

From: [redacted]
Rusccad
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To:	Justin McKenzie Smith Minister for Europe	
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Armenian Massacres 1915 – 1917

ISSUE

1. Whether to confirm the Government's position and approve lines to take on use of the term genocide in relation to the deaths of up to 1.5 million ethnic Armenians in the Ottoman Empire between 1915-17.

TIMING

2. Routine. There is a strong Armenian diaspora lobby to persuade governments around the world to adopt the term genocide when talking about these events. The FCO regularly receives letters from MPs and members of the public urging us to recognise the events of 1915-17 as genocide. Other government departments and devolved administrations have also recently started to be approached on this issue – however it is an FCO policy lead.

OPTIONS

3. Option A: That the Minister agrees that the UK should not recognise the Armenian massacres as genocide and approves the attached draft lines for public use (Flag A) which address the questions most frequently raised. This is our recommended option.
4. Option B: We recognise the events as Genocide. Around 20 Governments or Parliaments, including France, Canada, Russia and Switzerland, have done so. [redacted] If this option is considered we will provide more detailed advice on the political and legal implications of recognition.

AGREED BY

5. Yerevan, Ankara, Europe Directorate, International Organisations Department, Legal Advisers, Parliamentary Relations Team and Press Office.

PARLIAMENTARY AND MEDIA

6. There is regular Parliamentary interest in this question, primarily in the form of MPs letters but also PQs and debates. Parliamentarians with an interest in relations with

Armenia (the All-party Parliamentary Group on Armenia has already re-registered and held its AGM) are likely to be disappointed but not surprised by a government position of non-recognition. Parliamentarians with an interest in relations with Turkey (and the pro-Turkey parliamentary groups) will support the policy. In the most recent Parliamentary debate on this issue (in the Lords on 29 March) a majority of speakers showed sympathy for the position of non-recognition and support for reconciliation between the two sides.

7. A continued policy of non-recognition (Option A) is likely to receive little media attention in the UK, but we can expect (negative) coverage in the Armenian press, as well as (positive) reporting in both the Turkish and Azerbaijani press the first time the new Government's position is confirmed. Option B (recognition) would receive significant UK press attention.
8. FCO policy advice on this issue has been the subject of several Freedom of Information requests in recent years (see background – para 24).

RISKS

9. In the short term there are relatively few risks associated with Option A. The Armenian government will see continued non-recognition as confirmation that the UK prioritises relations with Turkey and Azerbaijan over relations with Armenia, but this is a view they already hold. [redacted] The Armenian diaspora in the UK, though very active on this issue, is relatively small (less than 20,000) and there is limited wider public interest.

10. [redacted]

11. [redacted] Recognising the Armenian massacres as genocide could also increase the pressure on the UK from other groups lobbying for recognition of various “genocides”.

ARGUMENT

12. The UK has consistently condemned the massacres and deportations of ethnic Armenians and other minorities in the Ottoman Empire at the beginning of the last century. The British Government of the time described the massacres as a “crime against humanity” and attempted to try a number of people in relation to these events but was unable to establish an appropriate legal jurisdiction. However at the time “genocide” as a term was unknown and it did not become recognised in international law until the 1948 UN Convention on Genocide.
13. Genocide is a precise legal term, use of which is best assessed by a competent court. There is no court that has the authority to make such an assessment with regard to the Armenian massacres. We therefore believe that it is inappropriate to apply the term to events that predate the Convention and where no legal judgement can be made.
14. [redacted]

BACKGROUND

15. Between 1915 and 1917, an estimated 1.5 million ethnic Armenian citizens of the Ottoman Empire were killed (following earlier pogroms and massacres in the 1870s and 1890s). Many were massacred; others were victims of civil strife, starvation and disease which ravaged the whole population of Eastern Anatolia during the First World War. Others died during deportation from their towns and villages to the Syrian desert, allegedly for reasons of national security. A number of other minorities also suffered. The Turkish government accepts some atrocities were committed but disputes the scale of the deaths and argues that they took place in the context of a war in which many Turks also died.
16. Expatriate Armenians, including substantial diaspora in France and the US, lobby hard for recognition of these events as genocide; the diaspora largely derives from those forced to leave Turkey. The Armenian government is committed to seek recognition of these events as genocide. That was put on hold while there was a prospect of normalisation of relations with Turkey (see below) but is now being more actively pursued.
17. [redacted]
18. Turkey has reacted very strongly to previous recognitions and earlier this year temporarily withdrew its Ambassadors to Sweden and the US following genocide recognition resolutions by the Swedish Parliament and the US FAC. Proponents of recognition point to the resumption of relations between Turkey and France as evidence that recognition would not have a long-term impact on relations.
[redacted]
19. Genocide was first legally defined in the UN Convention on the Prevention and Punishment of Genocide, adopted by the United Nations General Assembly in 1948. There are no provisions for the Convention to apply retrospectively – the same applies to the International Criminal Court, the statute of which repeats the definition of genocide set out in the Convention: the commitment of any of five specific acts (killing; causing serious bodily or mental harm; deliberately inflicting conditions calculated to bring about physical destruction; imposing measures to prevent births; or forcibly transferring children) with intent to destroy, in whole or in part, a national, ethnic, racial or religious group.

Turkey-Armenia Relations

20. The Armenian Massacres of 1915-17 are still a major source of tension between the two countries. Turkey's close ties with Azerbaijan add further strain to the relationship. Turkey broke off moves to establish diplomatic relations and closed the border with Armenia following the 1991-93 war between Armenia and Azerbaijan over Nagorno Karabakh (NK).
21. Turkey and Armenia took significant steps towards normalising their relations when two protocols were signed on 10 October 2009 setting out the basis for establishing diplomatic relations and developing their bilateral relationship. The protocols included plans to establish a number of committees including one to consider

historical questions. Turkish and Armenian views of its mandate varied but it would in theory consider issues relating to 1915-17.

22. However, on 22 April 2010 Armenia officially suspended ratification of these protocols after Turkey linked progress on ratification with progress in the Nagorno Karabakh peace process, a linkage rejected by the Armenians.

The UK Position

23. Although the UK has consistently refused to recognise the Armenian massacres as genocide, our public lines explaining why we take this position have evolved over time. For many years we used the line that the historical evidence was not sufficiently unequivocal to persuade us that these events should be categorised as genocide. However, while some historians continue to dispute the scale of the massacres and the level of intent behind them, outside of Turkey there is increasing agreement about the extent of the deaths and suffering experienced by the Armenian community. At the same time, jurisprudence in relation to genocide, and particularly the nature and type of evidence required to prove the relevant intent, has developed significantly in the wake of events in Rwanda and the Balkans in the 1990s.
24. In November 2009, following instruction by The Armenian Centre, Geoffrey Robertson QC published a legal opinion (attached flag B) entitled “Was there an Armenian genocide?” which looked at both the legal case for considering the events of 1915-1917 as genocide and at HMG’s position on the issue, making use of documents acquired under Freedom of Information (FOI) legislation. Mr Robertson argues that while the UN Convention on Genocide cannot be applied retrospectively, the term “genocide” can be applied to events that took place before 1948. He then argues (drawing in part on case law from the genocide trials that have followed events in Rwanda and the Balkans) that there is sufficient evidence to prove both the *actus reus* (physical acts) and *mens rea* (mental intent) required for genocide.
25. Mr Robertson’s report further alleges that the documents obtained under FOI legislation show FCO officials misled past Ministers who in turn misled Parliament. His argument for this claim is that statements made in Parliament have given the impression that HMG has carried out a full assessment of the historical evidence in relation to the Armenian massacres but the FOI request did not show any evidence of such an assessment. He also claims HMG has failed to understand what is required to judge whether something constitutes genocide or not (since in his view if we understood it properly and made a proper assessment we could not fail to recognise the Armenian massacres as genocide).
26. Following Mr Robertson’s report and the publicity it attracted we have updated our public lines to make clear that HMG does not believe it is our place to make a judgement (historical or legal) on whether or not the Armenian massacres constituted genocide. Instead our lines focus on the need for the governments of Turkey and Armenia to adopt some form of truth and reconciliation process. We believe that this issue can only be resolved through a process owned by those directly engaged. We have rejected the claim that Ministers or officials have misled Parliament.

RESOURCE IMPLICATIONS

27. The terminology used by **[redacted]**