

ACTION SHOULD FOLLOW SLOGANS

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An international lawyer and chairman of the [NCWA](#) (National Congress of Western Armenians) Souren Seraydarian is a veteran UN diplomat (retired). He has been in global 'hot spots' and participated in high-level negotiations when certain countries were breaking up and new jurisdictions were established in the '90s.

By **Souren Seraydarian**, Vienna, 20 April 2020

On the eve of the 105th anniversary of the genocide of Armenians it is high time we established our priorities. We basically use our collective memory to commemorate once a year the Medz Yeghern, the continuation of the genocide as a result of its denial by the Republic of Turkey, the successor state to the Ottoman Empire. We lament our fate, blame certain states (Germany, France, Britain, and Soviet Union) for betraying the Armenian people in favor of Turkey and forgetting that states defend their interests and follow a long-term strategy. Shouting ultra-nationalist slogans and burning flags are not conducive to the recognition of our claims and may even be harmful.

What did we do to develop our strategy? How did we translate the content of the slogan "I REMEMBER AND I DEMAND" into an action plan in which every person defines WHAT and WHOM we remember before the third generation of descendants disappears? The memory of individuals should be recorded and accompanied by documents and photos which can be added to a data base administered by the Museum and Institute and Museum of Genocide in Yerevan. A working group consisting of Diaspora and Armenia lawyers and representatives of the NCWA (National Congress of Western Armenians), Hay Tad and ANI recommended in 2017 the creation of a data base for cases submitted by groups or individuals to national or international courts. The working group was coordinated by a staff member of the Constitutional Court of Armenia. There was no follow up by the authorities because of lack of human and financial resources at the Constitutional Court and probably the absence of political will. The creation of the data base at the Genocide Institute and Museum must be pursued and is a prerequisite to define and document claims submitted by individuals and organizations such as NCWA, Hay Tad and the Armenian Church.

Since 2015 NCWA has concentrated its efforts on the detailed formulation of the following demands and submitted them to the Turkish authorities:

- unlimited access to all documents ,archives and cadaster
- invalidate laws and legal acts concerning expatriation, deportation and expropriation of abandoned private and public properties;
- right of those who wish to return to their homes to be able to do so;
- adopt legal measures to allow subsequent reparation for all collective and individual losses;
- safeguard, maintain and secure the cultural heritage (churches, monasteries, monuments, castles, cemeteries etc.) in accordance with international conventions

adopted by the UN and UNESCO and ratified by the Republic of Turkey.

We did not expect a positive or negative reaction by the Turkish authorities but it was essential to pursue the claims in court.

Our internal legal working group, with some help from lawyers in Turkey, studied the different Turkish Constitutions, laws and decrees and prepared two cases to be submitted to the Constitutional Court of the Republic of Turkey, a prerequisite for consideration by the European Court of Human Rights in case of a negative or the absence of a decision by the Turkish court. This action is now on hold because of lack of financial resources and some of the difficulties faced by our lawyers in Turkey who could not join us outside Turkey to finalize the referral to the Court.

A claim concerning the territories included in the Wilsonian arbitral decision was not considered for two reasons: first, because only states have the right under international law to negotiate borders and make claims if warranted, not NGOs and secondly the Arbitration was not ratified by the US Congress and the USA did not accept the League of Nations mandate over Armenia. It must be stressed, however, that the non-ratified Sèvres Treaty and the Wilsonian Arbitration could be used as a political instrument since it constitutes a tacit understanding of the signatories that the Armenians had a right for a viable statehood.

The international borders and eventually three territorial issues to be addressed in 2020/2021 is the integration of Nakhichevan which is under Azeri administration but not an integral part of Azerbaijan as well as the peaceful integration of Artsakh into the Republic of Armenia. A review of the Kars and Moscow Treaties should be envisaged in 2021 to coincide with the 100th anniversary of these treaties. The consolidation of these territories into the Republic of Armenia will guarantee a politically, economically and socially viable Armenia with secure international borders. NCWA will continue to harmonize its activities with the Armenian authorities in order to avoid embarrassing or harming the security of Armenia.

The NCWA maintains regular contacts with human rights and civil society organizations in Turkey in addition to contacts with representatives of other ethnic groups who shared the destiny of the Armenians living in Turkey.

Despite difficult conditions, the NCWA created in one of the cities (name withheld on purpose) an Armenian Cultural Association. Annual cultural visits are organized in Van, Kars, Sassoun, Moush, and Diyarbakir to strengthen the Armenian and Islamized Armenians' presence.

The involvement and support by descendants of victims of the genocide will be an indicator to which degree they remember and demand and not consider the 24th of April as an annual commemoration day. The NCWA therefore calls upon our compatriots worldwide to join efforts in supporting legal and judiciary actions in national and international courts notwithstanding the efforts of many Armenian and non Armenian organizations, institutions and individuals involved in research

and studies. Organizations tend to safeguard their independence and do not wish to be coordinated by others hence the need for harmonization of efforts and exchange of information to avoid overlap and enhance lessons learned from past errors.

Comments



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We need a PLAN and refine it as needed.