

YES, WHERE ARE OUR LEGAL MINDS?


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 **Berge A. Minassian**, Toronto, 18 May 2016

In a recent Keghart article dealing with the confusion as to whether the U.S. has recognized the Armenian Genocide, and whether Turkey's president has the right to sue Germany over Genocide issues regular Keghart contributor Vahe H. Apelian asked: "[Where are our legal minds?](#)" While a  number of readers commented on the Genocide recognition and German litigation laws, no one answered Apelian's question. In fact, he wrote in a comment asking readers to address his question. In this essay, I try to do so.

What Apelian is really asking is: Why do we not have a powerful Diasporan Lawyers' Association (DLA) that would take up our people's important legal challenges in various international courts and in the court of public opinion? Let us examine what it would take to have such a DLA. A DLA would need to consist of Diasporan lawyers. As Diasporans, they are on a range of interest in Armenian issues, from zero (wholly assimilated) to very high. Possibly more than members of any other profession, they are very busy, and do not want to waste their time.

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Almost none has full open time to take up an important issue by himself. The only way he can contribute is after hours and in a limited way. The idea will therefore need be to have the DLA organized in such a way that a particular project is identified, and then expert members work together, each contributing small amounts of time to achieve the goal. But who is it that will organize the members into the DLA? Yes, there can be a few heroic volunteers who could go through the organizing effort. But try as they might, it will be impossible to organize people unless there is a vision defined, or at least a particular mission identified. Who will define this vision or choose the project? Since what we are talking about are issues important to Armenians, one way or another this vision or mission should stem from a democratic expression of the Armenian population. Somehow,

the Armenian people should express a list of its priorities for the DLA to tackle from topmost on down.

But is there Diasporan democracy? No. Can there be? Publisher Harut Sassounian has been calling for some way to organize the Diaspora democratically so that issues such as this could become realizable. But alas, it is this writer's conviction that organizing the Diaspora democratically is impossible. The reason is what I call the "Opt-Out" effect. Since the Diaspora is not a country, persons or groups can simply leave any such organization. For example, it is hard to imagine that the Armenian Revolutionary Federation would allow any sort of Diasporan majority to sway it from its own mission and plans.

Without a democratic consensus on what it is we should tackle, our lawyers will not fight the uphill battles of organizing and working, after hours, having to compete with Diasporan political parties and churches and organizations with their own agendas, their own half-baked parallel efforts, etc. Most of all, our lawyers will not put in the overtime toil and funds to work on projects with representatives of a regime in Armenia that itself is illegal and blatantly focused on self-enrichment rather than any long-term vision for the nation.

The above reality is not limited to our lawyers. It applies equally to our engineers, businessmen, physicians, etc. As a long time previous board member of the Armenian Medical International Committee, I can vouch that our doctors have been completely useless in tackling the larger issues of health care organization and education in the homeland, for the same reasons of the ridiculousness of waging uphill battles by over-timers to assist a government not really interested in improving itself.

I explained why the Diaspora cannot do big things, why despite our size, we are so weak. The extension of this realization is that were there not an Armenia, we are doomed so clearly to disappear. In other words, the Genocide is well on its way to succeeding.

But we do have an Armenia. While the Diaspora cannot speak democratically, Armenia can. And if Armenia did, and if it were able to articulate clearly what its priorities are, its sheer size and strength would galvanize the Diasporan physicians, engineers, businessmen and others to run down the downhill slopes and organize towards meeting the particular vision and needs expressed by the mass of non-disappearing Armenians. In the end, however I turn things in my head, I keep coming to the realization that the only salvation for our nation, in all respects, is dependent on the establishment of proper inclusive democracy on the patch of land that we have salvaged. As such, all our efforts should aim to achieve that *sine qua non* priority. Therefrom, Mr. Apelian, you will find the answer also to your question.

