

2 la Armenia Genocide
UNR 371/012/99

Mr Brant 9/4 / (6)

DRAFT

Could you please draw
Ed Wells, Eastern Dept

your standard language
on resolutions to ICTY/ICTR

From: [redacted] Eastern Dept
Date: 12 April 1999

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cc: PS (brief version)
 PS/Ms Quin
 PS/Baroness Symons
 Special Advisers
 [redacted] Legal Counsellor
 [redacted] SED
 [redacted] UND
 [redacted] HRPD
 [redacted] ERG/RA
 News Department

To: [redacted] PRD

SUBJECT: HOUSE OF LORDS UNSTARRED QUESTION, 14 APRIL:
BARONESS COX: ARMENIAN GENOCIDE

1. Baroness Cox is a very active campaigner for Christian Solidarity Worldwide and has taken a particular interest in the conflict in Nagorno-Karabakh, where she has taken a strongly pro-Armenian stance, and other issues connected to Armenia. She is a Vice Chair (with Lord Biffen) of the British-Armenian All-Party Parliamentary Group, chaired by the Earl of Shannon. Lord Avebury, who will almost certainly speak, has also taken a strong interest in Armenian affairs, and has written frequently to ministers, most recently Baroness Symons and Ms Quin, on the issue of the Genocide. Baroness Cox spoke in the 17 March debate on Nagorno-Karabakh (Hansard attached). 24 April is International Genocide Day.

2. The Parliamentary Group is campaigning (with members of the Armenian diaspora in the UK and elsewhere) for Governments to recognise the deaths of hundreds of thousands of Armenians in what is now eastern Turkey in 1915-16 as genocide. Apart from Armenia, only Greece and Cyprus recognise the genocide according to the Parliamentary Group's own publications, although some parliaments and regional assemblies have recognised it. HMG's position, as set out in answers to PQs and replies to letters - for example Ms Quin's letter to Julia Drown MP of 11 February, attached - is that we are aware of no evidence of intent on the part of the Ottoman administration of the day to destroy the Armenians (a key element in the crime of genocide) and that it is for historians, not Governments, to determine what happened. HMG is open to criticism in terms of the ethical dimension. But given the importance of our relations (political, strategic and commercial) with Turkey, and that recognising the genocide

LAST PAPER

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would provide no practical benefit to the UK or the few survivors of the killings still alive today, nor would it help a rapprochement between Armenia and Turkey, the current line is the only feasible option.

3. The Secretary of State's use of the word "genocide" to describe the actions of Serb forces in Kosovo will almost certainly provoke calls during the debate for the same to be applied to the actions of Ottoman forces against the Armenians. There may also be reference to his use of a quotation from Hitler "Who remembers the Armenians now?" in an article in the Observer in 1998 about the creation of the International Criminal Court. But the difference is a) the concept of genocide is now established in international law, which it was not in 1915, and b) both the criminals and the evidence of their crimes are still here in the case of Serbia, giving a real prospect of justice, as they were in the case of the Nuremberg Trials.

KEY MESSAGES

4. The key messages are:

- a) HMG does not seek to deny the horror of the killings which took place - the Government of the day firmly condemned them;
- b) but it is not the business of Government today to pronounce on the events of over eighty years ago: its is a complex historical and legal matter which is for historians to decide;
- c) the more constructive approach is for HMG to use its good relations with both Armenia and Turkey to encourage them to improve their relations and work together for regional stability and prosperity, leaving them to resolve historical grievances between themselves.

5. I attach briefing in the required format.

[REDACTED]
W92

Tel: 0171 270 3029

NO. OF ATTACHMENTS: 0

SPEECH

BARONESS COX: "TO ASK HER MAJESTY'S GOVERNMENT WHETHER THEY WILL RECONSIDER THEIR REFUSAL TO RECOGNISE AS GENOCIDE THE ACTION AGAINST THE ARMENIAN PEOPLE BY TURKEY IN 1915"

The Noble Lady, Baroness Cox, is well known within this House and beyond as a tireless campaigner on several causes, not least that of the Armenian people. Indeed she spoke passionately in support of the Armenians of Nagorno-Karabakh in the debate of 17 March on that troubled region. She and other Noble Lords, including the Noble Lord, Lord Avebury, have been in correspondence before with Ministers on the issue of the shocking deaths of Armenians in what is now eastern Turkey during the First World War.

The position of Her Majesty's Government, which the Noble Lady has asked us to review, is I believe well known and understood. But it bears repeating here.

The British Government condemned the 1915 massacres at the time, and views the sufferings of the Armenian people then as a tragedy of historic proportions. The British Government of today does not dissent from that view. Nor do we seek to deny or downplay the extent of that tragedy and it was a gruesome, horrifying tragedy, My Lords. But in the absence of evidence to show that the Ottoman Administration took a specific decision to eliminate the Armenians under their control at that time, the British Government has not recognised the events of 1915 as a genocide.

Many other governments, indeed the vast majority, are in a similar position. Few have officially attributed the name "genocide" to these tragic events. And rightly so. Because it is not the business of Governments today to untangle the historic and legal complexities, the claims and counter-claims, of the events of over eighty years ago.

The concept of genocide did not exist in international law until the declaration of the United Nations General Assembly of 11 December 1946 that genocide is a crime under international law. Indeed, to the best of my knowledge the word "genocide" itself did not exist in 1915. As Noble Lords will be aware, the UN declaration gave rise to the Convention on the Prevention and Punishment of the Crime of Genocide of 1948, which entered into force on 12 January 1951. ~~It is a part under the terms of this convention that we have seen international tribunals set up on crimes in the former Yugoslavia and in Rwanda, and under which we are glad to have seen successful prosecutions.~~

Perhaps those calling for Governments to define the killings of 1915 as genocide hope to see the creation of a similar tribunal - if the Genocide Convention can be applied

However,

The ICJ in *Tadić* for FY & Rwanda
has given over the crime of gen, & 3
The Rwanda Tribunal has ~~convicted~~ convicted
and sentenced individuals for this crime.

[REDACTED]

retroactively, which has not been established. But who will stand trial? It is unlikely that those who carried out the killings are still living. The Ottoman administration and the state it ran have long since ceased to exist. And then there is the question of adequate proof of intent on the part of the killers to destroy the Armenians as a national, ethnic, racial or religious group - the definition of genocide in Article II of the Genocide Convention - proof which would stand up in court.

So if a tribunal is not a realistic option, what else is to be gained by a declaration by this or any other Government that the events of 1915 were a genocide?

Firstly, a Government making such a declaration could rightly be challenged that it has no authority to decide matters which are the subject of historical and legal debate. Quite simply, this Government is not the competent authority to judge.

Secondly, the subject of the events of 1915 is one of the key strains in relations between two states with which we enjoy excellent relations, the Republics of Armenia and Turkey. We hope that these two will continue to pursue better relations in their own interests and in the interests of their region and the international community. We urge them to do so. Improvement of this relationship, which I believe both sides sincerely wish, together with the resolution of the conflicts of the southern Caucasus, will transform the region, opening the way to a newly prosperous, democratic and stable era. Many Noble Lords spoke of such a future in debate here on 17 March. And as my Noble Friend Baroness Symons made clear then, the Government wants to continue to play a part in achieving such a goal. A foreign government taking a public position on an issue as contentious and sensitive as the events of eighty-four years ago would severely hamper its ability to help the region realise its potential. Who would benefit from us taking such a position?

Mr Hubert Vedrine, the Foreign Minister of France, recently told the French Senate of his Government's fears that the adoption by the Senate of a bill recognising the events of 1915 as a genocide, "would serve, above all, the interests of those who favour isolation, authoritarian nationalism and the repudiation of progress and openness" rather than end conflict and overcome hatred. My Lords, I know that the Noble Lady and those of like mind on this issue would count themselves, along with the Government, the enemies of conflict and hatred, and would never knowingly support them. We need to beware of fuelling the fires of hatred and mistrust by seeking to put them out with the wrong tools.

CLOSING PARAGRAPH

My Lords,

The Government believes that the right approach, the constructive approach, is for us to urge the peoples of the region to look to the future, and join them in building it. We are not suggesting that we or they should deny the past, or fail to learn its lessons. I do not believe the peoples of Armenia and Turkey will do that. We should allow them the space to resolve the issues which divide them between themselves: we can and should support their efforts to do so, and help in whatever way we can to build trust between them. But we could not play the role of supportive friend to both countries were we to take a national position, essentially a political position, My Lords, on this issue. Let them, and history, be the ones to decide.

SUPPLEMENTARIES

Genocide

insert ICTY to

Cannot condemn actions of Serbia/other Yugoslavs/Rwandans as genocide if not condemn deaths of Armenians as such

- This Government fully and actively supports the work of the international tribunals on the Former Yugoslavia and Rwanda, and will do what it can to bring those responsible for crimes now being committed in Kosovo to justice. But these events have happened at a time when the concept of genocide is recognised in and is punishable by international law, and when the evidence and perpetrators are within reach of justice.

Hypocrisy to recognise Holocaust/Rwandan/Yugoslav genocides and not that against the Armenians

*Is this meant
holocaust?*

- These genocides and their perpetrators have been recognised and punished by international tribunals operating within the framework of international law. Not for HMG unilaterally to make a judgement on events on which there is no international legal consensus.

[REDACTED]

*NOT
RELEVANT*

[REDACTED]

*NOT
RELEVANT*

"Genocide" raised by Armenian Government?

- Foreign Minister Oskanian (Oss-can-yan) did not raise the issue during his recent visit. Nor have the Government of Armenia raised the issue with this Government. (su pls check).

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BACKGROUND

1. In 1915, in what is now Eastern Turkey, Ottoman forces massacred around 600,000 Armenians with the tacit approval of the authorities in Istanbul. Hundreds of thousands more died fleeing. These events were strongly condemned by the British Government and Parliament at the time. Arthur Balfour, first Lord of the Admiralty in Herbert Asquith's wartime coalition government, and Lord Crew, the Lord President of the Council after the May 1915 reshuffle, are both on record in the newspapers of the day deploring these events.

2. There have been attempts in recent years to secure international condemnation of the 1915 massacres as "genocide". The term "genocide" was not used in 1915, and was not recognised in international law until UN General Assembly Resolution 96(I) of 11 December 1946. Reports at the time referred to "atrocities" or "massacres". There is a precise definition of genocide in international law, set out in the Convention on the Prevention and Punishment of the Crime of Genocide of 1948 (entered into force 12 January 1951). The central element is one of intent to destroy a national, ethnic, racial or religious group. Some historians say there is evidence that the deaths were part of a deliberate state policy, or that the Ottoman Government must have given at least tacit approval to the killings. But others dispute this, and we know of no documentary evidence to prove it.

3. The policy of the present Armenian Government is to advocate recognition of the deaths as genocide. The Turkish Government rejects this. According to a publication of the British-Armenian All-Party Parliamentary Group, the Governments of Armenia, Greece and Cyprus, the European Parliament, some regional assemblies and a few national parliaments have recognised the genocide. The most prominent recent case is that of France, but even there (where there is a large Armenian population) the Government has resisted legal recognition. In 1998 the National Assembly (lower house of parliament) decided - in a procedure similar to ours for private member's bills - to adopt a one-clause draft law stating that "France recognises publicly the genocide of the Armenians in 1915". The bill was due to be debated by the Senate (upper house) in the autumn before being signed by President Chirac to become law. But it has not yet reached the Senate, which decided on 24 March this year not to include the bill in its agenda of urgent issues, on the advice of the Government that it would not serve to end conflict or overcome hatred.

11 February 1999

Julia Drown MP
39 Victoria Road
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Thank you for your letter of 27 January on behalf of your constituent, [REDACTED] about comments made by the British Ambassador in Yerevan.

Mr [REDACTED] complains about Mr [REDACTED] categorisation of the tragic events of 1915 as 'massacres' instead of 'genocide'. The massacres of 1915, and the appalling suffering faced by Armenians at that time, have long been recognised by the British government and were condemned by Parliament in the strongest terms. There is therefore no justification for the suggestion made in the letter to 'Azk', by making a comparison with the Holocaust, that we are denying these events took place. Nor is there any truth in the allegation that our position is related to our commercial interest in Caspian oil.

But as to whether it is more correct to talk of genocide, it is for historians to interpret the past and society learns and benefits from their assessment of events. Generally, speaking, I do not think it is the job of today's government to review past events with a view to pronouncing on them according to today's values and attitudes.

Joyce Quin