# REPARATIONS MOVEMENT FOR JUST CLOSURE OF GENOCIDE

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By Henry Theriault*, The Armenian Weekly, April 2010 Magazine
Over the past half millennium, genocide, slavery, Apartheid, mass rape, imperial conquest and occupation, aggressive war targeting non-combatants, population expulsions, and other mass human rights violations have proliferated. Individual processes have ranged from months to centuries. While the bulk of perpetrator societies have been traditional European countries or European settler states in Australia, Africa, and the Americas, Asian and African states and societies are also represented among them. These processes have been the decisive force shaping the demographics, economics, political structures and forces, and cultural features of the world we live in today, and the conflicts and challenges we face in it. For instance, understanding why the population of the United States is as it is—why there are African Americans in it, where millions of Native Americans have "disappeared" to, why Vietnamese and Cambodian people have immigrated to the United States, etc.—requires recognizing the fundamental role of genocide, slavery, and aggressive war in shaping the United States and those areas, such as sub-Saharan Africa and Southeast Asia, affected by it.

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Around the globe, those in poverty, those victimized by war after war, small residuals of once numerous groups, and others have recognized that their current difficulties, their current misery, is a direct result of these powerful forces of exploitation, subjugation, and destruction. Out of the compelling logic of "necessary fairness"—fair treatment that is necessary to their basic material survival and to their dignity as human beings—many have recognized that the devastating effects of these past wrongs must be addressed in a meaningful way if their groups and societies can hope to exist in sustainable forms in the future. This recognition has led to various reparations movements.

Native Americans lay claim to lands taken through brutal conquest, genocide, and fraud. African Americans demand compensation for their contribution of a significant share of the labor that built the United States, labor stolen from them and repaid only with cruelty, violence, and individual and community destruction. Formerly colonized societies whose people's labor was exploited to build Europe and North America, whose raw materials were stolen to provide the materials, and whose societies were "de-developed," now struggle to survive as the global Northern societies built on their losses capitalize on the previous thefts to consolidate their dominance. And so on.
In the past decade those engaged in these various struggles have begun to recognize their common cause and a global reparations movement has emerged. In 2005, for instance, Massachusetts' Worcester State College held an international conference on reparations featuring renowned human rights activist Dennis Brutus, with papers on reparations for South African Apartheid; African American slavery, Jim Crow, and beyond; Native American genocide and land theft; the "comfort women" system of sexual slavery implemented by Japan; the use of global debt as a "post-colonial" tool of domination; and the Armenian Genocide. While there are dozens if not hundreds of major reparations processes in the world today, it will be instructive to consider these cases in detail, as illustrations of these many struggles.

U.S. slavery destroyed African societies and exploited and abused violently millions of human beings for 250 years. At its dissolution, it pushed former slaves into the U.S. economy without land, capital, and education. Initial recognition of the need to provide some compensation for slavery in order to give former slaves a chance toward basic economic self-sufficiency gave way to violent and discriminatory racism. Former slaves were forced into the economic order at the lowest level. Wealth is preserved across generations through inheritance. Those whose people begin with little and who do not enslave or exploit others will remain with little. Reparations for African Americans recognizes that the poverty, discrimination, and other challenges facing African Americans today result from injustices more than 100 years ago that have never been corrected, and the subsequent racist violence and discrimination that has preserved the post-slavery status quo every since.

The South African case revolved around the fact that, as the world had divested from South Africa in the 1980's, the Afrikaner government borrowed money, especially from Switzerland, to continue to finance Apartheid. Against the international embargo, bankers' loans paid for the guns and other military hardware that were used to kill black activists and keep their people in slavery. The fall of Apartheid did not mean an end to the debt. Today's South Africans live in poverty as their country is forced to pay off the tens of billions of U.S. dollars in loans incurred to keep them in slavery before. They pay yet further billions for the pensions of Afrikaner government, military, and police officials living out their days in quiet comfort after murdering, torturing, and raping with impunity for decades. What is more, U.S. and other corporations drew immense profits from South African labor. Many victims of Apartheid reject the loan debt and demand reparation for all they suffered and all that was expropriated from them as the just means for bringing their society out of poverty. After years of refusal, the South African government itself has recently reversed its position based on the desire to

curry favor with large corporations and has begun to support U.S. court cases for reparations from corporations enriched by Apartheid.

In the aftermath of decolonization, societies devastated by decades or centuries of occupation, exploitation, cultural and familial destruction, and genocide were left in poverty and without the most basic resources needed to meet the minimum needs of their people. Forced suddenly to compete with those who had enriched themselves and grown militarily and culturally powerful through colonialism, they had no chance. Their only option was to borrow money in the hope of "catching up." But corrupt and selfish leaders diverted billions to private bank accounts (with winks from former colonial powers), invested in foolish and irrelevant public works projects, and otherwise misappropriated money that was supposed to help these societies. Loan makers, such as the International Monetary Fund and World Bank, imposed conditions to push these societies into a new servitude to the economies of the United States and other great powers. Servicing the loans that have not helped their economies develop now means sacrificing basic human services and healthcare in these desperate societies and accepting extensive outside control of their societies to benefit former colonizers and multinational corporations at the expense of further degradation of the dignity and material conditions of their populations. The Jubilee movement calls for debt cancellation as a crucial step toward justice for the devastation of colonialism and post-colonialism and a path toward a sustainable and fair global economy.

Former comfort women have long faced assaults on their dignity in their home countries and by Japan. They were often impoverished by their devastating experiences of being raped on average thousands of times in permanent rape camps as sexual slaves to the Japanese military. Physical damage from incessant forced intercourse and the brutal violence soldiers subjected them to, the aftermath of coerced drug addiction, and intense psychological trauma have frequently followed the women into their old age. They have needed medical care as well as acknowledgment of the inhuman injustice done to them. In the early 1990's, surviving "comfort women" began calling for reparations to address the effects of what they had suffered.

Native Americans and Armenians share certain similarities in their past experiences and challenges today, from being crushed by competing as well as sequential imperial power-games and conquests, and a series of broken or unfair treaties, to a history of being subject to massacre, sexual violence, and societal destruction. Members of both groups have been sent on their "long marches" to death. In the aftermath of active genocide through direct killing and deadly deportation, even the remnants of these peoples on their own lands have been erased, through the raiding and destruction of hundreds of thousands to millions of Native American graves as a policy of the U.S. "scientific" establishment, and the continuing destruction of remaining Armenian Church and other structures throughout Turkey. For Native Americans, the continuing expropriation of land and resources, the blocking of Native American social structures and economic activity, and the dramatic demographic destruction (an estimated 97 percent in the continental United States) has left behind a

set of Indian nations subject to the whims of the U.S. government and struggling to retain identity and material survival in a hostile world. Reparations, particularly of traditional lands, are essential to the survival of Native peoples and cultures. Similarly, from its status as the major minority in the Ottoman Empire a century ago, today an Armenian population of below 3 million in the new republic faces a Turkey of 70 million with tremendous economic resources built on the plunder of Armenian wealth and land—through genocide and the century of oppression and massacre that preceded it—and tremendous military power awarded it through aid from the United States in recognition of its regional power—also gained through genocide. The Armenian Diaspora of perhaps five million is dispersed across the globe and slowly losing cohesion and relevance as powerful forces of assimilation and fragmentation take their toll. Reparations in the form of compensation for the wealth taken, which in many cases can be traced to Turkish families and business today, and lands depopulated of Armenians and thus "Turkified" through genocide, are crucial to the viability of Armenian society and culture in the future. Without the kind of secure cradle the Treaty of Sevres was supposed to give Armenians, true regeneration is impossible: Turkish power, still violently hostile to Armenians, grows each day, as the post-genocide residual Armenia degenerates.

Of course, reparations are not simply about mitigating the damage done to human collectivities in order to make possible at least some level of regeneration or future survival, however important this is. Reparations also represent a concrete, material, permanent, and thus not merely rhetorical recognition by perpetrator groups or their progeny of the ethical wrongness of what was done, and of the human dignity and legitimacy of the victim groups. They are the form that true apologies take, and the act through which members who supported the original assault on human rights or who benefited from it—economically, politically, militarily, culturally, and in terms of the security of personal and group identity—decisively break with the past and refuse to countenance genocide, slavery, Apartheid, mass rape, imperial conquest and occupation, aggressive war focused on civilians, forced expulsions, or any other form of mass human rights violation.

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It is with both dimensions in mind that in 2007 Jermaine McCalpin, a political scientist with a recent Ph.D. from Brown University specializing in long-term justice and democratic transformation of societies after mass human rights violations; Ara Papian, former Armenian ambassador to Canada and expert on the relevant treaty history and law; Alfred de Zayas, former senior lawyer with the Office of the UN High Commissioner for Human Rights and Chief of Petitions, and currently professor of international law at the Geneva School of Diplomacy and International Relations; and I came together to study the issue of reparations for the Armenian Genocide in concrete terms. The Armenian Genocide Reparations Study Group's (AGRSG) work has culminated in a draft report on the legal, treaty, and ethical justifications for reparations and offers concrete proposals for the political process that will support meaningful reparations. The following are some of the elements of the AGRSG findings, arguments, and proposals.

International law makes clear that victim groups have the right to remedies for harms done to them. This applies to the Armenian Genocide for two reasons. First, the acts against Armenians were illegal under international law at the time of the genocide. Second, the 1948 UN Convention on the Prevention and Punishment of Genocide applies retroactively. While the term "genocide" had not yet been coined when the 1915 Armenian Genocide was committed, the Convention subsumes relevant preexisting international laws and agreements, such as the 1899 and 1907 Hague Conventions. Since the genocide was illegal under those conventions, it remains illegal under the 1948 Convention. What is more, the current Turkish Republic, as successor state to the Ottoman Empire and as beneficiary of the wealth and land expropriations made through the 1915 genocide, is responsible for reparations.

While the 1920 Sevres Treaty, which recognized an Armenian state much larger than what exists today, was never ratified, some of its elements retain the force of law and the treaty itself is not superseded by the 1923 Treaty of Lausanne. In particular, the fixing of the proper borders of an Armenian state was undertaken pursuant to the treaty and determined by a binding arbital award. Regardless of whether the treaty was ultimately ratified, the committee process determining the arbital award was agreed to by the parties to the treaty and, according to international law, the resulting determination has legal force regardless of the ultimate fate of the treaty. This means that, under international law, the so-called "Wilsonian boundaries" are the proper boundaries of the Armenian state that should exist in Asia Minor today.

Various ethical arguments have been raised against reparations generally and especially for harms done decades or centuries in the past. Two of particular salience are that (1) a contemporary state and society that did not perpetrate a past mass human rights violation but merely succeeded the state and society that did, does not bear responsibility for the crime nor for repairing the damage done, for this would be penalizing innocent people; and (2) those pursuing Armenian Genocide land reparations are enacting a territorial nationalist irredentism that is similar to the Turkish nationalism that drove Turkification of the land through the genocide, and is thus not legitimate.

To the first objection, the report responds that because current members of Turkish society benefit directly from the destruction of Armenians in terms of increased political and cultural power as well as a significantly larger "Turkish" territory and a great deal of personal and state wealth that has been the basis of generations of economic growth, they have a link to the genocide. While they cannot be blamed morally for it, they are responsible for the return of wealth and making compensation to Armenians for other dimensions of the genocide. To the second objection, the report responds that the lands in question became "Turkish" precisely through the ultranationalist project of the genocide. Retaining lands "Turkified" in this way indicates implicit approval of that genocidal ultra-nationalism, while removing Turkish control is the only route to a rejection of that ideology.

In addition to the legal, political, and ethical arguments justifying reparations, the report also proposes a complex model for the political process for determining and giving reparations. The

report makes clear that material reparations and symbolic reparations, including an apology and dissemination of the truth about what happened in 1915, as well as rehabilitation of the perpetrator society are crucial components of a reparations process if it is to result in a stable and human rights-respecting resolution. The report proposes convening an Armenian Genocide Truth and Reparations Commission with Turkish, Armenian, and other involvement that will work toward both developing a workable reparations package and a rehabilitative process that will tie reparations to a positive democratic, other-respecting transformation of the Turkish state and society. As much as reparations will be a resolution of the Armenian Genocide legacy, they will also be an occasion for productive social transformation in Turkey that will benefit Turks.

Finally, the report makes preliminary recommendations for specific financial compensation and land reparations. The former is based in part on the detailed reparations estimate made as part of the Paris Peace Conference, supplemented by additional calculations for elements not sufficiently covered by the conference's estimation of the material financial losses suffered by Armenians. The report also discusses multiple options regarding land return, from a symbolic return of church and other cultural properties in Turkey to full return of the lands designated by the Wilsonian arbital award. The report includes the highly innovative option of allowing Turkey to retain political sovereignty over the lands in question but demilitarizing them and allowing Armenians to join present inhabitants with full political protection and business and residency rights. This model is interesting in part because it suggests a human rights-respecting, post-national concept of politics that some might see as part of a transition away from the kinds of aggressive territorial nationalisms—such as that which was embraced by the Young Turks—that so frequently produce genocide and conflict.

On May 15, 2010, the AGRSG will present its draft report formally in a public event at George Mason University's Institute for Conflict Analysis and Resolution in Arlington, Va.

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