

LEMKIN'S CURSE--GENOCIDE PERPETUATION THROUGH LEGALESE

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 **Berge A. Minassian**, Toronto, 2 May 2016

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Raphael Lemkin coined the term "genocide", and successive righteous jurists, lawyers and lawmakers made it a matter of law. This, paradoxically, is perpetuating the Armenian Genocide. If Turkey recognizes the Genocide it will be bound to make massive reparations, including the return of large swathes of Western Armenia bordering present-day Armenia. What would happen to the inhabitants of these lands? Shall they be uprooted and relocated? Shall they become citizens of the Republic of Armenia?

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If the United States, the United Kingdom, and other major powers recognize the Genocide, shall they demand the return of Van, Kars, Ardahan... to Armenia? What would be the consequence of such land reshuffling on the post-Second World War order that has more or less secured some international stability through the concept of permanence of land borders? For these and related reasons the rightful insistence of Armenians on Lemkin's legal term pits the massive power of Turkey and the major world powers AGAINST the proper recognition of the suffering of the millions of victims of the Armenian Genocide, and the millions of descendants of Genocide survivors. In other words, insisting on the legal term attached to what happened serves to perpetuate the denial phase

of Genocide, and thus the Genocide itself.

An alternate approach would be to negotiate with Turkey as follows: Armenians drop Genocide claims. In return, Turkey formally recognizes that relocation and massacres occurred during the First World War. As compensation for the latter, Turkey would:

- 1) Give Armenia a Free Trade Zone port in Trabzon for free passage through the Bosphorus and Dardanelles
- 2) Open the border
- 3) Facilitate resolution of the Karabagh/Artsakh conflict in favor of autonomy/independence
- 4) Return Church properties in Anatolia to the Armenian Church
- 5) Establish a system of compensation for Diasporan descendants.

The withdrawal of Armenians and Armenia from the 'Genocide recognition' battle, will eliminate this battle. Turkish society and its leaders will no longer be faced with the threats of homeland dislocation and undefined open-ended claims. This Damoclean sword lifted, Turkish and great power governments will no longer feel compelled to 'fight to protect Turkey and world order'. The natural compulsion of humanity for truth will be liberated and gradually Turkish scholarship will firmly and definitively establish the reality of Genocide and the great suffering that took place in Asia Minor during Ottoman rule. Finally, the pain of our ancestors, and our own, will be felt and shared by today's Turks and humanity.

As can be seen in the Biblical quotes at the start of this essay, God Himself is confused by time. After the 'third and fourth generation' what is it exactly that we want? Do we want to displace and dispossess people from their villages and homes? Have these people committed a crime? Should they be visited by the iniquities of their forbears? Will they agree to accept this freely? Will their leaders entrusted to safeguard them and their property relinquish that responsibility? Will Diasporan Armenians leave their Western homes and move to live in Van, Kars and Ardahan? Should we, Diasporan Armenians, not be thinking about the memory of our ancestors and the success of Armenia ahead of our personal hurt?

Winning the war against Genocide, i.e. halting the ongoing genocide against the Armenian nation, requires relinquishing the cursed term. Lawyers should step aside, for truth and justice to prevail.

