

## The Protocols are signed, now what? (November 2009)

*Recognition of Artsakh Self-Determination without further delay or additional referendums. When all the inhabitants were on the land in the soviet era, a valid petition was held in late 1987, and the population expressed its will overwhelmingly for rule by Yerevan, not Baku. Baku's track record with respect to Armenians over nearly a century gives little basis to believe it can govern Artsakh fairly or peaceably.*

The protocols initiate a process. It is time for Armenians to state specifically what they believe will create a fair and viable future. The following three components, at a minimum, are essential to assure fair and just resolution of regional issues between Armenians and Turks, which is a prerequisite for future peace, stability and prosperity in the region.

1. All countries in the region must adopt a **"good neighbor" policy**. In particular, Turkey, as the largest, wealthiest, and most militarized, must live up to its obligations under international law.
2. **Artsakh Self-Determination** – the *de facto* peace must be transformed into a *de jure* peace: Artsakh with defensible borders and guarantees. This is the only viable plan for peace and prosperity in the region. Caving into Turkish and Azeri nationalists hollow claims in the face of Baku's failure to fulfill its minimum sovereign duties to the Armenian minority population indigenous to Artsakh and Nakhichevan just prolongs the instability and tempts the extremists, sowing the seeds of further discord.
3. **Genocide Recognition and Reparations**. While there is no adequate remedy for the devastation to the Armenians and their homeland, one starting point for thinking about how to move forward is the basic, pragmatic formula: *reversible harm should be reversed; irreversible harm should be compensated*.

### *Discussion*

1. Turkey should be required to honor its legal obligations under international law and demonstrate its bona fides as a good neighbor:
  - guarantee access to the sea;
  - develop regional rail and road;
  - open free ports on the Black and Mediterranean Seas;
  - ensure rights and protection of Armenian minority in Turkey;
  - protect Armenian monuments and cultural heritage in Turkey;
  - establish demilitarized zone in Western Armenia
2. Recognition of Artsakh Self-Determination without further delay or additional referendums. When all the inhabitants were on the land in the soviet era, a valid petition was held in late

1987, and the population expressed its will overwhelmingly for rule by Yerevan, not Baku<sup>1</sup>. Baku's track record with respect to Armenians over nearly a century gives little basis to believe it can govern Artsakh fairly or peaceably. This untenable situation was not entirely of Baku's making. US, Russian and British intervention in the region after WWI exacerbated the situation and ultimately subjected the genocide-ravaged Armenians to three more generations of Turkish/Azeri misrule in Nakhichevan and Karabagh. The time has come for the US, Russia and Great Britain, to rectify their duplicity in this matter and for the Turks (Ottoman and Azeri) to disgorge the poisonous fruit of the genocide and centuries of misrule of Armenians. Under the circumstances, the only historically effective remedy at international law for failed sovereignty is self-determination. Borders and buffer zones, as well as international security forces need to be properly designed, deployed and overseen to assure peace.

**3. Genocide recognition and reparations** are a pre-requisite for justice, stability and peace in the region. There are no adequate remedies for the devastation of genocide and the century-long delay in redressing this crime. Still, Armenians need to state their claims. Simply saying, "give us justice" is not enough. Both victims and perpetrators need resolution and closure. Victims' failing to state claims and perpetrators' failing to make amends will leave lasting scars and sow the seeds of future discord.

- **Reversible harm** from the Genocide should be reversed, *g.*,
  - restoration of Armenian church properties;
  - return of uninhabited, or sparsely populated lands contiguous to Armenia;
  - return of titled private property to rightful owners.

There is a basis for return of Ararat, Ani and other contiguous areas, which were, according to the historic record, reluctantly conceded to Turkey under obvious duress by Yakov Ganetsky, the representative of Bolshevik Russia. Turkey, a defeated WWI belligerent, in violation of its obligation to disarm, made this post-WWI land grab (with British, Russian and US acquiescence) at the expense of genocide-ravaged Armenia.

- **Irreversible harm** from the Genocide should be compensated:
  - loss of life
  - destroyed property and historical sites
  - untitled private property
  - inhabited lands and property now held by others
  - trusteeship over Armenian historical sites in Turkey, plus DELAY
- **Delay Damages.** Turkey, the US, USSR/Russia, UK, Germany, France and others have benefited from delaying the resolution of this issue for over 90 years causing generations of distress and hardship for Armenians in Armenia and the Diaspora. In addition to delayed compensation, Armenians have suffered nearly a century's deprivation of access to their ancestral lands and sacred places.
- **Distribution of Compensation.** If compensation can be directed to specific beneficiaries for a specific claim, then it should go there (e.g., churches, institutions, individuals with documented claims). As for the rest, one possibility is a fund for

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<sup>1</sup> Christopher J. Walker, *Armenia: The Survival of a Nation*, 1980, p. 329-330

Armenian National Renewal (for preservation of Armenian sites in Turkey, education, cultural revival, relief for Armenians in need, Armenia's development).

- **Compensation for Lost Patrimony.** One accepted form of partial compensation for lost patrimony is rights of first refusal to use and benefit from natural resources (water, timber, arable land, minerals, oil, gas if any) in W. Armenia (or receiving royalties instead). (see US Native American and Mexican claims to US oil and mining royalties)
- **Who should pay?** All the countries that benefited from the destruction, deprivation and delay in resolution of these matters at the expense of Armenia and the Armenians.