in an intensely Catholic environment.

Since the developments in Argentina could set an example for other South American countries Turkey should do more on this issue than protesting Argentina. Although Turkey does not have many opportunities when it comes to "imposing sanctions" on Argentina it may be useful to work towards a more balanced bilateral trade²². For the time being Turkey is suffering from a serious deficit in its trade with Argentina.

4. Poland Offers to Act as a Mediator

During a visit to Armenia in early November, Speaker of the Polish Parliament Bogdan Borusewicz said that his country might "become a mediator in improving the Armenian-Turkish relations, however, agreement of the parties is necessary to this end."²³ He added that the Polish Foreign Ministry was offering to

21 Azat Hye, 14 December 2006.

22 According to the Foreign Trade Undersecretariat figures our imports to Argentina amounted to \$ 19.7 million and our imports from Argentina to \$ 263 million during the year 2004, with a trade deficit of \$ 243 million.

23 PanArmenian.Net, 7 November 2006.

represent the Armenian interests in Turkey and vice versa²⁴. In reply to a question on this issue Foreign Minister Oskanyan said that Poland had made that offer nearly two months ago and that, while Armenia gave a positive reply, Turkey did not respond to the offer.²⁵

The point that must be taken into consideration with priority on this issue is that on 19 April 2005 the Polish Assembly had unanimously passed a resolution acknowledging the “Armenian genocide”²⁶. Thus Poland has embraced the Armenian views on the crux of the conflict between Turkey and Armenia. Since Poland is no longer impartial on this issue it would not be in Turkey’s favor to have that country act as a mediator and represent Turkish interests in Armenia.

5. The Netherlands and Belgium

Prior to the parliamentary elections held in the Netherlands in November some of the political parties dropped from their candidate lists the names of certain Turks that did not uphold the Armenian genocide allegations. Their stance drew adverse reactions from the Turks in the Netherlands. As a result, those parties received from the Turks less votes than they would normally have, while Fatma Koşar, who ran on a Democracy 66 Party ticket and would not be expected to win under normal conditions, was elected thanks to the preferential votes she received from the Turks.

Only a small number of Armenians live in the Netherlands. Furthermore -- unlike countries such as France, Britain, Austria and Germany-- the Netherlands had no connection with the Armenian problem in the past. Yet, the Netherlands now attaches great significance to the Armenian allegations. This may have resulted from the Dutch public opinion’s increasingly negative feelings and ideas about the Turks rather than the sympathy felt for the Armenians. However, these feelings and ideas could not prevent four Turks from being elected to the Parliament from various parties.

Armenian militants tried --and failed-- to turn the genocide allegations into a problem in the Belgian local elections. Meanwhile, they keep up their efforts to wear out Emir Kır, the State Secretary (Minister) for the Brussels area; however, a non-confidence motion targeting Kır was not put on the agenda.²⁷

24 Arminfo News Agency, 6 November 2006.

25 Noyan Tapan News Agency, 8 November 2006.

26 Ömer Engin Lütem, “Facts and Comments”, *Review of Armenian Studies*, Vol. 3, No7-8, 2005, pp. 29-31.

27 Armenews, 21 December 2006.

6. Romanian President

During his September 2006 visit to Armenia, Romanian President Traian Basescu met with a group of students from the University of Yerevan and a student asked him whether he was ready to follow French President Jacques Chirac's example and urge Ankara to recognize the "genocide". He said, "We will not do anything affecting...our relations with all the countries of the Black Sea region. Keep history on the history books and in the memory of the peoples, and rebuild the future. If history constantly stands in the way of the future as a bone of contention, you won't achieve success in European integration. Romania laid to rest its historical disputes with neighbors for the sake of membership in NATO and the EU²⁸." He added that Romania would "assist" Armenia to "approach" the European Union²⁹.

Although the Romanian President may have made these remarks with purely friendly intentions, these words still amount to a criticism of Armenia's stance against Turkey. Armenian statesmen did not react to Basescu's words. However, a well-known on-line broadcasting service of the Diaspora criticized the fact that Basescu was awarded an honorary doctorate by the University of Yerevan despite these remarks³⁰.

7. Lithuania

The Lithuanian Parliament had passed in 2004 a resolution supporting the Armenian genocide allegations. That move adversely affected Lithuanian President Valdas Adamkus's June 2006 visit to Turkey. Prime Minister Erdoğan was reluctant to meet with Adamkus but due to the insistence of the Lithuanian side he received him in İstanbul³¹. According to the rules of protocol Erdoğan should have visited Adamkus and not vice versa.

In a statement he made in Ankara the Lithuanian President said that the resolution adopted by the Lithuanian Parliament would not cause a change in his country's foreign policy.³² Meanwhile, a Turkish newspaper quoted Adamkus as saying that the arguments on the alleged Armenian genocide should be left to historians, that when the Lithuanian Parliament passed the resolution acknowledging the "genocide" he heard about that from the press, that the motion a

28 RFE/RL, 5 October 2006.

29 Regnum, 5 October 2006.

30 California Courier Online, 12 October 2006.

31 Tercüman, 22 June 2006

32 PanArmenian, 21 June 2006.

deputy had presented to this effect was adopted at a session attended by only a few deputies, and that the decision in question did not reflect the Lithuanian government's or people's stance³³.

8. Other Developments

In the course of an official visit to Southern Cyprus, President Kocharyan laid on 24 November 2006 the first stone for an "Armenian genocide" monument to be built in Larnaca. The monument, financed by the Southern Cyprus Administration, is being erected "because Larnaca is the place where the Armenians fleeing from the Turks had landed first when they arrived in Cyprus." On that occasion Larnaca Mayor Moiseos said that they were joining hands against the common enemy, that is, the Turks³⁴.

The "Armenian Genocide" monument built in Rome was inaugurated on 22 November 2006 with a ceremony attended by the Armenian Ambassador to Italy and a representative of the Mayor of Rome.³⁵ The Italian Parliament had passed a resolution acknowledging the Armenian genocide allegations in 2000.

In Jihlava, a city in the Czech Republic, an Armenian cross with inscriptions about the alleged genocide (khachkar)³⁶ has been erected, courtesy of an Armenian association founded in the city in 1992³⁷.

According to an Armenian news agency the Turkish Embassy in Bratislava, once the capital city of Slovakia, has asked the mayor of the city to remove a khachkar that had been erected by the Danube river³⁸. In 2004 Slovakia's Parliament had passed a resolution upholding the Armenians' genocide allegations³⁹.

Meanwhile, Anatolia News Agency reported that a motion presented to the Spanish Parliament by two deputies of the Catalonia Party to have the "genocide" recognized, was later withdrawn thanks to Turkish Ambassador Volkan Vural's efforts⁴⁰.

33 Akşam, 22 June 2006.

34 Hürriyet, 26 November 2006.

35 Public Radio Armenia, 27 November 2006.

36 Azg, 23 November 2006.

37 Czech News Agency, 17 November 2006.

38 Noyan Tapan News Agency, 17 November 2006.

39 Ömer Engin Lütem, "Facts and Comments", *Review of Armenian Studies*, Vol. 2, No 7-6, 2004, pp. 27-28.

40 Anatolia News Agency, 19 September 2006.

IV-EUROPEAN PARLIAMENT REPORT ON TURKEY

Every year the European Union Commission prepares a recommendatory report on the countries that have applied to join the union, a report that contains the Commission's views on the progress these countries have made towards accession.

There are differences of view among the members of the European Parliament regarding Turkish accession. A conservative group consisting mostly of Christian Democrats oppose Turkish accession for a variety of reasons ranging from "Turkey not being Christian and not having a European culture" to downright racism. They are joined by Greece and Cyprus who consistently oppose Turkey everywhere due to historical reasons and by Armenia who acts through the Armenian Diaspora in many countries. Meanwhile, the Greens and the Socialists argue that Turkey should be able to join the EU provided that it fulfills the relevant criteria, starting with the Copenhagen criteria. In size these two groups are not much different from one another. So, when issues are put to a vote sometimes one side and sometimes the other side can prevail. For this reason this time too heated debates took place. To amend the 11-page⁴¹ report prepared by Camiel Eurlings, motions for change amounting to a total 115 pages⁴² were presented. This gives a good idea about the scope of these debates. Here, we will discuss only those parts of the report that concern the Armenian problem.

1. Committee on Foreign Affairs Approves the Report

On 4 September 2006 the EP Committee on Foreign Affairs approved the Camiel Eurlings report after amending various parts of it. The most significant one of the amendments concerning the Armenian problem involves the article that says that Turkish recognition of the alleged genocide is a precondition for Turkish accession to the EU. Here is the full text of the article in question: "49. Reiterates its call on Turkey to acknowledge the Armenian genocide, as called for in previous European Parliament resolutions of 15 December 2004 and 28 September 2005; considers such acknowledgement to be a precondition for European Union accession."

Quite justifiably the Turkish press highlighted certain parts of the Committee report. However, as they did that, they created the impression that Turkish

41 European Parliament Foreign Affairs Commission document 2006/ 2118(INI) dated 6 June 2006.

42 European Parliament Foreign Affairs Commission document PE(376.373v02.00 dated 7 July 2006.

recognition of the “Armenian genocide” was being stipulated for the first time as a precondition for Turkey’s EU accession. In reality that stipulation is not new at all. In fact, when Turkey applied for EU membership for the first time in 1987 the European Parliament passed a resolution titled “Resolution on a Political Solution to the Armenian Question”, arguing, among other things, that Turkey should recognize the “Armenian genocide” before joining the EU. Since, at that time Turkey’s application for membership was not accepted, the EP decision in question did not lead to any consequences. When Turkey renewed its application 12 years later, that is, in 1999, the Armenian problem and, in this context, the EP decision, quickly reappeared on the agenda. Since then all the resolutions the EU has adopted on Turkey (with the exception of one) mentioned the need for Turkey to recognize the “Armenian genocide” either directly or by referring to the 1987 decision. The latest one of these resolutions was passed on 28 September 2005. We provided information to our readers about that resolution at that time⁴³. So the latest EP resolution has, in reality, reiterated the EP’s former decisions on this subject. However, EP decisions of this kind are of a recommendatory nature and they can always change.

On 27 September 2006 the EP approved the Committee on Foreign Affairs report on Turkey after lengthy debates and many amendments⁴⁴. Regarding the Armenian issue the main change made in the draft was that the paragraph --the full text of which is given above-- was omitted from the text during the debates with 320 votes against 282 votes. Thus the EP has decided against seeking “recognition of the Armenian genocide” by Turkey as a precondition -- at least for the time being. This is mainly because when it became quite obvious that the conservative group at the EU was going to use the Armenian genocide allegations to create difficulties in Turkey’s full membership process and thus discourage Turkey, the Socialists, the Liberals and the Greens intervened, prevailed in the voting, and had that paragraph omitted from the text. On the other hand, they did not object to those parts of the text that urge Turkey to recognize the Armenian “genocide” in a way that is not linked to the EU accession issue.

2. Those Articles of the Report that Concern the “Genocide” Issue

The Article I of the Introduction section of the Report contains the following provisions:

43 Ömer Engin Lütem, “Facts and Comments”, *Review of Armenian Studies*, Vol. 3, No 3, pp. 29-33.

44 European Parliament resolution on Turkey’s progress towards accession 2006/2118(INI), 27th of September 2006).

Here is an excerpt from Article I of the Introduction section of the Report: "...whereas Turkey has still not acknowledged the genocide perpetrated against the Armenians, despite numerous calls from the European Parliament and several Member States." This amounts to a reiteration of the call issued to Turkey to recognize the "genocide".

There is a reference to the "genocide" issue also in Article 56 of the Report: "...stresses that, although recognition of the Armenian genocide as such is formally not one of the Copenhagen criteria, it is indispensable for a country on the road to membership to come to terms with and recognize its past."

The aforementioned article of the resolution contains remarks such as: "...takes note of the proposal by Turkey to establish a committee of experts which should be under the auspices of the United Nations in order to overcome the tragic experiences of the past, and the position of Armenia regarding that proposal". This is a reference to the letter⁴⁵ Prime Minister Erdoğan had sent to President Kocharyan on 13 April 2005. Prime Minister Erdoğan had told President Kocharyan, "We invite your country [to join us] in forming a group comprised of the 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 to report their findings to the international community." That letter had referred to the "developments and events of the 1915 period" rather than the "tragic experiences of the past". The EP resolution defined the aim of the group of experts by using phrases such as "to overcome" the "tragic experiences of the past", while Prime Minister Erdoğan's letter had said that such a group would "shed light on a controversial period of history and serve as a step towards normalization of relations between our countries". Prime Minister Erdoğan's letter had not referred to "the auspices of the United Nations" but the EP resolution did. We think that these were not accidental. These phrases were inserted in the EP resolution deliberately to please the pro-Armenian members of the EP and to give them the false impression that Turkey is on its way to recognize the "genocide".

Furthermore, the resolution contains the phrase "the position of Armenia regarding that proposal". This is a reference to Kocharyan's 25 April 2005 reply to Prime Minister Erdoğan's letter⁴⁶. In his reply Kocharyan had turned down Prime Minister Erdoğan's proposal by saying, "Governments are responsible for devel-

45 Ömer Engin Lütem, "Facts and Comments", *Review of Armenian Studies*, Vol. 2, No 7-8, p.133.

46 Ömer Engin Lütem, "Facts and Comments" ...,p.33.

opment of bilateral relations and we do not have the right to delegate historians.” Although Kocharyan went on to say, “...intergovernmental commission may be formed to discuss any issue or issues available between our countries aiming at solving them and coming to mutual understanding”, this counter-proposal obviously does not cover historical events -- considering the fact that an historical event would have to be examined by historians and other experts and not by an intergovernmental commission.

Meanwhile, at all Armenian platforms there has been an effort to conceal or at least push into the background as much as possible the fact that Kocharyan has rejected examination of the historical events. The EP resolution too, obviously influenced by that tendency, tried to pass over this issue lightly, making only a passing reference to “the position of Armenia regarding that proposal”. Also, the resolution merely “takes note” of the Turkish proposal and the Armenian position regarding it. In other words the EP resolution refrains from taking a stance regarding the Turkish proposal.

The resolution “urges both the Turkish Government and the Armenian Government to continue their process of reconciliation leading to a mutually acceptable proposal.” This is undoubtedly a positive approach. However, due to Armenia’s stance there has been no such “process of reconciliation” in reality.

The resolution contained the following remarks: “...welcomes the fact that, with the recent debates in Turkey, a start at least has been made in the discussion on the painful history with Armenia.” Here, the word “debates” refers to the conference (held by a number academics and writers that embrace the Armenian views) at Turkey’s Bilgi University in September 2005. EU circles have seen that conference as the start of free debates in Turkey on the Armenian issue. Meanwhile, some of the Turkish participants argued that thanks to that conference the Armenian issue stopped being a taboo subject in Turkey. However, facts do not support this viewpoint. Debates on the genocide allegations had started in Turkey with Taner Akçam’s 1992 book, “Turkish National Identity and the Armenian Genocide”.

Also in reference to the genocide issue the resolution urges the Turkish authorities “to facilitate the work of researchers, ensuring them access to the historical archives and providing them with all relevant documents”. That part of the resolution, in harmony with the Armenian propaganda, creates the impression that Turkey has been obstructing research on the Armenian issue. Yet, especially since

completion of the classification of the relevant documents in the Ottoman archives, researchers have been able to see and obtain the photocopies of the documents they seek. This state of the archives was affirmed by Ara Sarafian, an Armenian writer, at a conference held at the University of Istanbul last March. There is no obstacle preventing examination of the Ottoman archives. The problem is that there are few Armenian or other researchers equipped with enough knowledge to examine those documents, and some researchers actually prefer not to make use of Ottoman archives because these contain so many documents indicating that the relocation of the Armenians was not genocide. In fact, currently there is no Armenian actually doing research at Turkey's archives.

The resolution made no reference at all to the state of the Armenian archives in this respect. Although the Armenian archives are open in principle the Yektan Turkeyilmaz incident⁴⁷ has shown that attentive researchers are being discouraged from continuing with their research and that sometimes these deterrent moves cause the researcher to find himself in jail. By the way, let us point out that the Dashnak archives in Boston can be examined only with special permission and that, to date, no Türk has been granted permission to do that.

The resolution contains also a remark the meaning of which is obscure: "A similar position should be adopted for the cases of other minorities e.g. the Greeks of Pontos and the Assyrians." While the Turkish and some of the Armenian newspapers claimed that with these remarks the resolution confirmed that "genocide" had been perpetrated, the rapporteur, Camiel Eurlings, said that was not so. He pointed out that the aim was to ensure that Turkey would debate its past vis-à-vis those minorities as well⁴⁸. The fact that during the EP debates the Greek and Greek Cypriot representatives presented a motion for amendment to ensure that the final text would say that Turks had committed genocide against the Pontos Greeks, indicated that they were not satisfied with the aforementioned phrases in the text. The motion was defeated by a wide majority⁴⁹; and that showed that the EP did not embrace the Pontos Greek and Assyrian genocide allegations. When one takes a close look at the resolution one sees that the only part that can be applied to this issue is the aforementioned part that says that researchers should be able to look into the historical archives and obtain copies of the documents they seek, and that Turkey should facilitate that. Turkey is already doing all these.

47 Ömer Engin Lütem, "Facts and Comments" *Review of Armenian Studies*, Vol. 3, No 9, pp.20-22.

48 Zaman, 28 September 2006.

49 Hürriyet, 28 September 2006.

3. Those Articles of the Report that Concern Turkey-Armenia Relations

The report said that Turkey “continues to exert an unjustifiable blockade against Armenia”, and that “this blockade threatens the stability of the region” and “hampers good-neighbourly regional development”. It urged Turkey “without any preconditions, to establish diplomatic and good-neighbourly relations with Armenia” and “to withdraw the economic blockade and to open the land border at an early date.”

The ideas expressed and some of the phrases used in that part of the report bring to mind the certain Armenian officials’ statements on Turkey. It is as if a text drafted in Yerevan was incorporated into the report without thinking. This is a one-sided report that does not reflect Turkey’s views at all. In fact, this is its biggest shortcoming. It does not refer at all to the reasons for Turkey’s not having diplomatic relations with Armenia or to the reasons that have made Turkey keep the land border closed. Turkey has not established diplomatic relations with Armenia mainly because Armenia is not recognizing Turkey’s territorial integrity. And the border has been closed because Armenia has occupied not only Karabagh but also the seven Azerbaijani provinces around that region. The EP has tried to protect Armenia by pointing at the outcome of the developments rather than to the causes of these developments.

4. Other Aspects of the Report

The report should have examined the Turkey-EU relations and the Turkish process of accession and adjustment. Instead of that, it refers to a number of issues not directly related with these. For example it refers to a decision taken by the Turkish Court of Cassation in the case of an ethnic Armenian journalist, saying that it “deplores the condemnation of Hrant Dink by the Court of Cassation on the basis of Article 301 of the Turkish Penal Code,” and “notes that courts have not succeeded in interpreting the provisions of the Penal Code in line with relevant EU standards.”

The report stresses that in Turkey “freedom of expression is still far from satisfactory” while noting down as “certain positive developments” the acquittals of İbrahim Kabaoğlu, Baskın Oran, Murat Belge, Elif Şafak, Perihan Mağden and Orhan Pamuk in the cases opened against them.

Freedom of expression in Turkey is not our subject matter here. However, it

must be pointed out that in this regard Turkey is not at a lower level than many EU countries, especially the new members. It has been observed that almost all of the persons whose names were cited in the context of freedom of expression are supporters of the Armenian theses. This is another indication of the influence the Armenian Diaspora manages to exert on the EU circles.

The report refers to the Talat Paşa Committee in the following manner: "... strongly condemns the xenophobic and racist Talaat Pacha Committee, run by extreme right-wing organizations" and the demonstrations staged by that committee "gravely infringing European principles, and the denialist demonstrations in Lyon and Berlin" and "[c]alls on Turkey to abolish this committee and to end its activities."

The demonstrations held in Lyon and Berlin in 2006 by the Turks in Europe had been staged after obtaining the permission required from the local authorities. Therefore, they were completely legal. During those demonstrations the Armenian genocide allegations were denounced. On various occasions the Turkish opposition parties have denounced the genocide allegations just as the Turkish government has done, reflecting the stance taken by the Turkish public opinion almost as a whole. Under the circumstances, denouncing in such strong language (using words such as xenophobic and racist) the demonstrations held abroad by a number of Turks against the genocide allegations, amounts to taking a stance against Turkey. Furthermore, it is undoubtedly illegal behavior to demand from the Turkish government abolition of an organization in the absence of a court decision to this effect.

The EP report directs severe criticism at Turkey not only on the Armenian issue and the Turkey-Armenia relations but on some other issues as well. One gets the impression that all EP members had been asked to criticize Turkey and then these critical remarks were compiled into a report without further examination to see if these reflected the truth. On the other hand, obviously because too many critical remarks would dampen Turkey's enthusiasm to proceed on the EU path, the most prominent one of such remarks has been omitted from the text. That is the part that would make recognition of the alleged genocide a precondition for Turkish membership in the EU.

To be able to understand this highly complicated situation one has to stop seeing the EP as a bloc with a single "will". Just as the national assemblies, the EP is a place where various political tendencies clash. The decisions taken at

the EP reflect the common ground reached as a result of these clashes. In other words, in most cases decisions result from the bargaining process that takes place among various groups. For that reason sometimes inconsistent or meaningless or unimplementable decisions get taken. The fact that these decisions are of a recommendatory nature lessens these hazardous aspects.

III-PRESIDENT CHIRAC'S VISIT TO ARMENIA

French President Jacques Chirac's official 29 September – 1 October 2006 visit to Armenia had special significance since that was the first visit ever to Armenia by a French head of state.

We will examine that visit from the standpoint of his remarks on the “genocide” issue.

During a press conference⁵⁰ he held with President Kocharyan on 30 September 2006, a journalist asked Chirac whether he supported the bill proposed by the Socialist Party to criminalize “denial of the Armenian genocide” in France. In reply he recalled that in France a bill recognizing the “Armenian genocide” had already been passed. Then he proceeded to say that France had rule of law, and that the French laws did not condone discrimination or racial hatred. The rest entailed, in our day, polemics rather than the legal framework, he noted. Although ambiguous, Chirac's words indicated that he was against the bill in question.

Chirac was asked whether Turkey should acknowledge the “Armenian genocide” to become an EU member. He replied by saying, “Frankly, yes. Every country grows by acknowledging its dramas and errors of the past.” He cited Germany as an example. He said that, considering Turkey's history, long-standing traditions and humanist culture, he expected Turkey to draw the necessary conclusions. In other words he advised Turkey to acknowledge the alleged genocide.

It was wrong for Chirac to cite Germany as an example for Turkey. This is because the Holocaust was quite different from the relocation of the Armenians in the Ottoman Empire. Furthermore, whether Germany has really acknowledged its errors is debatable. In reality Germany had to do everything the Allies told it to do because it remained under occupation for a long time and, afterwards, until the 1990s, it needed the military might of the US and other countries due to the

⁵⁰ News Press, 2 October 2006.

Soviet threat. In other words, it is doubtful whether Germany would have regretted the Holocaust so much if Germany had not been occupied and if it had not needed protection from other countries in the face of the Soviet threat.

Due to Turkey's sensitivity on this issue Chirac had refrained from using the word "genocide" for a long time. He had made a point of not using that word even after France enacted the 2001 bill with which it acknowledged the "genocide". He had altered his stance on this issue after it became evident in the course of the 2005 referendum on the draft EU Constitution that the majority of the French people opposed Turkish accession to the EU. However, he had never dwelt on the "genocide" issue with such emphasis as he did during his visit to Armenia. He had never stressed in such a manner that France was acknowledging "this genocide". The change in the French President's behavior can be explained with the domestic political developments taking place in France.

Contrary to expectations the potential reopening of the land border by Turkey did not occupy a primary place on the agenda during the Chirac visit. In the course of the aforementioned interview Chirac said that on many occasions he had advocated –in dealing with the Turkish authorities-- the reopening of the border. Noting that a strong link had evolved between that issue and the Karabagh dispute, he said that if progress were to be made towards resolution of the Karabagh dispute that would make a decisive effect towards the reopening of the border. It is common knowledge that Armenia has been demanding reopening of the border independently of the Karabagh problem.

Chirac's remarks caused displeasure in Turkey both among the authorities and in the press circles.

In a 3 October 2006 statement the Turkish Foreign Ministry expressed regret about the remarks the French President had made in support of the groundless Armenian allegations. It stressed that it is unacceptable that the 1915 incidents would be defined as genocide. It pointed out that Turkish acknowledgement of the Armenian "genocide" was not one of the Copenhagen criteria. It recalled that the French President had refrained from using the word genocide about certain practices of his own country during the colonial period, preferring to leave these issues to historians. That was a reference to the French practices in Algeria.

Chirac's remarks on the "Armenian genocide" drew reactions from outside Turkey as well.

EU commissioner for enlargement Olli Rehn⁵¹, commissioner from Belgium Louis Michel⁵², EU Term President Finland's Foreign Minister Erkki Tuomioja and European Council Parliamentary Assembly Speaker René van der Linden⁵³ made statements critical of Chirac. Belgian Justice Minister Laurette Onkelinx⁵⁴ said that the Jewish and the Armenian "genocides" could not possibly be put into the same category. She stressed that in genocide cases one could not deliver judgments in the absence of international court decisions; politics should not deal with history; and it would be absurd to punish individuals for not believing that a genocide had occurred in a certain case.

The French Government felt the need to shed light on this matter. Minister Delegate for EU Affairs Cathérine Colonna said that the President did not put forth a new condition for Turkish accession to the EU, adding, however, that it would be wise for Ankara to engage in a memory exercise regarding that period of its history. Other European countries had done that vis-à-vis their own past, she stressed⁵⁵.

It can be seen that the words Chirac uttered in Yerevan at an emotional moment have become a problem, drawing adverse reactions. This incident had a favorable aspect as well for Turkey in that it triggered statements stressing that acknowledgment of the Armenian genocide allegations is not a precondition for Turkish accession to the EU.

V-THE FRENCH BILL

In the last issue of the *Review of Armenian Studies*⁵⁶ we reported that in May the French National Assembly had debated a bill envisaging prison sentences and fines for those who would "deny the Armenian genocide" but that the bill could not be put to a vote due to time constraints. At the instigation of the Socialist Party the bill was put on the agenda once again when the National Assembly convened at the end of the summer recess.

51 Agence France Presse, 3 October 2006.

52 Hürriyet, 7 October 2006.

53 Bugün, 3 October 2006.

54 Radikal, 4 October 2006.

55 Armenews, 10 October 2006.

56 Ömer Engin Lütem, "Facts and Comments", *Review of Armenian Studies*, Vol. 4, No 10, pp.24-29 26-43.

1. Turkey's Attempts to Block the Bill

In an effort to prevent the enactment of the bill in question Turkey warned France both at the level of the state authorities and at the level of businessmen.

a. Warnings issued by the authorities

First among the Turkish initiatives to this effect was the letter President Ahmet Necdet Sezer sent to President Chirac on 11 October 2006. According to press reports Sezer recalled that the two countries had good relations throughout their history and stressed that the passage of the bill would deliver a heavy blow to bilateral relations and France would risk losing Turkey and the Turkish people⁵⁷.

Prime Minister Erdoğan called Interior Minister Nicolas Sarkozy who is chairman of the UMP Party to ask him to block the bill⁵⁸. One of the opponents of Turkish accession to the EU, Sarkozy maintains that Europe has a problem with integrating the Muslims in Europe, demanding to know what would happen if 100 million (?) Turks were to be admitted into the EU. He claims that with Turkish accession Europe's borders would begin from Iraq and Syria, and that the Kurdish issue, Hamas and Hezbollah would become Europe's problems. He believes that if, in order to stabilize Turkey, the EU admitted Turkey into its ranks, that would entail a very high a price since that move would destabilize Europe itself⁵⁹. Sarkozy says that if Turkey and Armenia formed a joint commission, politicians too should be able to take part in it, that Article 301 of the Turkish Penal Code should be abolished, and that the Turkish-Armenian border should be opened. If he becomes France's new president obviously fresh problems will crop up both in Turkey's relations and in Turkey's EU accession process.

Foreign Minister Abdullah Gül phoned his French counterpart Douste-Blazy to say that the reappearance on the agenda of the controversial bill marred bilateral relations, that this attitude was undermining the freedom of expression in France, and that those French academics that might want to take part in the commission of historians Turkey has offered to form with Armenia to look into the genocide claims, would not be able to give their opinion if that bill were to be enacted⁶⁰.

57 Hürriyet, 7 October 2006.

58 Zaman, 5 October 2006.

59 Armenews, 6 October 2006.

60 Hürriyet, 7 October 2006.

Two days before the French National Assembly started to debate the bill in question Prime Minister Erdoğan and Foreign Minister Gül warned France once again. Addressing the weekly meeting of his Justice and Development Party (AKP) group at the TMBB on 10 October 2006, the Prime Minister criticized France, using strong language. He said that France sought to maintain a lie, a slander, by passing a law. He stressed that it was illogical to use absurd allegations as an instrument in domestic politics. France should definitely take a stance against this lapse of good judgment, he said, adding that it would be useful if France looked into what happened in Nigeria, Senegal, Tunisia and Algeria. Punishing those who say, “No such thing happened in the past,” would bring back the Medieval Age, he said, urging the French authorities to withdraw the bill⁶¹.

On 11 October 2006 Foreign Minister Abdullah Gül made a speech in which he referred to France as the homeland of freedoms and he expressed the hope that France would not turn into a country where people would be imprisoned for expressing their thoughts⁶².

b. Businessmen's warnings

Delegations representing leading organizations of the Turkish business world, namely, the Turkish Industrialists' and Businessmen's Association (TÜSIAD) and the Turkish Union of Chambers and Exchanges (TOBB), went to Paris where they met with the French business circles and explained to them the hazards of passing the bill in question. The French businessmen said they agreed with the Turkish businessmen on this issue but they pointed out that the bill did stand a strong chance of being adopted by the National Assembly⁶³.

Meanwhile, MEDEF, a major employers' association based in France, warned the French political circles that enactment of the bill would endanger the bilateral relations between Turkey and France⁶⁴.

c. Punishment of deniers of the Algerian genocide

On 11 October 2006 the Justice Committee of the Turkish Grand National Assembly (TBMM) debated Mahmut Koçak's motion which urged the TBMM to declare May 8 the Algerian Genocide Day and to make negation of that geno-

61 Radikal, 11 October 2006.

62 Agence France Presse, 11 October 2006.

63 Hürriyet, 12 October 2006.

64 Hürriyet, 11 October 2006.

cide a crime entailing a one to five year prison sentence and a TL 100,000 fine. Also debated on that day was İbrahim Özdoğan's motion seeking three-year prison sentences in the same context and Reyhan Balandi's motion envisaging a one to three year prison sentences.

Chairman of the TBMM's Foreign Affairs Committee Mehmet Dülger too took part in the debates, saying that if these motions were to be upheld by the TBMM, Turkey would find itself in the same position as France. Indeed, Turkey was criticizing France for attempting to determine the nature of an event in history by way of passing a law. In other words, Turkey was criticizing the attempt to have the French Parliament write history. If these motions were to be adopted by the TBMM Turkey would have acted like France, the very country it was criticizing.

Referring to these motions in the course of his 10 October 2006 speech at the AKP group, Prime Minister Erdoğan drew the bottom line, saying, "It would not do to say, those in France did that, so let us do the same thing. We will not do the same thing,"; and the Committee decided against enactment of the⁶⁵ motions.

d. Reactions from certain Turkish academics and writers who embrace the Armenian theses

We had reported earlier that, during the debates on the bill at the French National Assembly in May, certain Turkish academics and writers had issued a communiqué to express their opposition to the bill despite the fact that they support the Armenian theses⁶⁶. When they heard the news that the bill would be re-debated at the French National Assembly and that this time it was likely to be passed, these academics and writers preferred to express their views to the press individually rather than issuing a second communiqué⁶⁷.

The most prominent figure in that group, Halil Berktaş, a historian, told a French magazine⁶⁸, "I do think that an Armenian genocide took place but I reject the European Union's stance and the Gayssot Act. It is not the politicians' job to tell the historians what to think."

65 Radikal, 12 October 2006.

66 Ömer Engin Lütem, "Facts and Comments", *Olaylar ve Yorumlar*, Ermeni Araştırmaları, No 20-21, p.19.

67 For the views expressed by Hrant Dink, Elif Şafak, İbrahim Kabaoğlu, Baskın Oran and Murat Belge see: Radikal, 9 October 2006.

68 Le Nouvel Observateur, 12 October 2006.

In an article she wrote for a French newspaper⁶⁹, Novelist Elif Şafak criticized the bill, stressing that it would not contribute to the relations between Turks and Armenians. On the grounds that it was strengthening the hand of those who oppose Turkey's EU membership, she said states should not intervene in historical matters.

Orhan Pamuk, who was to receive the Nobel prize shortly afterwards, said, during a TV⁷⁰ program, that the French did wrong and that behavior was not worthy of the French culture and tradition.

2. French National Assembly Debates and Upholds The Bill

The bill criminalizing negation of the Armenian “genocide” was debated at the French National Assembly for the second time on 12 October 2006 and it was passed.

It is a hard-to-explain contradiction that, at a time the EU Commission is urging Turkey to abolish the Article 301 of the Turkish Penal Code on the grounds that it obstructs the freedom of thought, efforts are under way in France to enact a law to punish people with prison sentences and fines for expressing their thoughts on a certain issue. However, the French Socialist Party, who sponsored the bill, is obviously not upset by this contradiction and it does not seem to be genuinely interested in the Armenian issue and “negation of the genocide”. Its primary aim seems to be pushing the ruling party into a difficult situation in the forthcoming elections. In the ruling UMP one faction supports the bill in question while another faction opposes it. In other words, the bill is causing a rift in the UMP, sapping its strength on the eve of the elections.

The most prominent one of the UMP figures that support the bill is Nicolas Sarkozy's adviser Patrick Devedjian, a lawyer of Armenian origin who served as a member of Cabinet, albeit briefly. He had been one of the lawyers of the Armenian terrorist organization ASALA. Devedjian has defended the bill, drawing attention to the “danger posed by the demonstrations that have brought racist and denialist ideas to the French lands, demonstrations orchestrated by third countries”⁷¹. The “third country” Devedjian was referring to was Turkey. That was a reference to the demonstration Turks had staged in Lyon on 18 March 2006⁷².

⁶⁹ Le Monde, 15 October 2006.

⁷⁰ NTV, 15 October 2006.

⁷¹ Armenews, 6 October 2006.

⁷² Ömer Engin Lütem, “Facts and Comments” ..., p.19.

Although all kinds of demonstrations take place in various parts of France almost every day he singled out that event, describing it as “racist”. And certain politicians, mostly Socialists, too have used that word when referring to the demonstration staged in Lyon by Turks.

Of the 21 deputies that took the floor during the debates 18 spoke in favor of the bill while three opposed it.

The arguments put forth by the proponents of the bill can be summed up in the following manner: The law enacted in 2001 merely acknowledged the “genocide”. It did not contain any provisions about what should be done to those who deny it. The new bill would fill that vacuum. Those who negate the Armenian “genocide” should meet with the same punishment as those who negate the Holocaust.

Few references have been made to the Bosnian and Rwandan genocide cases. Yet, these are quite recent and certain allegations have been made against the French military authorities in those two cases.

The main point underlined by the three deputies that spoke against the bill was that historical facts should be determined by historians rather than by parliaments. In this context, only one deputy referred to the proposed joint commission of Turkish and Armenian historians. The same person (Pierre Laquiller) referred to an issue no one else had brought up during the debates. He said that the law enacted in France in 2001 was unconstitutional. One issue underlined during the debates was that demonstrations during which hatred is expressed against a certain group and the use of violence is encouraged, are criminal anyway and there is no need to pass a new law to this effect.

Speaking on behalf of the government, Minister Delegate for European Affairs Catherine Colonna said that due to three reasons the government was not in favor of the bill. Firstly, France already had a law (the 2001 Law) that acknowledges the Armenian “genocide” and there was no need for another one. Secondly, the bill in question could backfire. According to the French minister, thanks to some of its intellectuals, Turkey had recently started engaging in a memory exercise regarding its past. These intellectuals had issued a communiqué to prevent the enactment of the bill, stressing that adoption of the bill would hamper their struggle. Thirdly, as a principle, shedding light on history was a task for historians and not for legislative bodies. Passing the bill in question would not be compatible with that principle.

In short, the French minister took a stance against the bill, noting that France already had a law acknowledging the Armenian “genocide”, that the Turkish intellectuals that embraced the Armenian views were against that bill, and that shedding light on history was a task for historians.

A total 129 deputies took part when the bill was put to a vote at the French National Assembly. Of these, 106 voted in favor of the bill while 19 voted against it and four abstained. The number of votes cast in favor of the bill amount to 18.4 percent of the French National Assembly. A total 445 deputies (77.6 percent of the Assembly) chose not to attend. Here, it must be recalled that the same scenario had been acted out in 2001 when the bill acknowledging the Armenian allegations had been passed by the Assembly with only 52 votes cast in favor, that is, by 9 percent of the total number of deputies.

Although it cleared the French National Assembly with the support of only 18.4 percent of the deputies, the new bill is legally valid. On the other hand, it is obvious that this validity does not reflect the Assembly’s will. This is because, if the aforementioned 445 deputies had showed up and cast their votes, the bill might be rejected because it would violate the freedom of expression.

As we mentioned above, this bill envisages prison sentences in the one to three year range as well as fines of up to 45,000 Euros for those denying the Armenian “genocide”. Furthermore, this bill would authorize those Armenian associations --that have been functioning for a minimum five years— to take part in the “negation of the Armenian genocide” cases. In other words, these associations would serve as a co-prosecutor in such court cases.

In the great majority of the articles that appeared in both the French and the foreign media, the French stance was criticized. It is interesting that the articles published in France were full of criticism and those writers that defend the bill, most of them Armenian or pro-Armenian, have almost become isolated. None of the moves inspired by the Armenians since the 1970s --when the Armenian issue had gained significance-- had triggered so much criticism. On the other hand, this wave of criticism is not about the Armenian allegations. It focuses on the freedom of expression issue. In France, criticism focuses on the premise that legislative bodies should not write history; and this too amounts to upholding the freedom of expression, albeit indirectly.

3. Reactions in Turkey

The passage of the bill triggered reactions in Turkey at all levels.

- a. The statements of the President, the PM and the FM and the Foreign Ministry communiqué

The President's Foreign Affairs Adviser Ambassador Sermet Atacanlı said the President regretted that the bill was passed, that in the two letters he had sent to Jacques Chirac the President had stressed that such attempts would amount to a distortion of history and violation of the freedom of expression and other human rights, causing lasting repercussions in bilateral relations. Underlining the President's conviction that political decision-makers should work for peace and welfare for the humanity, he said that the President considered it a cause for worry regarding the future when, instead of doing that, the decision-makers adopted a position of fanning historical feelings of hatred and revenge. He stressed that the President attached importance to the prevention of the enactment of the bill in question and protection of Turkey-France relations from further damage⁷³.

The Prime Ministry Press Center issued a statement, regretting and denouncing the passage of the bill. It said that that was a greatly shameful decision on the part of the short-sighted politicians of France from the standpoint of both respect for scientific facts and respect for the freedom of thought and expression. It pointed out that with that bill an historic error was being made; it was out of the question for Turkey to accept such an injustice; and the Turkish public opinion was highly indignant, the citizens of Armenian origin included⁷⁴. Furthermore, in a speech he made on 13 October 2006, Prime Minister Erdoğan criticized the bill, saying that it amounted to a violation of the freedom of expression⁷⁵.

Deputy Prime Minister, Foreign Minister Abdullah Gül said that France would no longer be the land of freedoms, that it would no longer be able to boast about being a place where ideas were freely talked about. He said that the latest development was greatly shameful for the French, and that the Turkish reaction to France would evolve in the course of a process⁷⁶.

73 Radikal, 14 October 2006.

74 Radikal, 13 October 2006.

75 Radikal, 14 October 2006.

76 Radikal, 14 October 2006.

After the French National Assembly passed the bill in question the Turkish Foreign Ministry issued a statement to say, in short, that it deeply regretted that move, that all members of the Turkish nation including the citizens of Armenian origin were highly indignant, that Turkish-French relations had received a heavy blow, that the serious criticism directed at the bill in France indicated lack of a consensus on this issue and that the bill lacked serious support, that Turkey would continue to make every effort, make every initiative, to abort the relevant legal process in France, that the bill amounted to a violation of the European Human Rights Convention, that the French should have a reckoning with their own past, and that France was passing judgment on other countries' history and meting out punishment although parliaments did not have a duty to rewrite history and that this is the historians' responsibility.

b. The views of the opposition parties

The leading opposition parties in Turkey criticized France due to the passage of the controversial bill. Members of some of these parties staged demonstrations in front of the French diplomatic missions in the country^{77 78 79 80}.

c. Turkish press comments

The controversial bill and the French stance towards Turkey were the main topics for the Turkish press during the two days that preceded the passing of the bill and the two weeks that followed it. Every day newspapers carried headlines about the bill and almost all of the columnists wrote about this topic, some of them several times. They criticized France, sometimes in an excessive style, and called for measures against France.

d. Economic measures

Although, as mentioned above, both Prime Minister Erdoğan and Foreign Minister Gül made it clear beyond any doubt that they were against the bill, they used moderate language about the measures to be adopted against France. While a significant part of the Turkish press favored adoption of hard economic measures against France, the Prime Minister said, "We will be patient... We will

77 Sabah, 17 October 2006.

78 TNN, 15 October 2006.

79 Turkish Daily News, 19 October 2006.

80 Hürriyet, 14 October 2006.

calculate well...For the time being Turkey's trade volume with France is nearly \$ 10 billion. This amounts to 1.5 percent of France's foreign trade volume. For that reason the calculations must be done properly. We will take steps accordingly.⁸¹ With these words he implied that the economic measures to be adopted against France would be of a limited nature.

Some establishments called for more extensive economic measures against France. The Turkish Union of Chambers and Exchanges (TOBB), for example, urged its members to stop selling French goods. The Consumers' Union advocated a boycott of selected French goods, for example perfumes. The Young Businessmen's Association (TÜGİAD) announced that they would no longer sell French goods. The Independent Industrialists' and Businessmen's Association (MÜSİAD) announced that they would take part in the boycott drive and urged those businessmen decorated by France to return their medals⁸². The Free Industrialists' and Businessmen's Association (HÜRSİAD) decided that its members should not go to France for business meetings while the Aegean Apparel Manufacturers' Association decided to boycott the fairs to be staged in France.

The Consumers' Union, which was the most active organization regarding the measures to be taken, decided to boycott one French company's products each week. Total Petrol⁸³ turned out to be the first company to be boycotted and a reportedly 30 percent drop took place in that company's sales⁸⁴. L'Oreal⁸⁵ too was targeted by this drive. In some places French goods were boycotted spontaneously by the people. The stores around İstanbul's Taksim Square that sold French products remained closed for some time. Boycotts were staged also in some other cities such as İzmit, Konya, Nevşehir, Erzurum and Niğde. In some places stickers saying "French product" were placed on goods in an attempt to prevent the sales⁸⁶.

Some of the French companies operating in Turkey were adversely affected by that climate. To prevent the enactment of the bill Danone announced it would start a campaign, gathering signatures for a petition to be presented to the French Senate⁸⁷. The signatures were mainly to be obtained from the Danone workers.

81 Hürriyet, 14 October 2006.

82 Hürriyet, 13 October 2006.

83 Anadolu Ajansı, 13 October 2006.

84 The New Anatolian, 17 October 2006.

85 PanArmenian, 20 October 2006.

86 Zaman, 15 October 2006.

87 Radikal, 22 October 2006.

To what extent have these moves been effective? A well-known French newspaper says that the overall effect has not been great and that although Carrefour's sales declined to some extent during the first two days this decline did not last for long⁸⁸.

While it is not known whether a decision has been taken not to allow French companies to bid for Turkish government contracts, it was meaningful that Türksat announced that it would not cooperate with France's Alcatel once its satellite is launched into space in 2008⁸⁹.

Not allowing French companies to bid for government contracts in Turkey could make a deterrent effect. The proposed restrictions of various kinds on the sale of French products, on the other hand, could hurt the French companies to a certain extent. However, it would be hard for these moves to reach such a scope that they would cause the French National Assembly and the French Senate to alter their stance. If these moves turned out to be excessive the French Government could take counter-measures. Furthermore, since a significant part of the French goods sold in Turkey are actually produced in Turkey, diminishing or halting the sale of these goods would deliver a blow to the some 40,000 Turkish workers that take part in the production of these goods. In every transaction there are two sides and if one side upset that balance it too would inevitably suffer from that move.

On this occasion let us point out that although the measures that have been taken (and will be taken) against France would make only a limited economic effect, their political effect has been quite significant, making it clear that the Turkish public has taken a negative stance against France.

e. Cultural boycott attempt

Another issue that should be underlined is that an attempt has been made to carry the "boycotting France" drive into the cultural field as well. The Supreme Radio-TV Board (RTÜK) issued a statement on 21 October 2006, announcing board members' unanimous decision to recommend to the radio and TV channels in Turkey that they refrain from airing media products originating from France until the French bill criminalizing negation of the Armenian "genocide" is dropped from the agenda for good⁹⁰. However, it is not easy to say that the Turk-

88 Libération, 18 October 2006.

89 Tercüman.

90 Hürriyet, 22 October 2006.

ish TV channels have complied with this recommendation.

f. Demonstrations in Turkey and the efforts of the Turks in France

Numerous demonstrations were held in front of the French Embassy in Ankara and the French Consulate in Istanbul during the process of the controversial bill clearing the French National Assembly. Furthermore, in Paris, some 100 Turks carrying Turkish flags demonstrated against the bill in front of and on the steps of the Bastille Opera House⁹¹. Although they acted in a positive manner, making their reaction known, it would have been better if they had staged that demonstration before the French National Assembly passed the bill. In France there are indeed Turks that want to block the attacks being directed at Turkey and they do strive to do good things for Turkey. However, there are few of them. The bulk of the Turks living in France spend their lives between their homes and their jobs, sometimes visiting the mosque as well, hardly displaying an interest for issues that exist outside these parameters. For that reason, while the 450,000-strong Armenian community in France exerts a significant political influence the equally large Turkish community seems almost nonexistent in this respect.

g. TBMM (Turkish Grand National Assembly) debates and the communiqué

During its 17 October 2006 session the TBMM debated the bill passed by the French National Assembly. Foreign Minister Gül and the representatives of those political parties that have a parliamentary group, each made a speech on this issue.

Foreign Minister Gül said, in short, that if the bill became a full-fledged law it would no longer be possible to oppose the genocide allegations in France. Groundless allegations would be perceived as facts. The freedom of thought and expression would be curtailed. He pointed out that unlike the Ottomans, some nations had an intense history of racism, suppression and exploitation of the non-white peoples, and intolerance towards the “others”. If the Ottomans had pursued a policy of assimilation many races, religious factions and languages would have disappeared by now, he stressed. He said that the Armenian Diaspora was using the genocide allegations as an instrument for bonding its members, that is, as an instrument that would enable it to preserve its identity.

91 Agence France Presse, 21 October 2006.

Gül said that France had incited the Armenians prior to and in the wake of the World War I for the sake of France's own interests. Now it was doing the same thing for the sake of gaining political advantages, he said, adding that in the end the Armenians get presented with the bill. Turkey's mistake was that it failed to explain adequately the nature of these massacres to its own people and to the world public opinion, he noted. The founders of the Turkish Republic did not want to build this new state on a foundation of hatred and revenge; they did not want to raise the new generation in enmity. However, the good intentions of that time now cause a weakness for Turkey, he stressed.

Stressing that only a competent court would be authorized to decide on whether a given event constitutes genocide or not, the Foreign Minister pointed out that in the absence of such a court decision the crime of genocide would be legally nonexistent and the genocide allegations could not be defended on legal grounds. Abdullah Gül went on to say that the French authorities said certain disputed events in French history should be left to the historians for assessment. And yet, when it comes to the Armenian allegations, the French authorities were trying to introduce the kind of arrangement that would turn into a crime even the questioning of the validity of the Armenian allegations. This is a contradiction, he stressed.

Stressing that enactment of the bill would inevitably harm the Turkish-French relations which have already been deeply wounded, he said that these wounds would become visible in the political, security and economic matters, that big problems had cropped up between the two countries after the enactment of the 2001 Law in France, that this time it would not be the same thing and that if the controversial bill were to be enacted this time the wounds that would open up would definitely not be dressed. He said that he was openly saying that before the Turkish, French and the world public opinion. He stressed that every path would be tried, including the judicial path, to prevent enactment of the bill, expressing the hope that France would abandon this mistake.

At the end of the debates the TBMM adopted a communiqué in which it vigorously condemned the bill in question, pointed out that France tried to pass judgment on Turkey's history while leaving to historians the allegations about its own past, that many historians, some of them French, had made it clear that according to the UN Genocide Convention of 1948 the incidents that took place during the World War I could not possibly be classified as acts of genocide, that the Armenian Government failed to give a positive reply to the Turkish offer to

create a joint commission of historians to look into the controversial periods of history, that enactment of the bill would open up irreparable wounds in Turkish-French relations, and that the TBMM would persistently keep up its warnings and efforts to prevent the enactment of that bill.

The most significant aspect of the TBMM debates was that all TBMM members shared the same views and that it was proven that no change had taken place in the TBMM stance of categorically rejecting the genocide allegations.

h. Armenian Patriarch's reaction

In a written statement Mesrob II, the Patriarch of the Turkish Armenians, said that the French who had placed various obstacles on Turkey's EU accession path, were now delivering a heavy blow to the already limited dialogue between Turkey and Armenia. He stated that the bill was undemocratic and would serve the interests of the ultranationalist groups both in the Turkish society and in the Armenian society⁹².

The bill drew individual reactions too from Turks in many cases. Let us cite two highly meaningful examples. Retired Ambassador Kamran İnan⁹³ who is a former minister, and Higher Education Board (YÖK) Chairman Prof. Dr. Erdoğan Teziç⁹⁴ returned their Légion d'honneur medals.

4. French Government's stance and reactions to France

During last May's debates on the bill at the French National Assembly French Foreign Minister Douste-Blazy, probably taking into consideration also the adverse reactions in Turkey, phoned his Turkish counterpart Abdullah Gül a few days prior to the voting, and he reiterated that the French Government was not supporting the bill. He expressed his faith in the long-term future of the bilateral relations and recalled that France was providing support for Turkey's European perspective⁹⁵. The French Foreign Ministry made its stance known to the public, saying that the French Government was not committed to and did not deem necessary the bill in question⁹⁶ Prime Minister Dominique de Villepin pointed out

92 Zaman, 13 October 2006.

93 Milliyet, 18 October 2006.

94 Cumhuriyet, 17 October 2006.

95 Agence France Presse, 9 October 2006.

96 Agence France Presse, 10 October 2006.

that experiences of the past had shown that enacting laws on history and memory was not a good thing⁹⁷.

Obviously to ease the strong adverse reactions the passage of the bill had triggered in Turkey, this time President Jacques Chirac joined the loop. According to press reports, he called Prime Minister Erdoğan on 14 October 2006 to express his regret about the French National Assembly decision. He promised to do all he can to prevent the bill from becoming a full-fledged law. Stressing that no change had taken place in his country's relations with Turkey, he said that the French National Assembly's decision would not affect the Turkey-EU accession talks.

After the TBMM issued the aforementioned communiqué, the French Government felt the need to reiterate its policy towards Turkey. The French Foreign Ministry Spokesman said that they attached great importance to maintaining a dialogue with Turkey and to the ties of friendship and cooperation between the two countries⁹⁸.

It can be seen that the French Government attaches great importance to relations with Turkey. In fact, that could not have been any other way. Wary of the possibility that bilateral relations would be disrupted, the French Government opposed the bill and tried to prevent it from being passed. However, due to the political turmoil in France, the Government, although it seemed to have a large majority such as 63 percent in the National Assembly on paper, failed to obstruct the bill because in reality it could not command that majority. In short, the French Government could not conduct towards Turkey the kind of policy it wanted to conduct.

The bill in question drew widescale reactions in France. In almost all of the relevant reports and articles appearing in leading newspapers such as *Le Monde*, *Le Figaro*, and *Libération* the bill in question was criticized. These reports and articles did not focus on the crux of the matter, that is, on whether the Armenians had been subjected to a genocide or not. This is because the French public opinion does not doubt that "the genocide" had occurred. Newspapers focused mostly on freedom of expression when they criticized the bill, saying that legislative bodies should not write history or deliver judgment on historical events.

Some French organizations, especially the association named "Liberte pour

97 Armenews, 11 October 2006.

98 Agence France Presse, 18 October 2006.

l'histoire", too opposed the bill. This association was founded in December 2005, bringing together renowned French historians. It opposes those French laws that deliver judgment on historical events. It demands abolishment of such laws. This association issued a statement on 13 October 2006, that is, one day after the French National Assembly passed the controversial bill, pointing out that France had stepped into a speedy process of determining the "state truth" about the "nature of the events of the past". It stressed that it was a real provocation to put to vote a bill on the Armenian genocide issue at a time the President was saying that it was not the Parliament's job to write history. Although having a deep sense of solidarity with the victims of the past [meaning the Ottoman Armenians] it protested such decline in democratic rights. It warned that if the French Senate upheld the bill it would apply to President Chirac to have it abolished⁹⁹.

Meanwhile, 20 French celebrities from different walks of life sent a letter to the speaker of the French National Assembly, asking him to take this issue to the Constitutional Court if the bill became a full-fledged law. They said that the speaker should do that in order to preserve the French Parliament's duty to legislate laws for the good of the entire population rather than a certain part of it [meaning the Armenians]¹⁰⁰.

The "Journalists sans Frontiers" too issued a statement, criticizing the bill for attempting to create an "official history reality", saying that was a practice typical of totalitarian regimes. It urged the French Senate to reject the bill¹⁰¹.

5. Reactions at the EU

In a statement he made before the French National Assembly passed the controversial bill, EU Commissioner for Enlargement Olli Rehn said he was afraid that if the Assembly passed the bill that would have a negative effect, blocking the debates that should take place in Turkey on this issue [meaning the Armenian genocide claims] and slowing down and bottlenecking the debates taking place in Turkey on the freedom of expression issue. He urged the French parliamentarians to act with a sense of responsibility¹⁰². He said there should be a climate of dialogue between Turkey and Armenia, and between Turkey and the Armenian Diaspora. It would be wise to create a joint commission of Turkish and Armenian

99 Agence France Presse, 18 October 2006.

100 Armenews, 14 October 2006.

101 Armenews, 24 October 2006.

102 Radikal, 10 October 2006.

historians¹⁰³, he added.

Chairman of the EU Commission Jose Manuel Durao Barroso¹⁰⁴ too warned France, saying that no new criteria should be placed on Turkey's path.

Chairman of the EU-Turkey Joint Parliamentary Committee Joost Lagendijk¹⁰⁵ of the Netherlands, Deputy Chairman of the Greens Group in the EP Daniel Cohn-Bendit¹⁰⁶, and Anne Marie Isler¹⁰⁷ of the Greens Party who is the chairwoman of an EP delegation that concern relations with Armenia, opposed the bill. The Greens Party group in the EP sent a letter to the French deputies, telling them that the bill should be forgotten¹⁰⁸.

Since Finland is the current holder of the EU term presidency, Finnish politicians too displayed an interest in the French Socialists' bill. Finnish Parliament Speaker Paavo Lipponen said he would discuss the bill with Chairman of the French Socialist Party François Hollande. After the French National Assembly passed the bill Finnish Foreign Minister Erkki Tuomioja said that was madness¹⁰⁹.

Critical remarks were made after the passage of the bill as well. Commission Chairman Barroso¹¹⁰, commissioner for enlargement Olli Rehn¹¹¹ and commissioner for foreign affairs Benita Ferrero-Waldner¹¹² made such remarks. Lagendijk and Eurlings too joined them. Andrew Duff, a British member of the EP, meanwhile, said that if the bill became a full-fledged law the European Court of Human Rights should be ready to debate this issue¹¹³.

In other words all of the EU officials took a stance against the bill. This is mainly because if the bill became law Turkey might respond in the same manner, curtailing the freedom of expression in the country especially on the Armenian issue.

103 Radikal, 11 October 2006.

104 Hürriyet, 10 October 2006.

105 Hürriyet, 9 October 2006.

106 Armenews, 12 October 2006.

107 Armenews, 12 October 2006.

108 Armenews, 12 October 2006.

109 Zaman, 19 October 2006.

110 AP, Reuters, 13 October 2006.

111 AP, Reuters, 13 October 2006.

112 Agence France Presse, 13 October 2006.

113 Zaman, 13 October 2006.

Another cause for concern is the possibility of such a law adversely affecting Turkey-Armenia relations.

6. Reactions of Other Countries and International Organizations

Individual countries mostly remained silent on the French bill. Those making their reaction known officially were EU term president Finland, the US, Greece and Sweden.

US Assistant State Secretary Daniel Fried said, in reply to a question posed to him in Brussels, that he supported President Chirac's opposition to the bill, that he shared the view that legislation criminalizing discussions on the Armenian "genocide" would be meaningless, that what President Bush had spoken about was the mass killings of the Armenians, and that the US Administration had never used the word "genocide" in this context. Fried said that the US Administration would like to see Turkey and Armenia address this issue in an honest manner, and that some Turks [meaning those Turks that support the Armenian views] were urging their government to act in that manner. He expressed his conviction that the French bill would not serve that purpose¹¹⁴.

Yuri Charandine, the chairman of the Constitutional Law Committee of the Russian Duma, said the bill in question could be explained as a sign of France's desire to determine the historical facts. However, that would tense up the situation rather than easing it, he stressed¹¹⁵.

Recalling that in 1996 the Greek Parliament had adopted a resolution acknowledging the Armenian "genocide", Greek Foreign Ministry Spokesman George Koumoutsakos expressed the belief that in the modern world the past should not obstruct the future. Thus he implied that they did not approve of the French bill¹¹⁶.

Swedish Foreign Minister Carl Bilt expressed concern about the bill passed by the French National Assembly. He pointed out that the bill in question could cause problems in the negotiations with Turkey towards opening of the Turkish ports to (Greek) Cypriot ships. However, he also noted that since President Chirac's approval would be required the bill might not become law¹¹⁷.

114 Reuters, 20 October 2006.

115 Le Monde, 14 October 2006.

116 NTV-MSNBC, 12 October 2006.

117 SR International, 17 October 2006.

Organization for Security and Cooperation in Europe (OSCE) Representative on Freedom of the Media Miklos Haraszti sent a letter to the French Senate President to say that the passage of the bill was causing serious worries from the standpoint of the international standards for freedom of expression. Adoption of such a bill by a country with an age-old tradition of upholding the freedom of expression such as France would constitute a dangerous precedent for other OSCE countries, he stressed¹¹⁸.

The Amnesty International issued a statement to express great concern about the way the French National Assembly passed a bill that posed a highly serious threat to the freedom of expression. It urged the French Senate to reject the bill, pointing out that if the bill were to be finalized the resulting law would be contrary to a number of international agreements. The statement specified these agreements and warned that if people were to be sentenced under that law they would be considered prisoners of conscience¹¹⁹.

7. Reactions from Armenia and the Armenian Diaspora

While almost everybody took a stance against the bill as recounted above, reactions from Armenia and the Armenian Diaspora were in the opposite direction. On the day the French National Assembly was going to vote on the bill, the Comité de la Defense de la Cause Arménienne (CDCA), a France-based organization with Dashnak tendencies striving to muster support for the Armenian genocide allegations, issued a statement, declaring that the bill aimed to protect the common memory and honor of all French citizens and their values of reality and justice. It called on the deputies to vote in favor of the bill¹²⁰.

Let us come to the European Armenian Federation for Justice and Democracy (FEAJD), an organization with Dashnak tendencies founded with the aim of protecting the Armenian interests at the EU. The FEAJD operates mainly as a lobbying group trying to ensure that the European Parliament would take anti-Turkey, pro-Armenian decisions. The FEAJD maintained that the threats Turkey was making to prevent enactment of the bill should not be heeded. Trade between France and Turkey had not been affected in any way by the measures Turkey had reportedly taken after the passage of the 2001 law in France, it said¹²¹.

118 Arminfo, 17 October 2006.

119 Amnesty International US, 19 October 2006.

120 CDCA, 12 October 2006.

121 Agence France Presse, 11 October 2006.

In separate statements they issued after the bill was passed by the French National Assembly the CDCA and the FEAJD congratulated the deputies and urged the French Senate to uphold the bill.

Armenia, meanwhile, reacted to the news with demonstrations of joy in Yerevan¹²² Referring to the genocide allegations Foreign Minister Vartan Oskanyan said that Turkey was involved in a “planned assault on truth. While Turkey itself has a law that punishes those who use the term genocide the Turkish Government’s instigation of extreme public reactions is not understandable.”¹²³

As can be seen the Armenian Foreign Minister’s statement is different from other statements made on similar issues in that it sounds more like a political pamphlet. It portrays Turkey’s rejection of the genocide allegations as “an assault on the truth” and it accuses the Turkish government of inciting extreme public reactions to the bill. This must be a reference to the protest demonstrations held in front of the French diplomatic missions. Yet the names of the organizations that staged those demonstrations were public knowledge, obvious from the placards carried by the demonstrators. The political tendencies of these organizations are different from the Turkish Government’s in general. Furthermore, not even a single person has been punished in Turkey for using the term Armenian issue or for discussing the events related to the relocation. This accusation is quite meaningless at a time display windows of certain bookstores in Turkey feature Turkish language versions of books --written by foreign writers, some of them Armenian-- claiming that the Armenians had been subjected to genocide.

It would be hard to say that the Armenian Foreign Minister’s statement contributes to the improvement of Turkey-Armenia relations where there are various problems as it is.

The Azerbaijani Foreign Ministry issued a statement on this issue, saying that the developments regarding the bill were being followed with concern. It took note of the fact that the French Government was not supporting the bill and it expressed the hope that the French Senate would block that effort. It stressed that Armenia and the Armenian Diaspora were playing a destructive role rather than contributing to peace and stability in the region (South Caucasus)¹²⁴

¹²² Radikal, 13 October 2006.

¹²³ <http://www.armeniaforeignministry.com/news/index.html> 12 October 2006.

¹²⁴ Azer Press Agency, 13 October 2006.

8. Potential Developments

The bill passed by the French National Assembly would have to be debated and passed by the French Senate as well to become law. However, the bill has been severely criticized not only in France but also in other EU and some non-EU countries and the Senate is not expected to put it on its agenda soon. Presidential and parliamentary elections will be held in France in 2007 and the outcome of these elections will obviously determine the fate of the bill.

The current French Government that opposes the bill will be replaced after the elections. A Socialist or UMP-dominated new government may support this bill.

Meanwhile, taking into consideration Turkey's sensitivity, the French may choose to spread to time the problem caused by the bill. In case the Senate upheld the bill after making even a slight change in it, the bill would have to be returned to the National Assembly where it would be re-debated and put to a fresh vote. If the National Assembly insisted on passing the original text once again, the process of sending the bill back and forth between the two chambers of the French Parliament could go on for as long as three years as was the case regarding the 2001 law. In the course of that lengthy process the Turkish public and the Turkish Government may start losing interest in the bill as was the case in 2001. And, in the end, the National Assembly and the Senate might reach an agreement on the text at an unexpected moment and the bill could become a full-ledged law all of a sudden.

In France a bill has to be approved and published by the President of the Republic to be finalized after clearing both chambers of the Parliament. If the President refused to sign the bill that would start a lengthy process leading all the way to the Constitutional Court. Wary of potential criticism, Jacques Chirac had signed into law the 2001 bill although he had not been in favor of it. It is a strong possibility that by the time the current bill clears the Senate and gets presented to the President for approval, Jacques Chirac will not be the person occupying the presidential position. If Nicolas Sarkozy or Socialist Segolene Royal, both mentioned as strong candidates, managed to become president, he or she would not hesitate to sign the bill.

Even in that case deputies and senators—a minimum 60 of them acting together—would be authorized to ask the Constitutional Court to invalidate the new law. If they took that path the Constitutional Court would be quite likely

to invalidate the law for violating the freedom of expression. However, in today's France it would not be easy to find a minimum 60 parliamentarians prepared to take part in such a pro-Turkey initiative.

To sum up, the bill is not expected to become law in a short time. That is bound to be a lengthy process and it is not easy to predict the outcome. It would be easier for the Senate to reject the bill if the French public opinion definitely decided that it was not compatible with freedom of expression. Potential positive developments in Turkey's EU accession process too would facilitate that. If, on the other hand, a crisis broke out between Turkey and the EU for example on the Cyprus issue that could prompt the Senate to pass the controversial bill.

Meanwhile, one may think that it would be better for Turkey to encourage finalization of the bill rather than trying to prevent that. This is because, as we explained in detail in the last issue of our magazine¹²⁵, if the bill became law Turkey would gain the opportunity to bring this issue before the European Court of Human Rights and have that law invalidated. If Turkey prepared its case properly Turkey would stand a strong chance of winning. If Turkey won that case the possibility of having the 2001 law abolished as well would arise after some time thanks partly to the already existing momentum against that law in France. And abolition of that law would deliver a major blow to the genocide allegations. As a result, the Armenian Diaspora would be frustrated while Turkey and Armenia would find, for the first time, a serious platform for reconciliation.

125 Ömer Engin Lütem, "Facts and Comments" ..., p.29.