



Foreign &
Commonwealth
Office

To: [redacted]

From: [redacted]

PS / Minister for Europe

Date: 8 November 2013

SUBJECT: CENTENARY OF ARMENIAN MASSACRES OF 1915-16

Issues

Ahead of the Centenary of the Armenian Massacres in 2015,

- should HMG change its current policy of non-recognition of the massacres as genocide?, and
- how should HMG be involved in centenary commemoration events?

Recommendation/s

We recommend that we maintain our current policy on non-recognition of the massacres as genocide but take a forward leaning stance on HMG participation in centenary commemoration events in April 2015.

Timing

Routine.

Comment

I agree. There are strong arguments for maintaining a consistent HMG line that it is for courts, not governments, to decide what constitutes genocide, and this needs to dictate our approach on recognition. But we should ensure that this is not mis-read as lack of recognition (in the wider sense) of the appalling events of 1915-16. It would be right to participate more actively in 2015 centenary events, as well as continue efforts to promote reconciliation. [redacted]

Background

1. Between 1915 and 1916, an estimated 1 to 1.5 million ethnic Armenian citizens of the Ottoman Empire were killed during deportations to the Syrian desert. The massacres began with the rounding up and killing of leading figures in the Armenian community in Istanbul on 24 April 1915. Since then Armenians consider this day as genocide commemoration day. Many Armenians were massacred by Ottoman soldiers or irregulars en route; others were victims of criminal acts, starvation and disease. A number of other minorities also suffered. Since the 1960s and the 50th anniversary of the tragedy there has been a growing lobbying effort by the Armenian diaspora (not only in the US but also in France although less stridently in Britain) to gain recognition that the actions of the Ottoman Empire constituted ‘genocide’.
2. While a few historians disagree on the scale of the deaths, there is no disagreement amongst the majority that there were significant and systematic massacres and other crimes directed towards Armenians before, during and after 1915-16. We (and France and Russia) described the events as a “crime against humanity” in a joint declaration in May 1915.
3. [redacted]
4. [redacted]
5. In 2009, the Armenian Centre in London instructed Geoffrey Robertson QC to review all legal and factual issues surrounding the events of 1915-16 to assess whether the evidence met the definition of genocide as set out by the *UN convention on the Prevention and Punishment of the Crime of Genocide in 1948* (1948 Convention). He concluded that it did, and that if the same events happened today, ‘there can be no doubt that the Genocide convention would be engaged and would require prosecutions for that crime as well as for crimes against humanity’. Further, following disclosure under the Freedom of Information Act of advice given by FCO officials to ministers on those events, he states “[FCO] advice reflects neither the law on genocide nor the demonstrable facts of the massacres in 1915-16, and has been calculated to mislead parliament into believing that there has been an assessment of evidence and an exercise of judgement on that evidence.”
6. Geoffrey Robertson’s Opinion raised important questions about the basis on which the FCO and HMG had justified publicly the position of non-recognition (in particular suggestions that we had reached our position because of lack of sufficient evidence that the events constituted genocide) and highlighted the recent ICJ, ICTY and ICTR judgements in the aftermath of massacres in former Yugoslavia and Rwanda which had further clarified our modern understanding of genocide. This led to a change in public line. In the context of the 2009 Turkey/Armenia protocols, which were meant (but have so far failed) to lead to a restoration of diplomatic relations and a joint committee to examine ‘historical issues’, our public line (**Ref A**) now focuses on making clear our understanding of the scale of the tragedy and affirming the role of HMG in supporting these two countries in addressing their common history. [redacted]
7. EECAD last submitted on this issue in June 2010. The Minister agreed to continue HMG’s policy of non-recognition.

Argument and Options

8. April 2015 will mark the start of the centenary of the massacres, and is likely to see a concerted effort by the Armenian Government and diaspora groups to apply pressure to governments who have not recognised the massacres as genocide to do so. The diaspora in the UK and their supporters, including parliamentarians and members of the public, lobby us on an ad hoc basis. This is likely to grow into a coordinated campaign in the next 18 months. Related to this, the Prime Minister has just announced that he will be chairing a multi-faith Commission to ensure the UK has a fitting and permanent memorial to the Holocaust. This is due to report in early 2015. The Armenian diaspora may seek to include genocide recognition as part of this.

9. In this context, it is important to reflect on whether HMG's policy of non-recognition remains the correct one. In the past twenty years a number of key factors have changed:
 - the development of a considerable body of respected scholarship on genocide studies and on the massacres in particular.
 - the development of a body of legal case law around the crimes in former Yugoslavia and Rwanda which have further clarified what can constitute genocide (eg, Srebrenica).
 - an increasing number of national and regional parliaments passing resolutions or opinions recognising the genocide, including the Welsh Assembly and Scottish Parliament.
 - an increasing debate within Turkey on its history and awareness of the importance of the Armenian role in it
 10. Set against this, the UK's policy on recognition of genocides has recently been reviewed by Ministers, in reaction to Parliament's call for the gassing of the Iraqi Kurds in 1988 (as part of the "Anfal" campaign) to be designated as genocide. HMG has not done so and has taken the public line that genocide is now a crime and that it is for courts and not governments to decide on whether genocide has occurred. The UK therefore recognises as genocide only those events that have been found so by international courts (eg, Holocaust, Srebrenica, Rwanda).
 11. Furthermore, HMG policy is that international law is not retroactive. **[redacted]**
 12. It should also be noted that the 1948 Convention does not contain any provisions which expressly provide for its retroactive application, nor any implicit suggestion of retroactive application. However, supporters of recognition would argue that the preamble ("recognising that at all periods of history genocide has inflicted great losses on humanity") provide grounds for intellectually accepting that events which took place before the Convention was concluded can be seen as genocide, even if the Convention itself is not retrospectively applied. This does not, however, affect HMG's wider position on genocide recognition.
- Option 1 – No change in recognition policy, but take a forward leaning stance on HMG participation in centenary commemoration events in April 2015 (recommended).**
13. While there is likely to be increased pressure on HMG, we recommend maintaining our current policy of non-recognition. This would maintain consistency with wider HMG policy that the recognition of genocides is for courts not governments. It would also support our position on retroactivity of international law. This approach would remain defensible, albeit contentious, with the UK diaspora and some elements of the media.
 14. We may face a letter writing campaign and an increase in PQs or MP letters. There is also likely to be a corresponding increase in motions in the Devolved Administrations and some Council Boroughs recognising or re-affirming the events of 1915-16 as genocide.
 15. While maintaining our policy, we further recommend changing our stance on participation in centenary commemorative events. **[redacted]** We believe a more forward-leaning stance that makes clear our understanding of 1915 and desire to commemorate the memory of the victims is appropriate for the centenary events. This would build on the Minister's visit to the Genocide Memorial in September 2012 and align with our longer term aim of promoting openness and debate, and ultimately reconciliation, between the peoples of Armenia and Turkey. **[redacted]**
 16. **[redacted]**
 17. **[redacted]**
 18. **[redacted]**

19. [redacted]

20. [redacted]

Option 2 – Recognise massacres as genocide

21. Given the wide body of evidence available about the appalling events of 1915 – 16; our own judgement at the time that they constituted a “crime against humanity”, and the scope which the preamble to the 1948 convention provides to recognise (at least in a political sense) historical instances of genocide, [redacted] A change of policy would be received positively by both the Armenian government and the UK diaspora, and would put us in the company of the 20 countries, including France, Italy, Canada and Russia, and many other national and regional parliaments, who have already recognised the massacres as genocide.

22. However, this would be a significant and far-reaching change in HMG policy. [redacted]

23. And, beyond creating goodwill in Armenia and among their supporters, a decision to recognise the massacres is unlikely to result in tangible progress in HMG conflict resolution or other goals in the region.

24. [redacted]

25. [redacted]

26. [redacted]

Agreement and/or dissent

27. BEs Yerevan and Ankara, EUD-E, IOD, HRDD and Legal Advisers agree. Eastern, EUD and Multilateral Research Groups have been consulted.

Risks

28. [redacted]

29. [redacted]

30. We have been told by leading members of the UK diaspora that they may instruct Geoffrey Robinson QC again before 2015 to write a new report on HMG’s recognition policy. As currently understood, the purpose would be to challenge the view that it was impossible to recognise the Armenian massacres as genocide because they had taken place before the adoption of the 1948 Convention. Any such report would raise the profile of the issue and of HMG’s stance further, but we believe this would be manageable.

Resources

31. There are no direct budgetary resource implications, although additional staff time will be required in order to intensify relationships with diaspora groups, draft replies to letters, etc.

Implementation and evaluation

32. [redacted]

[redacted]

cc list:

PS

PS/PUS
PS/Political Director
PS/SpAds
Judith Gough, Director, EECAD
Jonathan Aves, HMA Yerevan
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Attachments list: *Annex A – HMG Public Lines on Armenian Massacres*

Ref A

HMG Public Lines on Armenian Massacres

- The UK Government recognises the terrible suffering that was inflicted on Armenians living in the Ottoman Empire in the early 20th Century and acknowledges the strength of feeling regarding this terrible episode of history.
- The massacres and crimes that were committed were rightly and robustly condemned by the British government of the day.
- Our view remains, however, that it is not for governments to decide whether genocide was committed as this is a complex legal question. Where an international legal body finds a crime to have been genocide, this will often play an important part in whether we will recognise one as such.
- Instead, while the terrible suffering cannot be forgotten and we remember the victims of the past, our priority today is to promote reconciliation between the peoples and Governments of Turkey and Armenia and to encourage them to look to the future and build a better relationship between their countries.
- We continue to encourage the normalisation of relations between Turkey and Armenia. Despite the current challenges, we hope that both Governments can work together to take forward the normalisation process. This is the best way to ensure a peaceful and secure future for everyone living in both countries and the wider region.