IN RESPONSE TO DAVID DAVIDIAN'S ANALYSIS

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By Matthew Der Manuelian, Hetq, 6 October 2009

David Davidian has offered an analysis on the proposed Turkey- Armenia Protocols in his piece **"Turkish-Armenian Protocols: Reality and Irrationality"** that leads him to conclude that in the Protocols "the only item that changes anything is the physical lifting of the Turkish border blockade" and that Armenia should ratify them without delay.
Davidian's analysis is severely flawed, however, and certainly the physical lifting of the Turkish blockade is not the only thing that the Protocols will change. They will change the whole game on issues of primary importance to Armenia's long-term security and viability as a state.

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Davidian effectively uses a grid to explain his analysis and so the grid is helpful here in discussing that analysis and presenting our own. At the end, we will offer our own grid, which will reflect very different conclusions from those of Davidian.

Davidian's grid is as follows:

Condition	Suggesting Party	In Protocol
Open Border	Both	Yes
Armenian forces withdraw from Nagorno-Karabakh	Turkey	No
Historical Commission	Turkey	Yes
End International Recognition of Armenian Genocide	Turkey	No
Explicitly State no Land Claims on Western Armenia	Turkey	No

The grid lists five conditions to the lifting of the Turkish blockade that were, according to Davidian suggested, agreed to or dismissed throughout discussions, post 2005. In fact, there really have been three principal Turkish conditions to lifting the Turkish blockade since the early 1990's. They have been the following:

1.End International Recognition of the Armenian Genocide;

2.Explicitly Recognize the Turkey Armenia Border (and thereby implicitly renounce any territorial claims against Turkey)
3.Withdraw Armenian forces from Nagorno-Karabakh and surrounding territories.

One of these preconditions is properly reflected in Davidian's grid as a condition: "End International Recognition of the Armenian Genocide." The condition "Armenian Forces Withdraw from Nagorno-Karabakh" should actually read "Armenian Forces Withdraw from Nagorno-Karabakh and Surrounding Territories." The "Historical Commission" is really subsumed in "End International Recognition of Armenian Genocide." "Explicitly State no Land Claims on Western Armenia" is misstated: the Turkish diplomatic ask has always been for Armenia to explicitly recognize the current border (because by doing so, Armenia would implicitly renounce any future territorial claims). "Open Border" is the subject of the conditions and not a condition in and of itself and so doesn't belong in the grid at all. With the elimination of "Open Border" from the grid, there are no Armenian preconditions (which is the stated Armenian, U.S. and European policy) and only Turkish preconditions. The "Suggesting Party" column is therefore superfluous and the "Condition" column can be re-labeled "Turkish Preconditions".
We will avoid the semantic gymnastics that President Sarkisian and Foreign Minister Nalbandian have applied. It is our view that conditions, preconditions, and to use President Sarkisian's words "compromises" are the same things for purposes of this discussion.
Davidian's analysis is flawed because it looks only at whether preconditions are stated explicitly. It does not consider whether preconditions that are not stated explicitly are in fact reflected implicitly in, or actually achieved through, the Protocols.

End International Recognition of the Genocide

Davidian's grid correctly reflects that ending genocide recognition is not expressly in the Protocols. However, although this precondition does not appear explicitly, it is reflected implicitly through the establishment of the subcommission on historical matters. He lists the Historical Commission as a separate condition, but the establishment of the subcommission is not so much a condition in itself, but a Turkish strategy for achieving the primary precondition of ending international recognition of the genocide.

In lobbying for official recognition of the Armenian Genocide, diasporan Armenians have always faced an insuperable obstacle when the Armenian Genocide was the topic of bilateral Turkish and Armenian discussions – this was the case with TARC and again with the announcement by Turkey and Armenia of the "roadmap" in April 2009. Davidian recognizes that the establishment of the subcommission is "at best a method for Turks to delay international debate on genocide recognition." He argues that the delay tactic won't work because "Turkish disingenuousness will be clear to the international community." But the international community finds the Armenian Genocide recognition campaign an obstacle to maintaining good relations with an emerging Turkish power

and, when under pressure to recognize the Armenian Genocide from Armenian lobbyist groups, looks for any convenient cover to avoid taking up the issue. As long as Turkey can argue there is a process going on (and no matter Armenian protestations of Turkish disingenuousness), there is no evidence that the international community will call Turkey on this. Actual recent experience, in fact, tells us the opposite.

While Davidian recognizes the subcommission will cause delay in further international recognition of the Armenian Genocide, he does not analyze how long that delay may be or the effect the delay will have if extended over a long period. Foreign Minister Nalbandian told the Armenian Parliament on October 1 that the historical subcommission has no time limits "because we realize that this process can last very long – maybe 10 years, maybe 20 years, maybe 50 years, or maybe longer." If the Armenian government recognizes the long-term nature of the subcommission and as long as the Turks can maintain that the Armenian Genocide issue is still on the table or still subject to debate or that no conclusion has been reached jointly by the two sides, we are really speaking about a permanent or semi-permanent end to official Armenian Genocide recognition because no Western government will recognize the Armenian Genocide under these circumstances. The Protocols, therefore, will end the international genocide recognition campaign as we have known it for the last 50 years.

In conclusion, the Turkish precondition of ending international recognition of the Armenian Genocide is not stated explicitly, but is reflected implicitly in the Protocols and is, in fact, achieved through the establishment of the subcommission on historical matters. This concession by Armenia runs counter to Armenia's overall security concept which includes international genocide recognition as an important element.

Explicitly Recognize the Turkey Armenia Border

As stated earlier, the Turkish demand has not been for an explicit statement that there are no land claims on Western Armenia as suggested by Davidian's grid. The Turkish condition has consistently been recognition of the current de facto border because this will constitute implicit disavowal of all future territorial claims on Turkey whether based on President Wilson's arbitration award or on a genocide reparations theory. Even in the absence of any assertion of territorial claims, by conceding to this Turkish precondition, Armenia surrenders one of the few cards it holds in future negotiations with Turkey on a variety of issues. Both former Armenian Foreign Ministers Oskanian and Hovannisian have effectively argued that Armenia should not concede this strategic issue.

Once formally in the Protocols and elevated to the level of a treaty by ratification of the two countries' parliaments, Armenia loses the ability to argue for territorial adjustments or to negotiate a genuine substantive quid pro quo for the surrender of territorial claims (e.g., irrevocable access to the sea with international guarantees). Certainly, with the Protocols, any argument based on Wilson's arbitration award is irrevocably lost and any argument based on genocide reparations is

likely irrevocably lost as well or at best will be a tremendous uphill battle.

Davidian has argued cogently through his web-site www.regionalkinetics.com that Armenia to be viable needs an outlet to the sea. The only two legal bases for achieving that goal are through territorial adjustments based on President Wilson's arbitration award or on a genocide reparations theory – both would provide a legal basis to obtaining the proposed minimum border adjustment advocated by Davidian on his web-site. Both prongs of the legal argument are lost or, at least, almost irrevocably lost, however, with the concession in the Protocols with respect to explicit recognition of the borders.

In the Protocols, Armenia satisfies the Turkish precondition on recognition of borders although territorial adjustments or irrevocable easements permitting Armenia access to the sea are critical to Armenia's long-term security and viability under current conditions.

Withdraw Armenian Forces from Nagorno-Karabakh and Surrounding Territories

Davidian's grid correctly points out that there is no condition in the Protocols that Armenian forces withdraw from Nagorno-Karabakh and surrounding territories. Nor is there any implicit reflection of this. As commentators have noted, however, the ratification procedure contained in the Protocols may provide Turkey the ability to push Armenia to make further concessions in the Karabakh talks since the Turkish Parliament may not ratify the Protocols without such concessions. The Turkish Prime Minister, Foreign Minister and President have repeatedly stated that the border won't be opened without "progress" on Nagorno-Karabakh. And we cannot rule out that the U.S. and Europe, despite their assurances that they support normalization without preconditions (which has not kept them from pressuring Armenia on the preconditions in the current Protocols), will not then use the situation with the Turkish Parliament to push Armenia to make further concessions on Karabakh that result in a comprehensive simultaneous "settlement" of the Karabakh and Turkey-Armenia issues detrimental to Armenia's interests.

Armenia's ability and motivation to press forward with the Armenian position on Nagorno-Karabakh will also be challenged by the opening of the border. The Armenian political and economic oligarchic structure, rampant corruption and lack of democratic institutions and independent media leave Armenia vulnerable to extensive Turkish influence at all policy levels.

The questions are: Once the border is open, will the current oligarchs or some subset of them who benefit economically on a large scale from the open border and who effectively control the authoritarian regime in Armenia promote Armenia's interests or Turkey's? Will Turkey supplant Russia as the regional power who determines Armenian policy at the macro-level? Although these questions require further study and analysis on a multi-dimensional level, and while there is no explicit or implicit condition in the Protocols with respect to the withdrawal of Armenian forces from Nagorno-Karabakh and surrounding territories, it certainly seems likely that the Protocols and implementation of the opening of the border will ultimately have the effect of leading to

concessions by Armenia detrimental both to Nagorno-Karabakh and to Armenia's own long-term security and viability.

Based on the foregoing discussion, we would offer the following grid instead of Davidian's:

Turkish Precondition	**Precondition Explicitly**	**Precondition Imlicitly**	**Preconditions Achieved**
	Stated in Protocols	**Reflected in Protocols**	**through Protocols**
End Int'l Regognition	No	Yes	Yes
of the Armenian Genocide			
Explicitly Recognize the	Yes	Yes	Yes
Turkey Armenia Border &			
thereby imlicitly renounce			
any territorial claims			
Withdraw Armenian forces	No	No	???
from NK and Surrounding			
Territories			

In summary, the Protocols achieve for Turkey two of its primary preconditions: (1) ending international recognition of the Armenian Genocide and (2) explicitly recognizing the Turkey Armenia border (and implicitly renouncing any territorial claims). The Protocols do not explicitly or implicitly reflect Turkey's third condition with respect to the withdrawal of Armenian troops from Nagorno-Karabakh and surrounding territories, but it is likely that both during the process of Turkish ratification and during and after the implementation of the opening of the border, Armenia will be compelled through direct and indirect Turkish and Western pressure to make more concessions on Nagorno-Karabakh. We obviously cannot predict the extent of those concessions.

Because all three Turkish preconditions touch issues of, and significantly harm, Armenia's long-term security and viability as a state and since at least two of the three preconditions are clearly achieved through the Protocols, Armenia must neither sign nor ratify the Protocols in their present form.

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