

HISTORICAL RECONCILIATION POLICIES
OF
THE EUROPEAN UNION
A COMPARISON:
THE BENEŠ DECREES AND THE ARMENIAN ISSUE

by
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Title: Historical Reconciliation Policies of the European Union. A Comparison: The Beneš Decrees and the Armenian Issue.

From the First and Second Balkan Wars, to the First World War and Second World War, and finally to the violent break-up of Yugoslavia, Europe has seen numerous expulsions and exchanges of populations that have not fit into the concept of the relatively homogeneous wholes sought to be created by the nation-states which had gone to war with each other. The forced population transfers are institutionalised at the level of states in some cases, they are forms of population cleansing. Turkey's history has some similarities to European history in this respect. At the beginning of the twentieth century, under the process of disintegration, the Christian minorities, particularly the Armenian members of the Empire, were viewed as one of the primary factors responsible for the decline and disintegration of the Ottoman Empire and it was decided they were to be the subject of a forced population transfers (*tehcir*) in 1915-16. As a result of this forced transfer, according to different sources, 300,000-1,500,000 Armenians died of several cause. There has been a continuing debate over the issue of that this decision was right or wrong, and continuing debate over the terminology ("genocide", "ethnic cleansing" or "forced population transport", etc.) that can be appropriate to apply to the events, for nearly 91 years. In that regard, the European Union (EU), announced several times, using the term of "genocide" to describe the Armenian deportation, that it would not accept a country which cannot or will not face its own. Under these circumstances, Turkey feels wrongly accused and it does not trust the EU and its good-will towards the solution. The main concern of my thesis is to outline a theoretical approach towards the analysis of the reconciliation policies in the EU to help Turkey overcome its fears and to help to ease the relations between the EU and Turkey. The other targets are to comprehend whether or not the European Union might be the ideal interlocutor in solving Turkey's longest and hottest historical problem and to find out that whether Turkey would play a positive role in developing and instutionalizing a theoretical approach towards the historical reconciliation policies in the EU.

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Başlık: Avrupa Birliği'nin Tarihle Barışma Politikaları. Bir Karşılaştırma: Beneş Kararları ve Ermeni Meselesi.

Birinci ve İkinci Balkan Savaşlarında Birinci ve İkinci Dünya Savaşlarına, oradan da Yugoslavya'nın bölünmesiyle sona eren iç savaşlar da dahil olmak üzere, Avrupa, ulus-devletlerin homojen hale dönüşmek amacıyla başvurduğu pek çok nüfus transferine şahit olmuştur. Bu nüfus hareketleri bazı durumlarda "etnik temizlik" tanımını hak edecek kadar kanlı geçmiştir. Türkiye tarihi de bu açıdan Avrupa tarihine benzer. Yirminci yüzyılın başında Osmanlı İmparatorluğu'nun parçalanmaya başlamasından travmatik bir şekilde etkilenen İttihat ve Terakki Partisi önderleri, ülkenin bu hale gelmesinden gayri-müslüm Osmanlı tebasını, özellikle de Ermenileri sorumlu görmüşler ve Ermenilerin etnik bir grup olarak ülkenin bir başka köşesine, Suriye'ye göç ettirilmesine karar vermişlerdi. Bu zorunlu göçün sonucu olarak da çeşitli kaynaklara göre 300,000 ila 1,500,000 Ermeni çeşitli nedenlerle hayatını kaybetti. Bu kararın haklı mı haksız mı olduğu konusundaki tartışma 91 yıldır sürüyor. Ayrıca bu eylemin adının "soykırım" mı, "etnik temizlik", "zorunlu nüfus transferi" mi olduğu konusunda da bir anlaşma yok. Ancak Avrupa Birliği, 1987'den beri, söz konusu göç ettirmenin "soykırım" tanımına girdiğini kabul ederek, Türkiye'nin Avrupa Birliği'ne üye olması için tarihi ile yüzleşmesini şart olarak koştüğünü açıklayan çeşitli kararlar aldı. Türkiye ise hem bu suçlamayı reddediyor hem de Avrupa Birliği'nin haksız bir biçimde Türkiye'yi zorladığını düşünüyor. Bu tezin esas amacı, Avrupa Birliği'nin "tarihle barışma" konusundaki politikalarını analiz ederek, Türkiye'nin Avrupa Birliği'ne yönelik endişelerini azaltmak ve Avrupa Birliği ile ilişkilerinin kolaylaştırılmasına katkıda bulunmaktır. Diğer amaçlar ise, Avrupa Birliği'nin Türkiye'nin bu en uzun ve en hassas tarihsel problemini çözmek konusunda ideal bir kolaylaştırıcı olup olmadığını anlamak ve bu tartışma bağlamında, Türkiye'nin Avrupa Birliği'nin tarihle barışma politikalarının kurumsallaşması ve gelişmesi konusunda olumlu bir rol oynamasının mümkün olup olmadığına dair bir öngöründe bulunmaktır.

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PREFACE

This study mainly examines the overall picture of the historical disputes resulting from the forced population transfers and ethnic cleansing that occurred in the period between the very beginning of the nineteenth century and the period after World War II in Europe and in the Ottoman Empire.

The first chapter is an introductory chapter dealing mainly with constructing the general aim of the thesis. The special attention of the chapter is to make the terminology issue more comprehensive.

The second chapter is about the historical analysis of the genesis of the ethnic conflicts between the member states of the European Union, like Germany and Poland, Germany and the Czech Republic, Austria and the Republic of Slovenia and the genesis of the Armenian Issue in the Ottoman Empire in 1915-16. The special focus of the chapter is the specific issue occurred between Germany and Czechoslovakia (after 1993 the Czech Republic and the Republic of Slovakia) in the case of the Beneš Decrees as an illuminating example to understand the nature of the expulsions that occurred in the 1940s.

The third chapter focuses on the “apology debate” on-going in Europe to evaluate whether they contribute to reducing tensions between former adversaries, they should be included along with other more traditional confidence building measures in peace settlements. Then, in the light of the debates, while mentioning the other cases like the membership stories of Poland and Slovenia, I compare the European Union’s membership policy directed at the Czech Republic covering the German cleansing issue during 1940s.

The fourth chapter deals with the history of the relations between the EU and Turkey. The main part of the chapter is the decisions related the Armenian issue by the European Union and their impact on the process of the admission process of Turkey.

In the conclusion part, I focus, both, on the EU's potential for resolving the pending historical question in Turkey as a candidate country, and on Turkey's capacity of solving her historical problems without foreign pressure. One of my main targets is to comprehend whether or not the European Union might be the ideal interlocutor in solving Turkey's longest and hottest historical problem as it is already involved in monitoring Turkish compliance with its norms including those involving human and minority rights. The other aim is to find out whether Turkey would play a positive role in developing and institutionalizing a theoretical approach towards the historical reconciliation policies in the EU.

INTRODUCTION

As is known, there were many writers and philosophers in the eighteenth century deeply impressed by the scientific discoveries and they came believe that there existed certain laws or principles determining politics and society similar to the natural laws of the material world. As a result of this awakening, joining with romanticism and complementing sometimes liberalism and democracy, nationalism became a dominant movement in nineteenth century Europe. The emergence of the liberal nation-state was a central feature of the history of Europe from 1815 to 1900. To 1848, political and economic liberals and nationalists most challenged the established order of conservative governments and monarchies like the Habsburgs and the Ottoman empires.

The nineteenth century witnessed the liberation and unification of Germany and Italy, and the creation of Romania, Serbia, Greece and Bulgaria as independent states. The following century, too, was characterized by the struggles of small nations that fought for liberation and self-determination. The peace conference that was held in Paris just after World War I was strongly influenced by the principle of nationalities and made a determined effort to draw state borders in conformity with ethnic considerations. The new European map included seven new states to addition the old ones and almost all 28 states of the postwar Europe contained more or less sizable groups who differed widely from the ruling majority in race, language or religion. This situation was more precarious in Bulgaria, Hungary, Romania, and Czechoslovakia than the other part of the Europe.¹

¹ Roderic Peattie. *Look to the Frontiers, A Geography for the Peace Table*, New York and London:Harper, 1944, p. 64.

Most of the minority problems were too complicated to be solved by any revision of a state frontier. From the First and Second Balkan Wars to World War I (WWI) and World War II (WWII), and finally to the violent break-up of Yugoslavia, Europe saw numerous expulsions and exchanges of populations that did not fit into the concept of the relatively homogeneous wholes sought to be created by the states which had gone to war with each other.² Forced population transfers were institutionalised at the level of states in some case, they were forms of population cleansing. They were legally and/or contractually regulated, they were openly declared and pursued policies, and their objectives were apparently legitimate from the perspective of internal stability and external security of the states involved.³

As a special terminology, “ethnic cleansing” entered the language of politics in 1990s after the various ethnic conflicts that occurred in the Balkans (Bosnia and Croatia), the Caucasus (Armenia and Azerbaijan), Africa (Somalia and Rwanda), and Asia (Cambodia). This impression was misleading because, forcibly population transfers defined by ethnicity and by other criteria, as had been counted before, had been conducted since the beginning of the twentieth century. The following are some European examples: In the period between WWI and WWII, 35,000 Greeks

² For a detailed account see A. Osiander. *The State System of Europe 1640-1990: Peacemaking and the Conditions of International Stability*, (Oxford: Clarendon, 1994); Karen Barkey. “Thinking about Consequences of Empire,” in *After Empire. Multi-Ethnic Societies and Nation-Building* ed. Karen Barkey and Mark von Hagen (Boulder, CO: Westview Press, 1997), pp. 99-114; Rogers Brubaker, “Aftermaths of Empire and the unmixing of peoples: historical and comparative perspectives,” *Ethnic and Racial Studies*, 18, no.2 (April 1995):189-218.

³ In this paper, I use the term “population cleansing” as a “planned, deliberate removal from a certain territory of an undesirable population distinguished by one or more characteristics such as ethnicity, religion, race, class, or sexual preference. These characteristics must serve as the basis for removal for it to qualify as cleansing.” For the term, see: United Nations Commission on Human Rights Sub-Commission on Prevention of Discrimination and Protection of Minorities. <http://domino.un.org/UNISPAL.NSF/db942872b9eae454852560f6005a76fb/480844b6ec1f52a90525650004ccf31!OpenDocument>; Drazen Petrovic, “Ethnic Cleansing-An Attempt at Methodology,” *European Journal of International Law* 5 (1994), p. 359; Andrew Bell-Fialkoff, “A Brief History of Ethnic Cleansing,” *Foreign Affairs*, 72, no.3 (Summer 1993):110-121.

cleansed from Bulgaria; approximately 100,000 Bulgarians were cleansed from Greece; 67,000 Turks were cleansed from Bulgaria; 110,000 Romanians were cleansed from Bulgaria; 62,000 Bulgarians were cleansed from Romania; 1,2 millions Poles were cleansed from the areas incorporated by the German Reich; in Alsace-Lorraine, approximately 200,000 French speaking people were cleansed from their homeland by the end of 1941; 700,000 Germans were cleansed from Latvia, Lithuania, Estonia, Romania, Yugoslavia, and Italy; 6 million Jews were cleansed from 11,5 million Germans were cleansed from Poland, Czechoslovakia, Hungary, Yugoslavia and Romania after the Word War II. 140,000 Italians were cleansed from Yugoslavia; 31,000 Hungarians were cleansed from Czechoslovakia; 33,000 Slovaks were cleansed from Hungary and so on. As a consequence of these exhaustive ethnic mobilisation the hostilities have continued between the nationalities of Europe until the present time.⁴

Turkey's history has some similarities to that of European history in some respects. The Ottoman Empire, which once spanned three continents, fell into a process of dissolution and partition during its last 150 years. The ensuing wars, defeats, and great loss of life awoke profound fears for the Empire's continuing existence. In order to portray the immensity of this feeling of collapse, it suffices to recall that between 1870-1920, the empire lost 85% of the lands it had ruled and 75% of its population.⁵ And during this process, just as every attempt to halt the collapse met with failure, the collapse itself was accompanied by what the ruling elite

⁴ Jennifer Jackson Preece, "Ethnic Cleansing as an Instrument of Nation-State Creation: Changing State Practices and Evolving Legal Forms: St. Martin Griffin:1999), p. 37. Some of these "cleansing" will be examined deeply, in the relative chapters.

⁵ Tarihi Araştırmalar ve Dökümantasyon Merkezleri Kurma ve Geliştirme Vakfı, Ottoman Archives, Yıldız Collection: *The Armenian Question*, vol. I (Istanbul, 1999), p. xii.

perceived as a continual series of humiliations and insults to Ottoman-Turkish honor at the hands of the Great Powers.

At the beginning of the twentieth century, the process of disintegration afflicting the Ottoman Empire was of such gravity that it produced a traumatic anxiety among the Ottoman leaders, who felt their country would be carved up by the European Powers and the other nations in Anatolia. In other words, they were facing the total annihilation of the state. According to some sources, under these circumstances, the Christian minorities were viewed as one of the primary factors responsible for the decline and disintegration of the Ottoman Empire. At the beginning of WWI, the top leaders of the Committee of Union and Progress (CUP), who feared to be betrayed by the Armenian members of the Empire, decided to realize the forced population transfers of the Armenian people, from some parts of the Empire to other parts. There has been a non-stop debate over whether this decision was right or wrong and a non-stop debate over whether this act could be labelled “genocide” for 91 years.

The most important reason for this prolonged debate may be the terminology used by the Armenian side and the some other parts. As is been known, when the Armenian massacres took place, the term “genocide” did not yet exist. It was not devised until three decades later, in 1944, by the Polish-Jewish law professor Raphael Lemkin, by then living in exile in the United States, in his book *Axis Rule in Occupied Europe*.⁶ The word “genocide” was being used in the indictment of the International Military Tribunal. It must be added that the resolution spoke in the past tense, describing genocide as crimes which “have occurred.” By the time the General Assembly had completed its initial standard setting in this area, with the 1948

⁶ Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Washington: Carnegie Endowment for World Peace, 1944.)

adoption of the Convention on the Prevention and Punishment of the Crime of Genocide, “genocide” had a detailed and quite technical definition as a crime against the law of nations. The preamble of that instrument recognizes “that at all periods of history genocide has inflicted great losses on humanity.”⁷

The other reason for the prolonged debate may be the socio-political culture prevalent in Turkey. According to Fatma Müge Göçek, the close link between the Armenian deaths⁸ and the Unionist leadership that funded and started the War of Independence led the leaders of the Turkish nation-state to employ a nationalist Republican rhetoric to silence discussion of the Armenian issue.⁹ According to Göçek, this narrative, which traces the origins of the tragedy to the intervention of the Western powers in the affairs of the empire and justifies the Armenian relocations and subsequent massacres as responses to the subversive acts of the Armenian radical nationalist movements.¹⁰ Consequently, this narrative does not recognize, on one hand, the significance of the preexisting structural divide in Ottoman society among social groups, and the naturalized Muslim superiority this divide entailed, and, on the other hand, the fact that Turkish nationalism was one of many nationalisms that emerged during this period, with claims no more just than those of the others, even though it was the one that happened to triumph over them,

⁷ *Convention for the Prevention and Punishment of the Crime of Genocide*, (1951) 78 UNTS 277. See the full text: United Nations at: http://www.unhchr.ch/html/menu3/b/p_genoci.htm. For further reading see: William A. Schabas, *Genocide in International Law* (Cambridge: Cambridge University Press, 2000.)

⁸ There is no clear consensus as to how many Armenians lost their lives during what is called the “Armenian genocide” and what followed. There seems to be a consensus among Western scholars, with the exception of few dissident and Turkish national historians, as to the period between 1914 to 1923. The number issue will be discussed in the relative chapters.

⁹ Erik Jan Zürcher, *Milli Mücadelede İttihatçılık* (İstanbul: Bağlam, 1987), pp.101–9.

¹⁰ The role of these radical movements will be discussed in the relevant parts of the thesis.

at their expense.¹¹ As a result, no significant studies on the Armenian deaths and massacres appear until 1977, except the one book that was published in 1953.¹² From this long silence it is reasonable to conclude that the trauma and devastation endured by Ottoman subjects during the war afterward created a climate in which people were more eager to “forget” the immediate past than to question it.

Combined with the historiography aforementioned, the terrorist organization, the ASALA (Armenian Secret Army for the Liberation of Armenia) assassinated Turkish diplomats throughout the world in the late 1970s and early 1980s. These atrocities were an ill-fated attempt to draw attention to the Armenian “genocide.” When combined with the Turkish nationalist rhetoric, the assassinations polarized Turkish public opinion, not only against the ASALA and Armenian claims but, unfairly, against all Armenians.¹³ The murders presented Republican Turkey with the opportunity to include in its narrative, again a nationalist move, a claim to revenge the deaths; thus, they strengthened the Republican resolve to resist Armenian claims and further radicalized.

While in Turkey, the elites and the public were becoming radicalized on the issue, on June 18, 1987, the European Parliament (thereafter the EP) declared that the events of 1915 constituted a “genocide”¹⁴ within the meaning of the UN Convention

¹¹ Fatma Müge Göçek, “Reading Genocide Turkish Historiography on the Armenian Deportations and Massacres of 1915” in *Middle East Historiographies : Narrating the twentieth century* ed. Gershoni, Israel and Amy Singer and Hakan Erdem (University of Washington Press, July 2006), pp.101-127.

¹² The book that was published in 1953 Esat Uras’s *Tarihte Ermeniler ve Ermeni Meselesi* (Ankara, 1950), the second book was Neşide Kerem Demir’s *Bir Şehid Anasına Tarihin Söyledikleri, Türkiye’nin Ermeni Meselesi* (Ankara:Hülbe Yayınları, 1977.)

¹³ Orhan Koloğlu, “ASALA Nasıl Ortaya Çıktı?,” *Popüler Tarih* (Nisan 2001): 68-72.

¹⁴ Today, the terminology employed in the debates on the Armenian tragedies is very controversial. If necessary, I employed the term *genocide* and ethnic cleansing in quotations otherwise I preferred to use the term of “*forced population transfer*” (*Tehcir* in Turkish.)

on the Punishment and Prevention of the Crime of Genocide of 1948.¹⁵ But further, the EP “recognizes that present-day Turkey cannot be held responsible for the tragedy experienced by the Armenians of the Ottoman Empire and stresses that neither political nor legal or material claims against present-day Turkey can be derived from the recognition of this historical event as an act of genocide.” The EP passed other resolutions in following years with slightly modified content.¹⁶

In 2001, the Armenian President, Robert Kocharyan, declared in an interview that the Armenians had no land claims against Turkey and might be satisfied with only a verbal recognition. Turkey remained unconvinced, so deep-seated is its anxiety over this issue.¹⁷ But, still, it can be argued that a strong guarantee by the international community shielding Turkey from any repercussions in return for acknowledging the “genocide” could take the pressure off Turkey in this matter. Under these circumstances, Turkey feels wrongly accused and does not trust in the EU and its good-will towards the solution. Turkey could be right to think in such a way. Because, unfortunately, no research has been done covering the comprehensive history of the reconciliation policy of the EU. A close examination of the EU experiment regarding conflict resolution and historical reconciliation, can help Turkey overcome its fears, and it can help the relations between the EU and Turkey to develop.

¹⁵ The full text of the Convention on the Punishment and Prevention of the Crime of Genocide of 1948 (thereafter the 1948 Convention) see web site of International Committee of the Red Cross: <http://www.icrc.org/IHL.nsf/WebList?ReadForm&id=357&t=art> For a detailed account, also see: William A. Schabas, *Genocide in International Law* (Cambridge University Press, 2000); Alfred Zayas, “The Genocide against the Armenians 1915-1923 and the relevance of the 1948 Genocide Convention” see Alfred Zayas. http://alfreddezayas.com/Law_history/armlegopi.shtml. (The all web addresses that were used in the thesis were available [online] at 5 June 2006.)

¹⁶ For a list of resolutions of the European Parliament on the “Armenian Genocide” see web site of American National Institute. <http://www.armenian-genocide.org/affirmation/resolutions/index.php>.

¹⁷ *Agos*, 2 February 2001, N. 253.

The general questions here are: What can the EU offer to solve the historical problems of its members? What is the EU agenda on historical disputes? Does the EU have the standardized rules and procedures about the conflict resolution area? In order to find meaningful answers to these questions, I will examine, first, the historical background of the development of the historical disputes between Germany and its neighboring states. Then I will focus on the specific issue occurred between Germany and Czechoslovakia (after 1993 the Czech Republic and the Republic of Slovakia¹⁸) in the case of the Beneš Decrees resulting from forced population transfers like expulsions and population exchanges as forms of ethnic cleansing, before EU membership as an illuminating example to understand the nature of the expulsions that occurred at that time. Then, I will look at the reconciliation policies of the EU, including the policies carried out by the different European Union institutions like the European Parliament, the European Council, the Commission, the Organization for Security and Co-operation in Europe (OSCE, then the Commission on Security and Cooperation in Europe (CSCE).

After that, I will overview the “apology debate” on-going in Europe (and in the world in order to evaluate first whether the apologies initiated from a purely ethical perspective or from a “real politics” concern and whether other acts of contribution reduce tensions between former adversaries, they should be included along with other more traditional confidence building measures in peace settlements. Then, in the light of the debates, I will compare the European Union’s membership policy directed at the Czech Republic and the Republic of Slovakia covering the

¹⁸ The separation of Czechoslovakia into the nation states of the Republic of Slovakia and the Czech Republic in 1993 was coined “Velvet Divorce” by the international media that saw some similarities between this event and the Velvet Revolution of 1989 Velvet Revolution of 1989, which led to the end of the rule of the Communist regime of Czechoslovakia. Wikipedia. http://en.wikipedia.org/wiki/Velvet_Divorce. (Although Wikipedia is becoming a suspicious source for academics, I use it as a source for some descriptive issue like that.)

German cleansing issue during the 1940s and the policy directed at Turkey concerning the Armenian Deportation issue during 1915-1916 by means of the CUP decisions.

In the final part, I will focus, both, on the EU's potential for resolving the pending historical question in Turkey as the candidate country, and on Turkey's capacity of solving her historical problems without foreign pressure. One of my main targets is to comprehend whether or not the European Union might be the ideal interlocutor in solving Turkey's longest and hottest historical problem as it is already involved in monitoring Turkish compliance with its norms including those involving human and minority rights. The other aim is to find out that whether Turkey would play a positive role in developing and institutionalizing a theoretical approach towards the historical reconciliation policies in the EU.

CHAPTER I
AN OVERVIEW OF ETHNIC PROBLEMS IN EUROPE
AND IN THE OTTOMAN EMPIRE
IN THE FIRST HALF OF THE TWENTIETH CENTURY

As Joseph B. Schechtman stated, the treaties drafted after the Balkan Wars, were agreed that although the protection of ethnic and religious minorities was put under the control of the League, achievement of the task was not easy to be achieved. The first interstate treaty on the Exchange of Populations in modern history was the Convention of the Adrianople, concluded between Bulgaria and the Ottoman Empire in November 1913, as the sequel to the Peace Treaty of Constantinople (30 September 1913). The Exchange involved more than 93,000 people, both Turkish-Muslims and Bulgarians.¹⁹ Together with the Treaty of Bucharest (28 July/10 August 1913),²⁰ this meant the second partition of Bulgaria after its brief Greater Bulgarian existence following the Treaty of San Stefano in 1878.²¹ The Greco-Turkish agreement concluded in May 1914, providing for the voluntary Exchange of the inhabitants of the Greek villages in Thrace and in the vilayat of Smyrna for the

¹⁹ Joseph B. Schechtman, *European Population Transfers* (New York:Oxford University Press, 1946), p.12.

²⁰ C. Richard Hall, *The Balkan Wars 1912-1913: Prelude to the First World War* (London and New York:Routledge, Taylor and Francis Group, 2002), pp. 123-127; E. Christian Helmreich. *The Diplomacy of the Balkan Wars* (Cambridge, Harvard University Press, London:Humphrey Milford, 1938), pp. 409-410, 380-406. The full text of the Treaty of Bucharest <http://www.zum.de/psm/div/tuerkei/mowat121.php>.

²¹ Helmreich, pp. 75-76, 90, 97. For the text of the treaty of San Stefano see: Yale University. <http://www.yale.edu/lawweb/avalon/ildefens.htm>.

Muslim populations of Greek Macedonia and Epirus failed by the Ottoman Empire's entry into the WWI.²²

At the end of WW I, out of the collapsed Austro-Hungarian Empire, nation states arose in Central Europe, based upon Woodrow Wilson's concept of the self-determination of peoples.²³ Already then, the concert of nations shaping the new order realised that national minorities would necessarily exist in these new nation states. Based upon the peace treaties of Versailles (28 June 1919), Saint German-en-Laye (10 September 1919), Neuilly-sur-Seine (27 November 1919), Trianon (4 June 1920) and the five special treaties of minority protection were concluded between Poland, Czechoslovakia, Romania, Yugoslavia and Greece, respectively, on the one hand, and the allied and associated powers on the other.²⁴ Very similar provisions were directly included in the Convention on Reciprocal Voluntary Emigration signed on 30 January 1923 and the peace treaty of Lausanne with Turkey (24 July 1923). It has to be noted that approximately 150,000 of the Greek refugees came to Greece before the Asia Minor defeat, mainly between 1913 and 1922, the remaining one million arrived after the defeat of the Greek army in August and September 1922. In this respect, the Convention of January 1923 was only for legalization of the previous situation.²⁵

²² Schechtman, p. 13.

²³ The whole text of "President Woodrow Wilson's Fourteen Points. University of Yale.<http://www.yale.edu/lawweb/avalon/wilson14.htm>.

²⁴ Between 1919 and 1940, 16 countries undertook international obligations on the protection of minorities. Karen Barkey, "Thinking about Consequences of Empire," in *After Empire. Multi-Ethnic Societies and Nation-Building*, ed. Karen Barkey and Mark von Hagen (Boulder, CO:Westview Press, 1997), pp. 99-114; Rogers Brubaker, "Aftermaths of Empire and the unmixing of peoples: historical and comparative perspectives," *Ethnic and Racial Studies*, 18, no.2 (April 1995):189-218; The full text of the treaties mentioned and the interpretation of them see: *The Treaties of Peace 1919-1923* (New York:Carnegie Endowment For International Peace,1924.)

²⁵ Schechtman, pp. 16-17.

Hungary, following the Treaty of Trianon, let some territories particularly in relation to Transylvania, the Vojvodina, and southern Slovakia, and the incorporation of the predominantly German-speaking Sudetenland into the newly established Czechoslovak state. The cases of Transylvania and southern Slovakia would have allowed population exchanges, the former probably in connection with further border revisions. In Vojvodina and the Sudetenland, a lack of “sufficient” numbers of Serbs in Hungary and even more so of Czechs in Germany or Austria would have only left the measure of expulsions to create ethnically more homogenous polities. One of the issues that most dogged German-Polish relations in the twentieth century was that of the ethnic provenance of specific groups of people who resided in various of Germany’s eastern provinces.²⁶

According to Schechtman, the first wave migration from Germany had started in the eleventh century, had reached its climax in the fourteenth century and it had lasted until nineteenth century. The waves had moved in four directions: To the northeast towards the Baltic Sea, to the east towards Sudetes and the Carpathians and to the souhest towards the Danume basin and the Balkan region, in the east towards the Alps. The traces of these waves can be seen as the minorities living in the countries now known as Poland, the Baltic countries, Hungary, Romania, the states born from the Former Yugoslavia, Ukraina.²⁷ After the Treaty of Versailles, in East

²⁶ German citizenship had been determined according to descent in the whole nineteenth century. The 1913 Reichs und Staatsangehörigkeitsgesetz (Citizenship Act) determined that only descendants of those defined as Germans in German law, irrespective of whether they felt themselves to be German or not or could speak German, could be German citizens. The 1913 Act was utilised as a means of maintaining links with ethnic Germans living outside its political boundaries, principally in the Austro-Hungarian and Russian Empires. The law, its application, and its relationship to political realities was problematic inasmuch as it gave rise to potentially conflicting loyalties, in this instance between Poland and Germany. For a detailed account of Citizen Act. Bös, Mathias. “The Legal Construction of Membership: Nationality Law in Germany and the United States,” *Program for the Study of Germany and Europe Working Paper Series No. 00.5*. Harvard University. www.ces.fas.harvard.edu/publications/Boes.pdf.

²⁷ Schechtman, p. 27.

Central Europe, German, Magyar, and Bulgarian minorities living in the territories lost to Poland, Czechoslovakia, Romania, and Yugoslavia often accused of having neglected the duties of their citizenship and continually looked to their powerful co-national state, namely Germany, for help and they become known as the “fifth column.”²⁸ According to some German sources, like the Institut für Minderheitenstatistik of Vienna University and the Institut für Grenz-und-Auslandstudien in Berlin, just after the treaties of Versailles and St. Germain were signed, approximately 9, 1 millions of Germans acquired minority status in different countries such as France (1,7 millions in Alsace-Lorraine region), in Poland (1,2 millions), Czechoslovakia (3,5 millions), Hungary (550,000) Romania (800,000) Yugoslavia (700,000), in Switzerland (2,7 millions).²⁹ Although the Weimar Republic³⁰ limited its interest in its fellow kins living in the aforementioned countries, when Adolf Hitler came to the power in January 1933, the situation drastically changed. Because the political program of the National Socialist Party of Hitler³¹ of which emphasis on racialism and encouragement of irredentist

²⁸ Schechtman, p. 27 According to Wikipedia, the term of “fifth column” is “a group of people which clandestinely undermines a larger group to which it is expected to be loyal, such as a nation. The term originated with a 1936 radio address by Emilio Mola, a Nationalist general during the 1936-39 Spanish Civil War... The term is also used in reference to a population who are assumed to have loyalties to countries other than the one in which they reside, or who support some other nation in war efforts against the country they live in...During World War II, German minority organizations in Poland and Czechoslovakia formed the Selbstschutz, which actively helped the Third Reich in conquering those nations and engaged in atrocities.” See Wikipedia. http://en.wikipedia.org/wiki/Fifth_column.

²⁹ The including the other minorities living in Russia, Belgium, Denmark, Finland, Sweden, Lithuania, Italy, Luxembourg, Netherlands, Liechtenstein, Bulgaria, Greece, Latvia, and Estonia the number of the ‘lost Germans’ reached to total of 9.1 million approximately. Ibid., pp. 27 and 31.

³⁰ The Weimar Republic (German *Weimarer Republik*) is the historical name for the republic that governed Germany from 1919 to 1933.

³¹ Gottfried Feder, *The Program of the Party of Hitler: The National Socialist German Workers’ Party and its General Conceptions* (Munich, 1932.) Quoted by Schechtman, pp.31-32.

movements, became the official policy of the Third Reich.³² According to J. B. Schechtman, German minorities become the most dynamic elements of the Third Reich to undermine the stability of the host countries and they played a destructive role before and during the WWII.³³

The Case of Poland, Czechslovakia and Yugoslavia

For example, in the beginning of 1920s, the newly-created Polish state had found itself host to a sizeable German minority population, as has been stated before, their number was almost 1.2 millions, that was comprised of those with clear German roots, others with Polish/Slavic roots, and more often than not, people of mixed descent. Neither Germany nor Poland was particularly satisfied with the compromise that had been achieved. From the German perspective, the areas of traditional German settlement, often with German majority populations had been lost through diktat and force, and not by the application of the doctrine of national self-determination. From the Polish perspective original Polish territory remained unredeemed, together with its Polish population.³⁴ At that time, the population of Poland consisted of 19 million Polish (69 percent), 3.8 million Ukrainian and Ruthenians (14 percent), 2.1 million Jews (8 percent), one million Belorussians (4 percent); one million Germans (4 percent), and the others (1 percent). According to the census of 1931, the population of Poland was about 32 million, only 740,000 of

³² The Third Reich refers to Germany in the years 1933–1945, when it was under the control of the National Socialist German Workers Party or *Nazi Party*, with the *Führer* (leader) Adolf Hitler as chancellor and head of state.

³³ *Ibid.*, p.35.

³⁴ Karl Cordell, “German-Polish Relations in the Twentieth Century: Continuity and Change,” Paper Presented in Panel: German-Czech Relations in the Twenty First Century:A Comparison, ECPR General Conference, The University of Marburg, 18-21 September 2003, pp.1-2.

which were Germans living in the west part of the country.³⁵ The German minority was an economically prosperous group and enjoyed more political support from Germany either in the Weimar period and in the Nazi period.³⁶

Another explanatory case, Czechoslovakia as the richest state of the “successor states” that emerged from the dissolved Habsburg Empire was the least homogeneous of all the new states of Europe. It contained of Magyar, Polish, and German minorities that were settled in strategic border areas of Germany. According to the census of 1921 and 1931, the Sudeten Germans was the second biggest group with three million people (23 percent) following the Czechoslovaks with 8.7 million (65.5 percent).³⁷ They affiliated of the romantic-reactionary ideology of the Nazi movement. In the meantime, the Czechslovakia governments promised to the German activists to increase German representation in the civil service, the German share of welfare and cultural expenditures and the allocation of public contracts to German firms in 1937.³⁸

In the interwar Yugoslavia demonstrated ethnical complexity of the population. In the official census held in 1921, the Serbs (with Montenegrins) consisted of 43 percent; Croats, 23 percent; Slovans, 8.5 percent; Macedonians, 5 percent; Bosniaks five percent; non-Southern Slavs (including Albanians as well as Magyars, Romanians, and Jews), 10.5 percent; the Germans 4.3 percent of the whole population.³⁹ They were distributed throughout the country, with the greatest groups

³⁵ Rothscild, Joseph. *East Central Europea between the Two World Wars* (University of Washington Pres, 1974), p. 36.

³⁶ *Ibid.*, p. 41.

³⁷ *Ibid.*, p.89.

³⁸ *Ibid.*, p. 128.

³⁹ *Ibid.*, p. 203.

living in Banat, Bachka and Baranya. The 1931 census put their number at 500,000 (3.9 percent of the population).⁴⁰

During the interwar period, East Central European countries with fears of Russia and communism hesitated to resist the Nazis and, in some cases, they compromised themselves by collaboration with the German occupier. This situation helped Germany (and later USSR) to gain control over East Central Europe. Hitler declared that, on 20 February 1938, “There are more than 10 million Germans in states adjoining Germany which before 1866 were attached to the bulk of the German Nation by a national link... Present-day Germany will know how to guard its more restricted interests. To these interests of the German Reich belong also the protection of those German peoples who are not in a position to secure along our frontiers their political and philosophical freedom by their own efforts.”⁴¹

First, in November 1937, a treaty concerning the minority rights, but the treaty could not go into act, because the Third Reich’s armies crossed the Polish border on 1 September 1938 and the Soviet armies invaded the country from the east, sixteen days after the German attack.⁴² The Munich Agreement that was signed in 29 September 1938 by Adolf Hitler (Germany), Neville Chamberlain (United Kingdom), Edouard Daladier (France) and Benito Mussolini (Italy), dismembered Czechoslovakia, annexing the Sudetenland to Germany that had already “united”

⁴⁰ According to Scechtman, since the 1931 census has been published only partly, the data may not be accurate. See Scechtman, p. 238.

⁴¹ Adolf Hitler, *My New Order*, ed., Raoul de Roussy de Sales (New York: Reynal & Hitchcock, 1941), pp.443-4. Quoted by Scechtman, p. 35.

⁴² Elizabeth Wiskemann, *Prologue to War* (New York and Toronto, 1940), p. 191.

with Austria earlier the same year.⁴³ The Second Vienna Awards of 1939-40 granted Hungary large parts of southern Slovakia and led to a north-south partition of Transylvania between Hungary and Romania.⁴⁴ Poland occupied majority Polish speaking areas, while Slovakia gained greater autonomy, with the state being renamed “Czecho-Slovakia.” Eventually Slovakia broke away further in 1939 and the remaining Czech territory was occupied by Hitler, who installed the so-called Protectorate of Bohemia and Moravia which was proclaimed part of the Reich. Czechoslovak government-in-exile and its army fighting against Nazis were acknowledged by the Allies. The three German-Soviet agreements of 1939 to 1941 all provided for the forced transfer of populations.⁴⁵ After these interventions, a total of about 10 million Germans were incorporated into the Reich but, according to Hitler, nearly two million Germans still living in foreign countries were a waiting salvation.

The Early Transfers and Expulsions of Germans from Yugoslavia

The Yugoslavian Kingdom⁴⁶ joined the Pact of Axis Powers between Germany, Italy and Japan on 25 March 1941.⁴⁷ Although on 5 April 1941, the

⁴³ For the full text of the Munich Agreement. Yale University.<http://www.yale.edu/lawweb/avalon/imt/document/munmenu.htm>.

⁴⁴ According to Wikipedia “the Vienna Awards or Vienna Arbitration Awards or Vienna Arbitral Awards or Vienna Diktats or Viennese Arbitrals are various names for two arbitral awards guaranteed in 1938 and by which arbiters of National Socialist Germany and Fascist Italy sought to enforce peacefully the territorial claims of Revisionist Hungary” and these awards “sanctioned Hungary's annexation of territories in present-day Slovakia, Ukraina and Romania which Hungary had lost by the 1920 of Treaty of Trianon.” Wikipedia.http://en.wikipedia.org/wiki/Vienna_Awards.

⁴⁵ Jackson Preece, *ibid*, 820.

⁴⁶ The first kingdom of Serbs, Croats, and Slovans was created in December 1918 at the conclusion of World War I. After King Alexander's royal coup in 1929, the country was officially renamed Yugoslavia. See Norman M. Naimark, *Fires of Hatred, Ethnic Cleansing in Twentieth-Century Europe* (Cambridge, Massachusetts, London, England: Harvard University Pres, 2002), p. 140.

Yugoslavian Kingdom under Peter II signed a friendship and non-aggression pact with the Soviet Union, the Yugoslavian Kingdom was destroyed by Hitler and Mussolini on 6 April 1941 and after eleven days of resistance against the invading German it was divided among Germany, Italy, Hungary and Bulgaria. Croatia declared itself the Independent State of Croatia (NDH) as a Nazi puppet-state, ruled by the Catholic fascist militia known as the Ustaše led by Ante Pavelić⁴⁸ which actually came into existence in 1929, but was relatively limited in its activities until 1941. The Germans of Slavonia, Sirmia and Bosnia fell under Croatia's sphere of control. The Western Banat remained within the Serbian state under German military rule.⁴⁹

In October 1939, Adolf Hitler announced that the Reich intention was to repatriate German minorities scattered throughout Europe including Yugoslavia. Although the Yugoslavian authorities were happy to hear that, these groups showed no inclination to be transferred to Germany.⁵⁰ However, after the German invasion of the Soviet Union on 22 June 1941, communist forces began to organize the resistance groups. During the war, the communist-led-partisans were *de facto* rulers on the liberated territories, and the NLA organized people's committees to act as civilian government. In Autumn of 1941, the partisans established the Republic of Užice in the liberated territory of western Serbia. On 26 Nov. 1942, in Bihać in the northwest of Bosnia, under Communist presidency, the Anti-fascist Council of

⁴⁷ Richard J. Crampton, *The Balkans Since the Second World War* (London and New York: Taylor and Francis, 2002), p.11.

⁴⁸ The Ustaš (often spelled Ustashe in English) was a Croatian organization put in charge of the Independent State of Croatia by the Axis Powers in 1941, in which they pursued Nazi policies.

⁴⁹ Arnold Suppan, "Yugoslavism versus Serbian, Croatian and Slavene Nationalism," in *Yugoslavia and Its Historians, Understanding the Balkan Wars of the 1990s*. Eds., Naimark, M. Norman and Holly Case (Stanford, California: Stanford University Press, 2003), p. 129.

⁵⁰ Schechtman, p. 239.

People's Liberation of Yugoslavia (AVNOJ) was founded as the superior legislative body responsible for the liberation of the peoples of Yugoslavia.⁵¹ AVNOJ also declared itself the superior executive authority. It decided on the creation of a federal Yugoslavia, based on the right of self-determination, in which the south-Slavic peoples of the Serbs, Croats, Slovenians, Macedonians, and Montenegrins were to live in constituent republics with equal rights. Furthermore, the National Committee for the Liberation of Yugoslavia (NKOJ) was founded; the Yugoslavian exile government was revoked; and Peter II was denied his return to Yugoslavia.⁵²

Nevertheless, in the beginning of 1942, a small but extremely nationalistic and aggressive German minority living in the so-called Gottschee [Kochevje] German linguistic isle⁵³ was transferred from Serbia to the proper of the Third Reich. When the rumors about the news of Soviet troops were about reaching to Banat region, most of the German folk living in the region left to join to the German Army. The similar events occurred in other parts of Yugoslavia including Syrmia and the Voivodina which were under protection of Croation state that was virtually a vassal of the Reich, and consequently the Germans were accorded a highly privileged status.⁵⁴ Nevertheless, a conclusion was reached between the Reich and the Croation Ustashe government on 6 October 1942 concerning the deportation of the German minority living in Bosnia-Herzegovina and Croatia with some exceptions of little cities. The evacuation had targeted to contain 26,000 Germans but most of the

⁵¹ Crampton, pp. 12-13.

⁵² "The AVNOJ-Regulations and the Genocide of the Germans in Yugoslavia between 1944 and 1948" (Hereafter 'The AVNOJ-Regulations'), ed., Felix Ermacora Institut – Forschungsstätte für die Völker der Donaumonarchie; Text and Proofreading: Peter Wassertheurer, M.A.; Translation: Simon Coles, B.A. Felix Ermacora Institut. www.vloe.at/download/avnoj_english.pdf, p. 2.

⁵³ Ibid., p. 242.

⁵⁴ Ibid., p. 245.

Germans (approximately 170,000 persons) chose to stay in the native lands. The whole operation ended only in April 1943.⁵⁵

The head of the National Committee was Tito, who had been appointed Marshal of Yugoslavia by the On 21 November 1943, AVNOJ decided on the following provisions: “On the Deprivation of Civil Rights,” which, in the years to come, formed the legal basis for the treatment of the Germans in Yugoslavia: 1. All persons of German nationality living in Yugoslavia automatically lose their Yugoslavian citizenship as well as all civil rights; 2. The entire movable and immovable possessions of all persons of German nationality are confiscated by the state and henceforth its property; 3. Persons of German nationality are neither allowed to claim or exercise any rights, nor to use courts or other institutions for their personal or legal protection.⁵⁶

The provisions of 21 November 1944 dealt with the “Transfer of Enemy Property into State Property” and the deprivation of civil rights of persons of German nationality. There were other provisions concerned those Yugoslavian citizens of German nationality who, during the occupation, declared themselves as Germans, or were known as such, disregarding if they had acted as such before the war, or had been considered assimilated Croats, Slovenians, or Serbs. According to the decisions they were “not deprived of their civil rights or their property are Yugoslavian citizens of German nationality or German descent or with German surnames who, as partisans or soldiers, who, before the war, had been assimilated as Croats, Slovenians, or Serbs; who, during the occupation, refused to declare themselves members of the German ethnic group, even when demanded by the occupation or

⁵⁵ Ibid., p. 249.

⁵⁶ The AVNOJ-Regulations, p. 3

collaborator authorities; who, despite their German nationality, contracted a mixed marriage with a person of one of the Yugoslavian nationalities or a person of Jewish, Slovak, Ukrainian, Magyar, Romanian, or any other recognized nationality and finally who, during the occupation, offended against the fight for liberation of the Yugoslavian peoples through their behaviour.⁵⁷

According to some German sources, only 20 percent of them managed to get away, the other parts were rounded up and imprisoned in the concentration and labor camps, their entire property was confiscated by the Partisan government (AVNOJ). It was said that they had perished through hunger, epidemics and shootings, while some had succeeded in escaping from the camps to Hungary and Romania. In April 1945, the Partisans declared that “they would permanently banish the local Germans who made themselves intensely hated by the population because of their cruel behavior during the German occupation.”⁵⁸ From 1946 on, thousands of orphaned children were transferred from the camps to children’s homes and had to undergo radical slavicization.⁵⁹

The Potsdam Conference

According to B. G. Ivanyi and Alan Bell, in 1939, there were two principles concerning the war criminals in the mind of the Allies: First, the quarrel was with Nazis, not with German nation. Second, the winning partners would carry the peace process out in the creditable fashion natural “ancient, civilised and highly

⁵⁷ Ibid., p. 4.

⁵⁸ Ibid., p. 242.

⁵⁹ Ibid., p. 241.

experienced” states.⁶⁰ In 1939 Sir Andrew Mac Fadyean who was the Joint Treasurer of England, had said that: “we have no quarrel with the enslaved German people... However long the war, no peace with National Socialism; however short the war, peace, constructive peace, with German people –a peace which brings liberty to Poland, Czecho-Slovakia and, not least, to Germany itself.”⁶¹ As Czechoslovakian President in exile Edvard Beneš had assured British Foreign Secretary Antony Eden in 1941. Eden explained that “I accepted the principle of the transfer of populations.... If the problem is carefully considered and wide measures are adopted in good time, the transfer can be made amicably under decent human conditions, under international control and with international support. [Beneš]...did not recommend any method which involves brutality or violence.”⁶² As early as 1943, the Allies had agreed in principle to truncate and dismember Germany. In light of the failure of the Versailles settlement, they were determined that there would be no repetition of 1919. At the broadest level, a decision was taken to truncate Germany, render nation and state more exact, dismember the remainder and re-shape it in their own image.⁶³ In the immediate aftermath of the Potsdam Conference in July and August 1945 the Allies gave their consent in the Potsdam Agreement saying that “The Three Governments, having considered the question in all its aspects, recognize that the transfer to Germany of German populations, or elements thereof, remaining in Poland, Czechoslovakia and Hungary, will have to be undertaken. They agree that any transfers that take place should be effected in an orderly and humane manner” of

⁶⁰ György Ivanyi and Alan Bell. *Route to Potsdam, The Story of the Peace Aims 1939-1945*. (London:Allan Wintage, [1945?]), p. 7.

⁶¹ *Ibid.*, p. 8.

⁶² Jackson Preece, p. 821.

⁶³ Pawel Lutomski, “The Debate about a Center against Expulsions:An Unexpected Crisis in German-Polish Relations?,” in *German Studies Review*, 27, N.3 (2004):451-452; Cordell, p.4.

almost 11.5-14 millions millions ethnic Germans from Poland, Czechslovakia, and Hungary, as many as 2-2.5 millions died in the process, many from hunger and disease.⁶⁴ While the transportation was carried out “orderly in fashion,” it was not done “humanely in practice” as envisioned. The expulsion began with the declaration of 3 May 1945, demanded that its members cleanse the Fatherland of the agents of a treachery.”⁶⁵ During the expulsion, nearly all of the Germans were randomly killed, hung by their heels from trees, their villages were burnt, were interned in concentration camps where many died of hunger and disease. *The New York Times* reported from Germany in February 1946:

“[I]t was also agreed at Potsdam that the forced migration should be carried out ‘in a humane and orderly manner.’ Actually, as every one knows who has seen the awful sights at the reception centers in Berlin and Munich, the exodus takes place under nightmarish conditions, without any international supervision or any pretense of humane treatment. We share responsibility for horrors only comparable to Nazi cruelties...”⁶⁶

In the Polish case, the expulsion process was more complicated in some aspects, but at the same time it was simpler than the Czech case. Because, the Polish people were tortured and killed by the Nazis during the War period and to take revenge could be taken an understandable reaction. The Polish demands for the expulsion of the Germans were related to the Polish territorial claims. The Soviet Union was insistent on incorporating eastern Poland (western Belorussia and western Ukraina) and Polish also claimed on the Free city of Danzig (now Gdansk), East Prussia and east of the Oder river. The internal government established in London announced that “the Germans, who do not leave the territory of Poland themselves

⁶⁴ Naimark, p. 14.

⁶⁵ Ibid., p. 113.

⁶⁶ Quated by Jackson Preece, p. 822.

after the war, will have to be expelled.” Since there was no reliable sources, it was difficult to know how many Germans had been killed in the period between May and late July when the Potsdam Conference was held,⁶⁷ but it is estimated that the total number was around 500,000. The thousands of the Germans had been raped, tortured and humiliated as in the Chezh case. The old concentrations camps like Auschwitz, Birkenau, Potulitz and the others had been turned into labor camps for the Nazis and their “collobators.”⁶⁸ In a population exchange arranged between the Soviet and Polish governments, some 480,000 Ukrainians were moved to Ukraine, while 2.1 million Poles from Ukraine, Belorussia, and Lithuania were moved to Poland. The ethnic cleansing was completed with the Operation Wisla (or Vistula) to remove the remaining 140,000 Ukrainians from the region and scattered them in the “recovered lands” in the west and north.⁶⁹

A Special Case: The Beneš Decrees

Czechslovak officials like the Polish colleagues were eager to ensure that as a potentially subversive elements, the Germans had to remove from their states after the war. “The Beneš Decrees,” named after Edvard Beneš is actually a series of decrees, which were issued on during and after the World War II, especially for the German inhabitants in that state. The expulsions resulted from the Beneš Decrees

⁶⁷ Naimark, pp. 120-129.

⁶⁸ In 1959 Czeslaw Geborsky who was directed the camp in Lambinowic admitted that his main duty was “to exact revenge.” Quoted by Naimark, p. 130.

⁶⁹ Ibid., p. 132. The Operation Wisla was the code name that was named after Poland’s Wisla River. “Recovered Territories”, “Regained Territories” or “Western and Northern Territories” is the term used in Poland to describe the current-day Polish provinces of Pomerania, Silesia, Lubus Land and Warmia i Mazury which were taken from Germany and assigned (“restored”, “recovered”) to Poland by the Allies after World War II. Wikipedia. http://en.wikipedia.org/wiki/Operation_Vistula.

were independent events from the expulsions envisioned by the Potsdam Agreement. The Beneš Decrees referred to a number of acts of President Edvard Beneš who on the basis of a constitutional decree of 15 October 1940, exercised emergency powers, after having left the territory of Czechoslovakia for London. These powers also were exercised after President Beneš returned to Czechoslovakia. Including the 44 which were issued while he was exiled in London, Beneš issued 143 in total, 98 after his return at the end of World War II.⁷⁰ After the legislative power for Czechoslovakia was transferred to the provisional National Assembly on 28 October 1945 a specific constitutional law of 28 March 1946 confirmed all Beneš Decrees with retroactive effect as to their legal validity.

Some of the decrees dealt with issues of punishment of Nazi and occupation criminals, ensuring the seizure and confiscation of properties of the Nazi Reich on the territory of Czechoslovakia, of persons who had committed offenses against the Czechoslovak Republic, regardless of their nationality. However, Czechs and Slovaks who had collaborated with the Nazis were tried as individuals, but Germans and Hungarians were presumed guilty as a group and collectively stripped of their citizenship and property without compensation. For example, the decree of 21 June 1945 (No. 12) and Decree of 20 July 1945 (No. 28) concerned confiscation without compensation of property, particularly of German or Hungarian people. These confiscation decrees were supplemented by the decree of 25 October 1945 (No. 108), according to which all property rights of people of German or Hungarian nationality were confiscated except of those who had remained loyal to Czechoslovakia.

⁷⁰ “Legal Opinion on the Beneš Decrees and the accession of the Czech Republic to the European union”, *European Parliament Directorate-General for Research, Working Paper*, prepared by Prof. Dr. Dres. H.c. Jochen A. Frowin Prof. Dr. Ulf Bernitz, the Rt. Hon. Lord Kingsland, October 2002. For the full text of the report, European Parliament. http://www.euorparl.eu.int/stues/Benešdecrees/pdf/opinions_en.pdf (Thereafter “Report”)

Through the decree of 2 August 1945 (No. 33) Czechoslovak citizens belonging to the German or Hungarian nationality who had acquired German or Hungarian citizenship lost their Czechoslovak citizenship retroactively with the date of acquiring German or Hungarian citizenship. Some exceptions were made for those persons who had acted loyally towards Czechoslovakia. In 1945, Beneš who described the expulsion as “a great revolution” had said V. M. Molotov, who was the principal Soviet signatory of the Nazi-Soviet non-aggression pact of 1939, that “more than two millions Germans would have to be transferred but that approximately 800,000 workers would be allowed to mix among the Czech population and assimilate.”⁷¹

On the other hand some specific decrees on criminal law and procedure made it possible that persons could be tried in absentia because of a lack record of loyalty towards the Czechoslovak State during the occupation period. For example, the decree of 16/1945 provided for the death penalty in certain cases and also for severe and long term prison sentences. On 8 May 1946, the provisional National Assembly passed Law No. 115, Article 1 of which states as follows: “Any act committed between September 30, 1938 and 28 October 1945 the object of which was to aid the struggle for liberty of the Czechs and Slovaks or which represented just reprisals for actions of the occupation forces and their accomplices, is not illegal, even when such acts may otherwise be punishable by law.”⁷²

Because the Comintern⁷³ supported the minority rights in Eastern Europe, the Czechoslovakian Communist party had found itself in a difficult situation, but after a

⁷¹ Quoted by Naimark, p. 113.

⁷² Report, p.1

⁷³ The Comintern was also known as the Third International, was an international Communist organization founded in March 1919 by Vladimir Lenin, Leon Trotsky and the Russian Communist Party.

short hesitation period, the communist party leader Klement Gottwald announced that “power passed from the hands of the oppressive nation...the German nation, into the hands of the formerly oppressed nation, the Czech and Slovak nation –in this sense our revolution is a national revolution.” Particularly odious was the Beneš Decree of 8 May 1948 that declared all deeds (including the rape and murder of children) “justified acts of retribution” that could not be prosecuted. These murders were not even declared crimes for which amnesty might be granted to protect the murderer.⁷⁴ It must be noted that these decisions that are part of the Czech legal system because they were later ratified by the Czechoslovakian Parliament regarding what could be defined as “ethnic cleansing” were not ordered by Beneš himself, but were ordered and sanctioned at the conferences of the Great Powers at the Potsdam Conference of 1945.

On 8 June 1945, Soviet General Serov had written to L. P. Beria, who was the chief of the Soviet security and police apparatus, from Germany that “Daily, up to 5,000 Germans arrive in Germany from Czechoslovakia, the majority of whom are women, old folks and children.” According to Czech statistics in 1946, 5,558 Germans had committed suicide because of the horrible treatment they faced. After the expulsion of millions of ethnic Germans from Eastern Central Europe as well as from South-Eastern Europe, these persons had to find new homes and nationalities. According to the Sudeten German sources nearly 272,000 Germans died in the process of the forced transportation. By the fall of 1947, almost the entire German population of Poland had been transferred to Germany while the approximately one million German, including anti-fascists, communists, social democrats, were

⁷⁴ Compu.Serve.Our Words.<http://ourworld.cs.com/yertmr/Beneš.htm>

transported to the Soviet zone.⁷⁵ According to J. Jackson Preece, after these forced transportations, the term of “ethnic cleansing” had replaced the term of “genocide” at least in the mind of social scientists and lawyers in the West.⁷⁶

As a Comparative Case: The Armenian Issue

While the most historians and politicians tend to minimize the brutality in the forced deportations took place in 1940s, some historians and politicians tend to much emphasize the brutality of the Ottoman yoke in the case of the “Armenian Issue.”⁷⁷ There were some similarities between two cases, however some differences were much more apparent. The main difference was that the Armenian deportation and the tragedy that followed it occurred in the very beginning the twentieth century that is now called “modern age,” although the deportation of Germans took place in the heart of this age. One of the similarities was that either Armenians or Germans were accused of betrayal to the countries that they were citizens of them. The other aspect that similar each other was that the huge death toll resulted from these forced population transfers. The last similarity was that two transfers, regarding their methods of carriage and the results, were labelled at least as “ethnic cleansing.”

However, to understand the reasons behind the Armenian forced population transfer held in 1915-1916 and the way in explaining of the events by the Western sources, one should be examine the whole story of the Armenian presence in the

⁷⁵ Naimark, pp. 115-119.

⁷⁶ Jackson Preece, p. 54.

⁷⁷ The terminology employed to describe the events of 1915-1916 is always problematic. The terms of “issue”, “events”, “forced deportation” and “problem” are used interchangeably by the historians. I tend to use these terminology, with dashes, interchangeably, too.

Ottoman Empire and the ambition of the Great Powers over the Ottoman Empire together.

According to ancient sources, Armenia was first mentioned in sixth century BC, while some Armenian sources go back to 2200 BC. The retired diplomat and historian Kamuran Gürün, after examining several sources writes: “Since the very early days of history a particular region of Anatolia has been known as ‘Armenia.’ The people whom we now call ‘Armenians’ migrated to this region from the West. The earliest possible date at which they may have arrived in this region was in the course of the 6th century BC.” Gürün also concluded that there is no possibility of talking about an independent Armenia, or the existence of a united Armenian nation from this period to the establishment of the Armenian Kingdom in Cilicia in 1198.⁷⁸

Salahi Sonyel writes that in 1235, when the first great wave of Mongols led by Timur arrived to Anatolia, the Armenians had generally sided with Bayezid (Yıldırım) to defend Sivas province against Timur’s attack and they had lost their lives. Sonyel adds that some Armenians served the Mongols as interpreters, servants and soldiers, later.⁷⁹ The Kingdom had continued independently until 1375, when the region was seized by the Mamluks of Egypt.⁸⁰ In the sixteenth century, they witnessed the rivalry between the Ottoman Empire and Persian Empire and in the seventeenth century, Cilicia and most of the Armenian land in Eastern Anatolia were incorporated into the Ottoman Empire in the seventeenth century; while the Armenians on the Caucasus, what would later be Russian territory, were governed during these years by the Persians.

⁷⁸ Kamuran Gürün, *The Armenian File, The Myth of Innocence Exposed* (London.Nicosia.Istanbul: K.Rustem&Bro. And Weidenfeld&Nicolson Ltd., 1985), pp.9, 16.

⁷⁹ Salahi R. Sonyel, *The Ottoman Armenians* (London:K.Rustem&Brother, 1987), p.10.

⁸⁰ For a detailed account of this period see *The Cilician Kingdom of Armenia*, ed., T.S.R. Boase, (Edinburgh&London: Scottish Academic Press, 1978).

The governance of the Armenians by the Turks occurred by way of the *millet* system which was organized by a ferman (imperial decree) of Sultan Mehmed II in 1461. Millets were essentially religious denominations, a convenient way of grouping the non-Muslim minorities. Under the millet system, a group's spiritual leadership held official authority to manage its civil affairs under the greater authority of the Ottoman government. There were three major millets in the Ottoman Empire: Greek Orthodox, which included not only Greeks but also Serbs, Bulgarians, and various other Balkan nationalities; Armenian Apostolic, which had much in common with the Orthodox faith but had maintained its separateness on theological fine points; and Jewish. Armenians in most parts of the Empire were subject to the authority of the Armenian Patriarch of Constantinople. Those in Cilicia were under the Catholicosate of Sis, while in southern Syria, Lebanon, Cyprus, and Egypt the Patriarch of Jerusalem ruled the Armenian subjects. Within each millet, the spiritual leaders had vast civil powers over their constituents; as subject minorities, the people of the millets were heavily taxed and subjected by the laws to ongoing reminders of their inferior position.⁸¹

Throughout the centuries, the Armenian *millet* which was called as “the loyal *millet*” living in the six multiethnic *vilayets* (province) called Erzurum, Van, Bitlis, Diyarbakir, Sivas and Mamuretülaziz, which were traditionally known as the homeland of Armenia.⁸² In the nineteenth century, the Armenians were a nation divided in two geographically and by social class and in late nineteenth century the Ottoman Armenians were more “backward,” “poorer,” “less well-educated,” “less

⁸¹ George A. Bournoutian, *A History of the Armenian People, Volume II: 1500 A.D. to the Present* (Costa Mesa, CA: Mazda Publishers, 1994), pp. 7-8; Sonyel, pp.17-18.

⁸² These provinces correspond to the present provinces of Erzurum, Elazığ, Ağrı, Van, Hakkari, Bingöl, Sivas, Amasya, and Torak and to the region of Shebin Karahisar (Şebinkarahisar). Gürün, p.87.

urbanized,” than their brethren in Russian Armenia.⁸³ In the 1850s, about 200 wealthy Armenian men of the *amira*⁸⁴ class held offices in the empire, received special political immunities, and dominated the life of the Armenian millet throughout the empire. Although the *amiras*’ position was precarious, they, in fact, held his wealth and prestige at the pleasure of the Empire. The amiras were more influential within their millet, holding considerable influence over the Patriarch of Constantinople.⁸⁵ However, the majority of the Armenians in the Ottoman Empire were rural dwellers.

Below the *amira* class, there was a stratum of prosperous Armenian merchants whose work took them to all the modern trading centers of Europe as they dealt in spices, jewelry, and various luxury items of fabric and glass. According to a book written by Marcel Léart (it has asserted that this name was the assumed name of Kirkor Zohrap, an Armenian intellectual living in İstanbul), at the beginning of the nineteenth century, 141 of 166 exporters, 6,800 of 9,800 shop-owners and craftsmen were Armenians in Anatolia.⁸⁶ In the nineteenth century, the Armenian population was rounded between 1,260,000 and 3,000,000, according to the different sources.⁸⁷ In contrast to this glummy picture, the conditions of the Armenian people in the Anatolian vilayets were very complicated by fiscal pressures and double-taxation

⁸³ Ronald Grigor Suny, *Looking Toward Ararat: Armenia in Modern History* (Bloomington: Indiana University Press, 1993), p. 18.

⁸⁴ A word derived from Arabic “emir” meaning “prince” or “commander.”

⁸⁵ Hagop Barsoumian, “The Dual Role of the Armenian Amira Class with the Ottoman Government and the Armenian Millet (1750-1850),” in B. Braude and B. Lewis, *Christians and Jews in the Ottoman Empire*, 2 vols. (New York: Holmer & Meyer Publishers, Inc., 1982), vol. I, pp. 171-84, 192-219; Sonyel, p.19.

⁸⁶ Quoted by Gürün, p. 73.

⁸⁷ *Ibid.*, p. 86. The largest number had been estimated by the Armenian Patriarchate, while the smaller number was given by the Ottoman officials. The discrepancy between the numbers, in later cases, caused a great difficulty to count or estimate the number of death resulted from the forced population transfer (*tehcir*) in 1915-16 that we will examine in the coming part.

that one paid to the state and the other generally to the Kurdish tribes. Additionally there were also “feudal rent” abuses, corruption, and anarchy, extortions by tax farmers and usurers of muslim and non-muslim landlords, dispossession by mostly the Circassians and the nomadic Kurds.⁸⁸

The Great Power’s Interventions

Besides the political, cultural and economic changes, in the course of nineteenth century there was the increasing intervention of outside political forces. Especially after 1878, the rivalries, Austria vs. Russia, Austria vs. Serbia, Serbia vs. Bulgaria grew. The central issue in Balkan diplomacy at this time was the “Eastern Question”⁸⁹ that revolved around one issue: What should happen to the Balkans if and when the Ottoman Empire disappeared as the fundamental political fact in the southeastern Europe. In 1774, after Russia defeated Turkey, the Treaty of Kuchuk Kainarji (Küçük Kaynarca) included a clause which gave Russia the right to protect Christians living in the Ottoman Empire. Some articles of the Treaty of Bucharest of 1812, too, confirmed the political rights to protect the Orthodox Christianity in the Empire. The Truce of Adrianople, signed on 14 September 1829, recognized that Georgia, where the Armenians were living, became the part of the Russian Empire.⁹⁰

⁸⁸ Anaide Ter Minassian, “Nationalism and Socialism in the Armenian Revolutionary Movement (1887-1912),” in *Transcaucasia, Nationalism, and Social Change: Essays in the History of Armenia, Azerbaijan, and Georgia*, ed., Ronald Grigor Suny (Ann Arbor: University of Michigan Press, 1996), pp. 145-146

⁸⁹ M.S. Anderson, *The Eastern Question, 1774-1923* (London:MacMillan, 1966); Gerald David Clayton, *Britain and the Eastern Question: Missolonghi to Gallipoli* (London:University of London Press, 1971); G. Richard, “The Eastern Question and the Tanzimat Era,” in *The Armenian People from Ancient to the Modern Times*, v.II (Houndsmill, Basingstoke, Hampshire: MacMillan, 1997), pp. 182-184.

⁹⁰ Gürün, pp. 48-49.

The greatest check to Russian expansion took place after the Crimean War. By the Treaty of Paris of 1856 dated 30 March 1856, Russia lost much that she had gained. The time was just before that the Babiali had declared the Imperial Reform Edict in 18 February 1856, affirming the minority rights in the Empire, including the Armenians' rights. Since, the non-Muslim members of the Empire were never satisfied the rights offered by the Edict, the four great powers (Russia, Britain, France, and Austria) continued to intervene on the pretext of protecting non-Muslim minorities.⁹¹

During the period 1815 to 1878 Great Britain was Russia's most consistent rival for Balkan influence. British's Balkan interests derived from interests in the Eastern Mediterranean to secure the shipping lanes to India via Suez Canal. Britain intervened against the Turks in the Greek revolution in the 1820s because of Philhellenism and to block Russian influence, but went to war against Russia in 1853 on the Ottoman Empire's behalf, again to block Russian power. During the Napoleonic wars, France was a major threat to Ottoman rule. Napoleon's Army invaded Egypt in 1798. After defeat in 1815, France lost military and political influence restoring French influence in the Concert of Europe became a goal for its own sake. In the 1820s, France joined Britain and Russia to intervene on behalf of the Greek insurgents, partly to protect commercial interests, partly out of philhellenic sympathy for the Greeks. France also wanted to prevent a Russo-British alliance in the area, and to regain a role on the world stage after the defeat of 1815. Although Austrian (and later Austro-Hungarian) Balkan interests resembled those of Russia,

⁹¹ Ibid., p. 56.

Habsburg diplomats came to very different conclusions about plans to partition or annex Balkan territory that was the adjacent part of Hungary.⁹²

The Break-Up Period

During the last phase of the reform movement (Tanzimat) of the 1860s⁹³ the governments gave more rights to the minorities. However, Sultan Abdülhamid suspended the constitution of 1876 early in his reign and ruled as he saw fit. Despite pressure on the Sultan by the major European countries to treat the Christian minorities more gently, abuses only increased. The mid-to-late nineteenth century marked the years when the relationship became increasingly volatile between the Armenian and their Ottoman overlords. Several concurrent factors influenced this. Pressure was coming to bear on the Sultan from foreign powers, mainly the Russians and the British which became interested in the Empire after Küçük Kaynarca (1774), to institute reforms in the treatment of the empire's Christian minorities.

A recurring scenario throughout the nineteenth century was that the Sultan, either by his own initiative or under duress, announced a slate of reforms that would

⁹² The other "big power" Italy competed with Austria for influence over the Balkans. This rivalry was sharpened by Italian dreams of taking the whole Dalmatian coast away from Austria where an Italian minority lived. These Balkan ambitions made Italy a rival not only of Ottomans but also of Serbia, Montenegro and Greece. Germany that will be later became a vital partner for the Ottoman Empire, like Italy, was a newcomer to Great Power status. The Kingdom of Prussia had been important, but it was only after the unification by Bismarck between 1862 and 1870 that Germany gained real power and real responsibilities. Germany supported Austrian needs in Balkan affairs. After 1890's, German Balkan policy was a mixture of support for Austria, and economic and military investment in the Empire. For a detailed account: Kent, Marian. *Osmanlı İmparatorluğu'nun Sonu ve Büyük Güçler*, İstanbul:Tarih Vakfı Yayınları, 1999.

⁹³ The Tanzimat is a term of describing the period from 1830's to 1876 when the First Constitution was declared.

benefit Armenians.⁹⁴ The reforms, though not effective enough to make a lasting difference, still seemed threatening enough to the Turks and Kurds to evoke an anti-Armenian backlash. The middle class Armenians, meanwhile, were going through a cultural and political renaissance of their own, making them progressively more receptive to nationalist ideologies; this would cause them at least to appear as less of the “loyal millet” that the Ottomans requested them to be. The Armenian intelligentsia travelled Italy and France to study. Consequently they became acquainted with the French revolutions, the unification of Italy, and early form of socialism.⁹⁵ To make the situation more tense, several other Christian nationalities in the Balkans, through a combination of their own insurgencies and the intervention of outside powers, successfully gained independence from the sultan’s yoke in the nineteenth century. Greece, Montenegro, Romania, and Serbia all became nation-states during this period. For the Armenians to go this route would be intolerable in the minds of their Turkish rulers. As it happened, the Armenians did not have an independence movement during these years, but Ottoman hegemony over the Armenians was challenged by the military takeover by czarist Russia of some eastern Armenian provinces at various points in the century.⁹⁶

The Russo-Turkish War of 1877-78 made the grievances of the Armenians more of an international issue. The victorious Russians gained possession of five provinces largely inhabited by Armenians: Kars, Batum, Ardahan, Alashkert

⁹⁴ For a detailed account see: *Beginnings of Modernization in the Middle East in the Nineteenth Century*, eds., William R. Polk and Richard L. Chambers (Chicago:University of Chicago Press, 1968.)

⁹⁵ According to Salahi Sonyel, the Armenians from the upper classes began to send their sons to the European centers like Venice where a Roman Catholic Mekhitarist Order. Many of these young Armenians returned to home being imbued with the liberal and revolutionary ideas initiated from mainly the French Revolution of 1789. Sonyel, p. 20.

⁹⁶ Hans Lucas Kieser, *İskalanmış Barış* (İstanbul:İletişim Yayınları, 2005), pp. 25-40.

(Eleşkirt), and Bayazid. According to Article 16 of the Treaty of San Stefano, Russia also would continue to occupy the remaining Ottoman provinces of Western Armenia until the Sultan instituted the desired reforms.⁹⁷ However, Great Britain intervened and, as a measure to check Russian power, negotiated the Treaty of Berlin. Article 61 of the treaty read: “The Sublime Porte undertakes to carry out, without further delay, the improvement and reforms demanded by local requirement in the provinces inhabited by the Armenians and to guarantee their security....It will periodically make known the steps taken to this effect with the powers, who will superintend their application.”⁹⁸

The first Armenian party was the Armenian Party, established in the beginning of the 1880s by Migirdich Portakalian. The second party was the *Armenakan* party founded in 1885 by Portakalian’s disciples. In 1887 and 1890, after a decade of socialist agitation, often of the Russian *narodnik*⁹⁹ variety, some secret organizations which blended socialist ideology and Armenian nationalism, came into existence. The Hinchak (Bell) Party (after 1909, the Social Democratic Hunchakian Party) was organized in Geneva in 1887 with a doctrinaire Marxist bent and it advocated the use of terrorism to foster the independence of the six vilayets of eastern Anatolia. The Armenian Revolutionary Federation (ARF), known as *Tashnagzutiun* (or Dashnaktsutian), from which was derived the shorter word “Tashnag” by which members would come to be identified was born in Tiflis (Tbilisi

⁹⁷ For the the text of the treaty of San Stefano see *The Consolidated Treaty Series, 1648-1920*. Comp., Clive Parry. clvii, pp. 180-184; For the comprehensive evaluation of the treaty see: Alan John Percivale Taylor, *The Struggle for Mastery in Europe, 1848-1918* (London:Penguin Book, 1992), pp. 232-233; Yusuf Halaçoğlu, *Ermeni Tehciri* (İstanbul:Babiali Kültür Yayıncılık, 2004), pp. 28-30.

⁹⁸ Naimark, *ibid.*, p. 21; Richard G. Hovannisian, ed., *The Armenian Genocide, History, Politics, Ethics* (New York: St. Martin’s Press, 1991); Robert Melson, *Revolution and Genocide: on the Origin of the Armenian Genocide and of the Holocaust* (Chicago: University of Chicago Press, 1992.)

⁹⁹ The term of *narodnik* (in English “going to the people”) refers to the Russian revolutionaries who were active between 1860s and 1870s.

in Georgia in Caucasus) in 1890. The party had both “socialist revolutionalists” and “non-socialist revolutionalist nationalists.” According to Louise Nalbandian “the political goals of the Tashnaks were almost identical to the reform Project submitted by the Patriarch Nerses to the Berlin Congress, was expressed in the first editorial of *Droshak* (in English The Flag).”¹⁰⁰

In the summer of 1894 in Sassoun, the Armenians who refused to pay the double taxation imposed by the Ottoman government and the local Kurdish chieftains rose in a Hunchak-inspired armed rebellion. After two years of rebellion, in the end, thousands of Armenians were killed or wounded. Estimates of the death tolls differ. According to Caizer Wilhelm II, the total number was 80,000. While the British and French consulates were giving the number of 100,000-200,000, the the Patriarchate insisted on the number of 300,000.¹⁰¹ Kamuran Gürün asserted that the number of the non-muslim deaths were around 8,700 while the Muslim deaths were about 1,800.¹⁰²

On 26 August 1896, three armed Tashnags with explosives took over the Ottoman Bank¹⁰³ in Constantinople and demanded restoration of property and political reforms. According to Western sources, 4,000-6,000 Armenian were killed in the incidents. Gürün opposed the number and said that the figure could not exceed 172.¹⁰⁴

¹⁰⁰ Arsen Avagyan and Gaidz F. Minassian, *Ermeniler ve İttihat ve Terakki* (İstanbul:Aras Yayıncılık, 2005), p.13; Naimark, *ibid.*, p. 21; Louise Nalbandian, *The Armenian Revolutionary Movement: The Development of Armenian Political Parties Through the Nineteenth Century* (Berkeley and Los Angeles:University of California Press, 1963), pp. 152-168; G. Ronald Suny, *Looking toward Ararat:Armenia in Modern History* (Bloomington:Indiana University Press, 1993), pp.77-78.

¹⁰¹ Taner Akçam, *İnsan Hakları ve Ermeni Sorunu* (İstanbul:İletişim, 1999), pp. .87-90; Gürün p.161.

¹⁰² Gürün, p. 150.

¹⁰³ Ragıp Zarakolu, “İttihat-Taşnak İttifakının Anımsattıkları”, Network54. <http://www.network54.com>; Gürün, pp.156-9.

¹⁰⁴ Avagyan and Minassian, pp. 57-68 and 164-177.

In 1908, the reformist Young Turk faction of the Ottoman Empire marched on Constantinople and seized the instruments of power. A constitutional government was inaugurated on 24 July 1908. Sultan Abdulhamid (1876-1909), associated by Armenians with the “Hamidean massacres” of 1894-96, though allowed to keep his spiritual title of caliph, was deposed from any office of political leadership in April 1909. Many Armenians believed that a new era had begun for their status in the Empire. The Tashnag Party worked openly in concert with the insurgent regime, electing six of the twelve Armenian deputies to the newly created parliament. The Hinchaks responded warily, neither embracing nor actively opposing the new order.¹⁰⁵ As before, Ottoman loss of control over other nationalities and territories within the empire —the Austrian annexation of Bosnia and Herzegovina, the Bulgarian declaration of independence, the Greek annexation of Crete —caused Turkish conservatives to fear the disintegration of the empire. A 1909 conservative coup (in Turkish 31 Mart Vak’ası)¹⁰⁶ brought Abdulhamid back to the sultanate for ten days, during which time according to different sources 17,000-21,000 Armenians in Cilicia perished in what would be known as the Adana Massacres (in Ottoman Turkish *Adana İğtişası*).¹⁰⁷ Shortly after the events, Abdulhamid was exiled and his brother Mehmed Reşad V (1909-1918) ascended the throne in 27 April 1909.

The period from 1908 to 1912 was one of colliding interests in the Balkans and collapse of the system created by the Treaty of Berlin. In 1912, after long

¹⁰⁵ Cemal Paşa cites 17, 000 Armenian and 1, 850 Muslim victims in the incidents in his memoirs. Cemal Paşa, *Hatıralarım* (İstanbul: Selek Yayınları, 1959), p. 354. According to Hagop Babikian who was appointed by the Meclis-i Mebusan to investigate the incident, gave the number of 21,000. Akçam, pp. 127-128; Avagyan and Minassian, pp. 27-40 and 163; Naimark, p. 24-25.

¹⁰⁶ For a detailed account of the Coup see: İ. Hakkı Danişmend, *31 Mart Vak’ası* (İstanbul:Fatih Yayınevi, 1974.)

¹⁰⁷ Naimark, pp. 23-24; Akçam, pp. 129-131; Avagyan and Minassian, pp. 63-68 and 169-176; Gürün, pp. 166-170.

negotiations, Serbia and Bulgaria reached temporary agreement on the disposition of Macedonia, subsequent agreements by Greece with Serbia, Bulgaria, and Montenegro completed the Balkan League an uneasy alliance designed by Russia to finally push the Ottoman Empire out of Europe and curtail great-power meddling in the Balkans. The First Balkan War began in October 1912. However, the Bulgarians then overextended their position by a fruitless attack toward Constantinople. The war represented a stark defeat for the Ottoman Empire. After the defeat, much militant nationalism had already shown itself among Turks in fighting against those several Eastern European nationality groups —Greeks, Serbs, Bulgarians, Montenegrins— and their own nationalist aspirations.¹⁰⁸ Within the ranks of the Young Turks, the ideas of egalitarianism were steadily giving way to a rising sentiment of Pan-Turanism, the nationalistic vision of “Turkey for the Turks,” which so viewed the Armenians with suspicion in the wake of recent independence victories by other Christian nationalities, fearing what some future independence movements might part the empire into pieces.

The Treaty of London (30 May 1913) that had ended the first war stipulated only that the Balkan powers resolve existing claims among themselves. With the Treaty, Turkey ceded to the Balkan allies her territory in Europe beyond a line drawn from Enos near the mouth of the Maritza River on the Aegean Sea to Midia on the Black Sea. The final removal of the Ottomans after the Second Balkan War in 1913 from Europe posed the problem of dividing Ottoman territory and heightened the worries of the European great powers about balancing influence in that strategic region. The Treaty of Bucharest (10 August 1913) allowed Bulgaria to retain only

¹⁰⁸ Zafer Toprak, “Cihan Harbi’nin provası Balkan Harbi,” *Toplumsal Tarih Dergisi*, 104 (August 2002): 44-51.

very small parts of Macedonia and Thrace; Greece divided the rest, humiliating Bulgarian territorial claims and canceling the gains of the First Balkan War.

In that time, Armenians found their situation to be caught up in the geopolitical tensions between Turkey and Russia, the Armenians living in the Ottoman Empire suddenly looked hopeful.¹⁰⁹ The Armenian Reform Agreement of 8 February 1914 (known as Yeniköy Agreement) which divided the Eastern part of the Empire into two semi-independent parts that were governed by the foreign governors. But the Ottoman side renounced the agreement in November 1914.¹¹⁰ Also in late August, 1914, on the Turkish side of the line, a Turkish mission appeared at the annual congress of the Tashnag-controlled Armenian National Organization that was just finishing its session in Erzurum, a city in eastern Turkey close to the border of the Russian Empire, unsuccessfully entreating the Armenians to support an anti-Russian uprising which gave later a good excuse to start the Armenian forced deportation.¹¹¹

The Ottoman Empire entered the war in November 1914 and promptly launched invasions of Transcaucasia and Persia. In these winter campaigns, conscripted Armenians were among both the invading and the repelling armies. The invading forces of Enver Pasha at Sarikamish on the way of Transcaucasia and Khalil Pasha at Tebriz (Persian Azerbaijan) were effectively driven back in humiliation during the months of January and February, 1915. In the wake of these defeats, Enver and his circle presently began to blame the Armenians in their own ranks. The persecution began in the Ottoman army, where Armenian soldiers were stripped of

¹⁰⁹ Akçam, pp. 153-156.

¹¹⁰ Naimark, p. 28; Akçam, p.183.

¹¹¹ Avagyan and Minassian, pp. 202-5.

their guns and put to exhaustive manual labor. Armenian civilians, who had only been allowed to own guns since the Young Turk revolution, were also disarmed. The Ottoman government announced merely that, due to necessities of war, Armenians living in those provinces close to the war front were to be forcefully relocated. The first groups that were forced to deportation were from Zeitun (now Süleymanlı in Kahramanmaraş). On April 23-25, 1915, according to Esat Uras, 2,345, but according to the other sources 235 leading Armenian intellectual, cultural, and political leaders in the city of Constantinople were taken from their homes and some of them were shot, this scenario soon to be replicated throughout the empire.¹¹²

The Forced Transfers (*Tehcir*) of the Armenians

In May 1915, the general order to deport the Armenians from their homes to Syria. Similar orders were communicated to central and western Anatolian vilayets, as well as Thrace.¹¹³ When hundreds of thousands of Armenians living within the Ottoman Empire began to perish in the roads, the governments of France, Great Britain and Russia responded with an unprecedented declaration dated 24 May 1915, which asserted that “[i]n the presence of these new crimes of Turkey against humanity and civilization, the allied Governments publicly inform the Sublime Porte that they will hold personally responsible for the said crimes all members of the Ottoman Government as well as those of its agents who are found to be involved in

¹¹² Uras, p. 612; Gürün, p. 204; Akçam, p. 228.

¹¹³ Akçam, pp. 253, 294-308.

such massacres.”¹¹⁴ According to the different sources, 300,000 to 1,500,000 Armenians died during the 1915-1916 marches with several reasons. The exact number of the people who forced to move from their homes is not known. For example, according to the report submitted by the Ministry of the Interior to the Grand Vizier on 7 December 1916, the number of dislocated individuals was about 702,000.¹¹⁵ According to the register book of Talat Pasha, who was the most influential leader of the CUP, the number of the transferred population was 924,128.¹¹⁶ Consequently, the death numbers ranging between 300,000 and 1,500,000 are very controversial. For example Kamuran Gürün after investigating different sources from both sides has concluded that the death number “[D]id not exceed 300,000. It is obvious that among these casualties the number of deaths which occurred for whatever reason during the emigration will be less than this figure, and the number of those who can be considered as having been killed will be even less.”¹¹⁷ According to Arnold Toynbee who was the one of the compilers of the Blue Book which was a product produced by the British Intelligence Service and was formally named as *The Treatment of Armenians in the Ottoman Empire, 1915-16*, the death toll was 600,000,¹¹⁸ while according to the report of the Commission which was established by the effort of Mustafa Arif (Deymer) Bey, the Interior Minister, the deaths were 800,000.¹¹⁹ The book was published in 1928 by the Chief Military

¹¹⁴ Viscount Bryce and A. Toynbee. *The Treatment of Armenians in the Ottoman Empire 1915-16* (London, HMSO, 1916); Henry Morgenthau, *Ambassador Morgenthau's Story* (New York:Doubleday 1918). Reissued by Reading, England:Taderon Press, 2000; Akçam, pp. 295-315.

¹¹⁵ Gürün, p. 214

¹¹⁶ Murat Bardakçı, *Hürriyet*, 24 April 2006.

¹¹⁷ Gürün, p. 219.

¹¹⁸ Quoted by Gürün, p. 217. For a critics about *the Blue Book's* reliability see:

¹¹⁹ Akçam, p. 309.

(Genel Kurmay Başkanlığı) said that “800,000 Armenians and 200,000 Greeks died because of the forced deportation and massacres.”¹²⁰ Additionally while the Armenian side claims that the state killed these people consciously, the Turkish side claims that most of these people died due to hunger, famine, epidemic diseases, the negative conditions of war, bad weather and some of them were killed in the local ethnic disputes.

The Armenian historians and even some of the Turkish people claimed that thousands of people could not have died because of famine or epidemic disease in such a short period of time. According to them, the negative circumstances of the war, surely, led to death of some Armenians, but this number could considerably be limited.¹²¹

After the World War I

After the Armistice of Mudros was signed, domestic Court-Martials began on 27 April 1919. These courts were designed by Sultan Mehmed V who blamed the Committee of Union and Progress (CUP) for the destruction of the empire by pushing it into the World War I. “Armenian Issue” was used as a tool in these courts to punish the CUP leadership. Most of the documents generated in these courts later were moved to international trials.¹²² Talat Pasha and Enver Pasha had left İstanbul before 1919, on the fact that Sultan Mehmed VI would not accept any verdict that did not include their life. Court-Martials disbanded the CUP and all the assets of the

¹²⁰ Yusuf Hikmet Bayur, *Türk İnkılap Tarihi*, C.III, Part IV (Ankara:Türk Tarih Kurumu, 1991), p. 787.

¹²¹ Akçam, p. 309;

¹²² Akçam, pp. 453-471; Gürün, p. 231-32

organization were transferred into the treasury. Subsequently, on 18 January 1919, the British High Commissioner, Admiral Arthur Calthorpe, informed the Turkish Foreign Minister that “his Majesty’s Government are resolved to have proper punishment inflicted on those responsible for the Armenian massacres.”¹²³

Three pashas (Talat, Enver, and Cemal) were found guilty in absentia by an Ottoman court martial on 5 July 1919, of “the organization and execution of the crime of massacre” against the Armenian population.¹²⁴ In this context, the High Commissioner drew up a list of 144 persons whose surrender would be demanded from the Sultan once the peace treaty went into effect, 130 of whom were specifically charged with massacring Armenians. Kamuran Gürün talks about the events:

“Immediately following the First World War, when the Allied armies occupied Istanbul and other key parts of the Ottoman Empire, several hundred prominent Turks were arrested. Then, one night in May 1919 a group of selected prisoners were seized by the British army, embarked onboard HMS Princes Ena, and at once deported to Malta. Arrests and deportations continued up to November 1920. About one hundred forty Turks were deported to Malta by the British authorities during the years of 1919 and 1920.”¹²⁵

Further trials were conducted before other Ottoman courts, partly on the basis of Article 171 of the Ottoman Military Code concerning the offence of the plunder of goods, and invoking “the sublime precepts of Islam” as well as “humanity and

¹²³ Dadrian, Vahakian N. “Genocide as a Problem of National and International Law. The World War I Armenian Case and its contemporary Legal Ramifications,” *Yale Journal of International Law*, (1989), 14, p. 282.

¹²⁴ William A. Schabas, *Genocide in International Law* (Cambridge: Cambridge University Press, 2000), p. 21.

¹²⁵ N. Bilal Şimşir, “The Deportees of Malta and Armenian Question” in *From Proceedings of Symposium on Armenians in the Ottoman Empire and Turkey (1912-1926)*, Boğaziçi University Publications (İstanbul, 1984), pp. 26. For the online version see: Assembly of Turkish American Association. <http://www.ataa.org/ataa/ref/malta.html>.

civilization” to condemn “the crimes of massacre, pillage and plunder.”¹²⁶ An agreement for the “Immediate Release of Prisoners” was signed between Bekir Sami Bey, Turkish Minister of Foreign Affairs, and Robert Vansitart, a member of British Foreign Office on 16 March 1921, in London. It stipulated the release of all 22 British prisoners in Turkey and repatriation of 64 Turkish deportees at Malta. Out of originally 144 deportees at Malta 56 persons were selected by H.M. High Commissioner at Istanbul for prosecution. On 1 October 1921, all Turkish deportees at Malta, to the number of 59, were embarked on board HMS Crysanthemum and FRA Montenol, and the ships sailed for Turkey. To sum up, the political figures who were accused of Armenian persecution were arrested and deported without any serious investigation.¹²⁷ Kamuran Gürün informed that, in 1922, the League of Nations claimed that “hundreds of thousands of Armenians and Greek children and women were still in the ‘harems’ in Turkey” and the writer Halide Edip (Adivar), in her book, mentioned her some observations about the tragic fate of the Armenian orphans.¹²⁸

According to the Treaty of Sèvres, signed 10 August 1920, Turkey recognized the right of trial ‘notwithstanding any proceedings or prosecution before a tribunal in Turkey’ (Art. 226), and was obliged to surrender “all persons accused of having committed an act in violation of the laws and customs of war, who are specified either by name or by rank, office or employment which they held under

¹²⁶ Vahakian N. Dadrian, “Genocide as a Problem of National and International Law: The World War I Armenian Case and its Contemporary Legal Ramifications,” *Yale Journal of International Law*, 14, No. 2 (1989):308.

¹²⁷ Şimşir, pp.38-39.

¹²⁸ Halide Edip (Adivar), *The Turkish Ordeal* (London: John Murray, 1928), pp.16-18. Quoted by Gürün, pp.233-4.

Turkish authorities.”¹²⁹ Because of the post-World War I international political disarray, the rise of the Soviet Union, the withdrawal of British military presence from Turkey, the isolationist policies of the United States,¹³⁰ the abdication of the Sultan and the rise of Kemalism in Turkey, the Treaty of Sèvres was never ratified. No international criminal tribunal as envisaged in Article 230 was ever established. No arbitral commissions as stipulated for in Article 144 were ever set up.¹³¹

The new nation-state and its leader, Mustafa Kemal and his fellows so openly and emphatically rejected their Ottoman cultural heritage denied his Unionist credentials, liquidated those Unionists who challenged his authority, and claimed his passage to Anatolia on May 19, 1919, was the starting point of the War of Independence that eventually led to the establishment of the Turkish nation-state.¹³² The Treaty of Sèvres was replaced by the Treaty of Lausanne of 24 July 1923 that contained no clause in concerning the Armenians while Articles 37-44, which concerned minorities, naturally would be applied to the Armenians. The treaty also contained a “Declaration of Amnesty” for all offences committed between 30 October 1918 and 20 November 1922.¹³³

¹²⁹ William A. Schabas. “The ‘Odious Scourge’:Evolving Interpretations of the Crime of Genocide”, Paper For presentation to the Fourth Law Congress of the Ankara Bar Association Conference, Ankara, 4-6 January 2006. p.1.

¹³⁰ U.S. Ambassador Henry Morgenthau had called the massacres “race murder” and that on 10 July 1915 he had cabled Washington with the following description of the Ottoman policy. Quoted by Samantha Power, *A Problem from Hell. America and the Age of Genocide* (New York: Basic Books, 2002), p. 6.

¹³¹ Quated by Alfred Zayas, “The Genocide against the Armenians 1915-1923.”

¹³² Zeki Çevik, “Cumhuriyet’in İlk Yıllarında İttihatçıların Tasfiyesi,” *Yeni Türkiye Dergisi*, N.44 (Mart Nisan 2002), pp. 496–550; For an attempt to establish the degree of continuity and change between the empire and the republic see Erik-Jan Zürcher, “From empire to republic problems of transition, continuity and change,” University of Leiden. <http://www.let.leidenuniv.nl/tcimo/tulp/research.htm>.

¹³³ Schabas.“The ‘Odious Scourge”, p. 4; Gürün pp. 293-295. Akçam, 453. For the full text of the Lausanne Treaty and its supplementaries in Turkish see: Stratejik Araştırma ve Etüdler Komitesi. http://www.saemk.org/belge_detay.asp?bid=22&dba=104&id=0&dil=tr. The U.S.A did not signed the Lausanne Treaty, since it was not in a war with the Ottoman Empire.

The Historical Narratives

As was discussed in the preface, Turkish historiography on the Armenians can be viewed within three historical periods, each with its own distinct narrative. The first is based on contemporaneous accounts pertaining to the Ottoman Armenians and the Armenian deaths of 1915-16, published either by the Turkish state or by opposing political groups. The second emerges from works written with the intent to justify, document, and prove the nationalist narrative of the Turkish state. It explicitly denies the allegation that an Armenian “genocide” occurred in 1915-16 and is often published or kept in circulation by the Turkish state. The third is found in works that directly or indirectly are critical of the nationalist master narrative but that do not, in most cases, focus specifically on the Armenian deaths of 1915-16.¹³⁴

The first narrative reveals a very strong tension between two world views. Some of the authors maintain a more traditional Ottoman imperial view and regard the existing structure of empire as just and the position of the Armenian subjects within it reformable; they also blame the events on both the Armenian subjects and the Muslim officials who deviated from Ottoman norms under pressure from European powers. Other authors, however, display a more “protonational” state view and perceive the existing structure of the empire as inadequate and the position of the

¹³⁴ This narrative is established in works such as Türkkiye Ataöv, *The Armenians in the Late Ottoman Period* (Ankara: TTK, 2001); Kamuran Gürün, *Ermeni Dosyası* (Ankara: TTK, 1983); Mim Kemal Öke, *Ermeni Sorunu 1914–1923* (Ankara: TTK, 1991); Salahi Sonyel, *The Great War and the Tragedy of Anatolia. Turks and Armenians in the Maelstrom of Major Powers* (Ankara: TTK, 2000); N. Bilal Şimşir, *The Genesis of the Armenian Question* (Ankara: TTK, 1983); Esat Uras, *Tarihte Ermeniler ve Ermeni Meselesi* (İstanbul: Belge, 1953.)

Armenian subjects within it problematic, they give priority to the preservation of the state and its Muslims over all other concerns.

The central tension in the Ottoman investigative narrative regarding the Armenian deaths and massacres in 1915-16 is over the attribution of responsibility for the crimes. Not only did the Ottoman state acknowledge what happened, but it also published the proceedings of the military tribunal that tried some of the perpetrators. According to some sources, the tension over responsibility mounted especially after World War I, with the defeat of the Ottoman Empire; the Treaty of Sèvres, signed between the Allied powers and the empire, put forward the Armenian “ethnic cleansing” as a reason not only to take away Ottoman lands where there were significant minorities but also to establish the conditions for an Armenian homeland. Works on the subsequent transition from the Ottoman Empire to the Turkish state illustrate how responsibility for the crimes gradually shifted from the perpetrators to the victims.

Yet the Armenians had exactly the opposite narratives. Since the treaties of Sèvres and Lausanne offered contradictory solutions for the Armenians and the Turks, and this also comes through in the subsequent narratives the two sides have formulated. The discussion of the Treaty of Sèvres psychologically effected both sides from different aspects, for Turkish side, it brought back memories of the insecurity and the impending doom of destruction felt before and during the War of Independence. The nulification of the Treaty of Sèvres upset down the Armenians who had almost had a homeland of their own. The Treaty of Lausanne, however, became, for Turks, one of birth, celebration, and rejoicing; it recalled the pride and

glory, while, with the ratification of it, the Armenians had to buried all hopes to regain their legacy.¹³⁵

Many scholars have noted how Western imperialism aggravated this surrendering on both sides. The role of another social actor—nationalism—needs to be emphasized in contextualizing past and present Turkish and Armenian narratives. Nationalism, with the foreign intervention, especially coming from Germany, polarized the Armenians and the Turks and caused them each to challenge the other's existence.¹³⁶

¹³⁵ For some examples of this narrative see G. Chaliand and Yves Ternon, *Génocide des Arméniens 1915-16* (Brussels:Complexe, 1980); Vhakian N. Dadrian, *History of the Armenian Genocide. Ethnic Conflict from the Balkans to Anatolia to the Caucasus* (Providence/Oxford:Berghahn Books, 2004); Dadrian, "Armenians in Ottoman Turkey and the Armenian Genocide", in Dinah Shelton ed., *Encyclopedia of Genocide and Crimes Against Humanity*, (New York:Macmillan Reference, 2004.)

¹³⁶ For a detailed account of the issue see: Vahakian N. Dadrian. *German Responsibility in the Armenian Genocide: A Review of the Historical Evidence of German Complicity* (Cambridge, MA.:Blue Craine Books, 1996.)

CHAPTER II

METHODS EMPLOYED BY THE EUROPEAN UNION TO SOLVE
HISTORICAL DISPUTES BETWEEN MEMBER STATES

To solve these complicated historical problems is not an easy task for the EU, like the nation-states faced with them. To restitute the historical injustices in both international and domestic conflict resolutions has become a significant trend in contemporary politics world-wide. Restitution debates involve cases where the perpetrators do not accept responsibility, or others where the victims do not deserve consideration. According to Elazar Barkan, restitution has come to constitute a growing role in human rights. This phenomenon provides particular insights into national and international debates during the last generation about the extension of Enlightenment principles and human rights to peoples and groups previously excluded from such considerations, and how such extensions potentially alter the very conceptualization of those principles and rights. Barkan asserted that “[a] theory of conflict resolution based on restitution may illuminate the efforts by many nations and minorities to gain partial recognition and overcome conflicting historical identities through the construction of a shared past.”¹³⁷ To reach a comprehensive achievement in this arena a combination of methods and tools (such as philosophies, policies, institutions, and initiatives) is being employed by the EU.

¹³⁷ Elazar Barkan, “Restitution and Amending Historical Injustices International Morality,” in John Torpey ed., *Politics and the Past: On Repairing Historical Injustices*, (Lanham, MD: Rowman & Littlefield Publishers, 2003), pp. 95 and 102.

The Apology Policies

According to some social scientist the first and most important “tool” is conducting “apology policies.” The politics of apology has become an increasing trend all over the world, not only in Europe, so much so that the twentieth century has been called the “Age of Apology.”¹³⁸ These apologies have been offered by a variety of entities, such as individuals, professional and commercial organizations, religious leaders, state representatives, governments and heads of state, all apologizing for different wrongdoings in the past.¹³⁹ There have been different attempts to explain why we have encountered an inflation of apologies; most of these explanations revolve around terms such as globalization, the decline of nation states, the moralization of the world, and the Holocaust.¹⁴⁰ Here is a brief review.

Elazar Barkan explains the increase in the number of apologies worldwide by highlighting a “new emphasis on morality.” According to him, “international morality” embodied in human rights laws and norms is a primary determinant for the global phenomenon of apology. He states that the “unfolding of guilt around the globe” has led to different strategies of apology. Barkan also points out that “*Realpolitik* – the belief that realism rather than ideology or ethics should drive politics - was the stronghold of international diplomacy. But beginning at the end of

¹³⁸ Roy L. Brooks, “The Age of Apology,” in Roy L. Brooks ed., *When Sorry Isn't Enough* (New York, London: New York University Press, 1999), p. 3.

¹³⁹ For a list of apologies conducted by different groups see: <http://reserve.mg2.org/apologies.htm>; See also Michael Cunningham, “Saying Sorry: The Politics of Apology,” in *The Political Quarterly*, 70 N.3 (1999):285.

¹⁴⁰ For a summary of some approaches, see Melisa Nobles “Assessing the Effects of International Human Rights on the Emergence of Domestic Official Apologies,” Paper prepared for presentation at the American Political Science Association Meeting, Philadelphia, PA, 28-31 August 2003.

World War II, and quickening since the end of the Cold War, questions of morality and justice have received growing attention as political questions. As such, the need for restitution to past victims has become a major part of national politics and international diplomacy.”¹⁴¹

One new measure of this public morality is the growing political willingness to admit one’s historical guilt. As a result of admitting their guilt the perpetrators may expect to have a clearer conscience, and even a direct political payoff.¹⁴² Jacques Derrida believes the fervor for reconciliation arises because this is the age of a humanity in which one must not only reconcile everyone to everyone, but also must excise and forgive all the horrors of its past.

Derrida presents us with a purely ethical grounding for forgiveness, apology and reconciliation. He argues that we live in an age of reconciliation, and that this was made possible only after events such as the Nuremberg trials and the universal declaration of human rights created the category of “crimes against humanity.” Reconciliation is linked to a growing sense of universalism about “humanity,” and therefore also to the age of globalization. He writes, “Here is a humanity shaken by a movement which would like itself to be unanimous; here is a human race that would claim to accuse itself, all at once, publicly and spectacularly, of all the crimes committed in effect by itself against itself, ‘against humanity.’”¹⁴³

Another explanation is given by Jurgen Habermas, who suggests the temporal horizon of history has been reversed. Today, the horror of the past and the remembrance of the victims replace the attraction of utopias of the nineteenth

¹⁴¹ Barkan, p. 91.

¹⁴² Elazar Barkan, *The Guilt of Nations: Restitution and Negotiating Historical Injustices* (New York: WW. Norton, 2000), p. xvii.

¹⁴³ Jacques Derrida, *On Cosmopolitanism and Forgiveness* (London: Routledge, 2001), pp. 29, 46.

twentieth centuries, which dominated our view of the future and ourselves. Ironically, these very utopias were the source of many of the victims we now recall. It is only remembrance of the victims, and not the utopia itself, that is able to provide the unquestionable basis of our moral judgments, which is an important part of the universal collective identity.¹⁴⁴ For John Torpey, political apology is a product of international norms in general and the success in promoting awareness of the Holocaust in particular. He states that the Holocaust set the global “standards” for apology.¹⁴⁵

Bernard Giesen rejects different cultural patterns, such as cultural sacrifice or the collapse of “great utopias,” as convincing as they might be, as the only grounds for the rise of the new pattern of collective identity.¹⁴⁶ One reason is that the collapse of “great utopias” and the turn toward memory has occurred in different nations to varying degrees. He explains the remembrance of the new ritual of confession in the changing condition of international communication and observation. Through the rapid acceleration of communication and the decreasing importance of distance between peoples, cultures and regions, the “others” are no longer invisible aliens, but so close that we can see them everyday and communicate with them. So the old clichés for defining “others” in very derogatory terms no longer serves a function. One result is that in our discourse it is no longer able to speak of the pride of our annihilation of the enemy or celebrate our past victories, which are based on ethnic purity and the exclusion of others. He further states that these cultural remembrances can only survive if they are shifted from the level of serious and solemn national

¹⁴⁴ Quoted by Bernhard Giesen, “The Trauma of Perpetrators,” in Jeffrey C. Alexander, Roy Eyerman, Bernhard Giesen, Neil J. Smelser, Piotr Sztompka eds., *Cultural Trauma and Collective Identity* (Berkeley, Los Angeles, London: University of California Press, 2004), p.146.

¹⁴⁵ John Torpey, “Making Whole What Has Been Smashed: Reflection and Reparations,” *Journal of Modern History*, 73 (June 2001):334 and 338.

¹⁴⁶ *Ibid.*, pp. 151-4.

ritual to the level of harmless folklore. The new recollections should not offend outsiders and might even attract the attention of tourists. One way of defining self-identity is by constructing a non-political image of the victimized group to which outside observers can respond. The focus is now on the victims instead of the victors, on the past instead of the future, on the similar fate of the outsiders instead of the homogeneity of the insiders, on the discontinuity between past and present, instead of the continuity.

Jeffery K. Olick and Brenda Coughlin, disagreeing with this position, hold that the “rise of regret in all its forms is a sign of the failure of the state to generate adequate psychological defense mechanisms, not of the state’s success in doing so.” According to them, regret reflects the decline, rather than the triumph, of the collective, such as the nation-state.¹⁴⁷ Another approach is that of Alexandre Kojève, who develops from Hegel’s *Phenomenology of Spirit* a model of a fundamentally bellicose human consciousness that is initially at war with all other human consciousnesses. The desire for recognition and the fear of death are the engines of Kojève’s history. He defines reconciliation as simply the cessation of fighting, and describes an end-state wherein people are certainly reconciled to each other, in the sense that they have stopped fighting. The origin of this thought, particularly as Hobbes developed it from Machiavelli, focuses intensely on the conditions under which a simple pragmatic reconciliation- the mere cessation of fighting- can be brought about.¹⁴⁸

¹⁴⁷ Jeffrey K. Olick and Brenda Coughlin, “The Politic of Regret: Analytical Frames,” in John Torpey ed., *Politics and the Past on Repairing Historical Injustices* (New York, Oxford: Rowman & Littlefield Publishers Inc, 2003), p. 56.

¹⁴⁸ Alexandre Kojève, *Introduction to the Reading of Hegel* (Ithaca: Cornell UP, 1969), pp.7-9.

From the same realistic school Stephen Walt's balance of threat theory builds upon the factors related to power and intentions that states have. Walt argues that states evaluate three factors related to its ability to project power (aggregate power, offensive power, and geographic proximity), in addition to evaluating the other state's intentions. However, Walt does not discuss how states measure each other's intentions: which indicators they examine, and how they interact with power factors. His apology theory posits that apologies reduce the perception of threat. Conversely, the absence of apologies increases the perception of threat. States that admit and express remorse for past offenses will appear to have benign intentions. States that glorify, deny, or remain silent about past offenses will appear to have malign intentions. The theory makes two general predictions. First, it predicts that as apologies increase, the perception of threat should decrease; that is, as a state's apologies increase, the perception of threat in the eyes of another country should decrease. Second, observers in the other country should discuss policies of remembrance, and should say that they influence their threat perception.¹⁴⁹

Of course, it is possible to offer another cynical explanation for the growing trend of apologizing: it doesn't cost anything. "[M]any of these efforts—perhaps the whole lot of them— [are] nothing more than a cheap effort at assuaging lingering guilt concerning some misdeed from the past."¹⁵⁰ As a result, the apology becomes an empty gesture that political analysts and journalists have mostly dismissed. Even though there could be some truth in this assessment we have to consider that state apologies could play a far more significant role in terms of developing new norms

¹⁴⁹ Jennifer M. Lind, "Apologies and Threat Reduction in Postwar Europe." Paper prepared for delivery at the Memory of Violence Workshop, Massachusetts Institute of Technology, January 24-25, 2003, p. 4-5.

¹⁵⁰ Mark Gibney and Erik Roxstrom, "The Status of State Apologies," *Human Rights Quarterly*, N.23 (2001): 912-3.

and standards in international relations. For Michel-Rolph Trouillot, the wave of apologies at the political level express the triumph of liberal individuals over the collective. In our global world, he argues, we perceive collective groups as if they are individuals and attribute some characteristics of individuals, such as shame, honor, guilt, dignity, and pride to the collective. So we expect collectives to interact within these established moral categories.¹⁵¹

Ian Buruma also highlights controversial aspects of the tendency to focus on identity through victimization in contemporary society. “What is alarming” wrote Buruma, “is the extent to which so many minorities have come to define themselves above all as historical victims.” Not only does it “reveal... lack of historical perspective,” but it also “seems a very peculiar source of pride.”¹⁵²

Importance of Apology Politics in the Armenian-Turkish Case

This means Turkey and Armenia, as neighboring states, which are both in a transitional process, should approach the conflict as a part of their transition to democracy: Turkey in its admission process to the European Union and Armenia in its new reality as an independent state after separation from the USSR. Both nations should deal with their pasts as a part of their democratization process and try to redefine themselves and their perception of the other’s identity. To succeed at this, each needs to create a new and profound re-definition of the other in terms of the present, rather than the past. However, for this to occur, both societies must come

¹⁵¹ Michel-Rolph Trouillot, “Abortive Rituals, Historical Apologies in the Global Era,” *Interventions*, 2, no: 2 (2000):171-186.

¹⁵² Ian Buruma, “The Joys and Perils of Victimhood,” in *New York Review of Books*, 46, no.6, (April 1999). New York Review of Books. http://www.nybooks.com/articles/article-preview?article_id=525.

into interaction with each other, making a clear distinction between the present and past, and not be imprisoned in the past.

The current Turkish-Armenian relations can be characterized as glossing over every difference between the past, present and future with no distinctions; with this erasure of the boundaries between periods of time, a sense of timelessness has resulted. As Tina Rosenberg has observed about Eastern Europe, “The first lesson I learned was that many countries are not dealing with the past, because the past is still with them.”¹⁵³ Similarly, the current Turkish-Armenian relations are plagued by the continuing presence of the past and, thus, the “sameness” of the actors in their behavior, mutual relations, and perspectives. Today’s actors, standing behind the historical figures of their ancestry, continue to behave toward one another as their predecessors did. For this “sameness” to be credible, it must tacitly be assumed that collective identity remains relatively stable over time. Between the past harm and the present atonement, a fictive genealogy from the original perpetrator and victim to their representatives today must be established. As a result, in constructing this lineage, a sense of “sameness” is created between present-day collectives and their counterparts in the past. Through this operation, the collective actors can be imagined as a-historical abstracts. This mentality approaches history from a double perspective. On the one hand, history is discarded in order to link past actors to their current representatives. On the other hand, it uses a particular event of history to define these groups in relation to each other.

As a result of this merging of the past and present into a timeless zone, history also becomes frozen. Certainly, the Cold War era contributed to this freezing of time, and with the meltdown of the USSR, they emerged from the ice frozen in the past.

¹⁵³ Quoted in Martha Minow, *Between Vengeance and Forgiveness* (Boston: Beacon Press 1998), p. 120.

Consequently, both parties continue to view the current process within the context of the time when time froze, i.e. during the creation of their states in the early twentieth century. That the differences between past and present cannot be distinguished and that the parties still are prisoners of their pasts is a strong sign that both societies are traumatized. The only way for these traumatized societies to learn how to distinguish between past and present and how to build a future is to confront their past, their shared histories, and to interact directly with one another.

The German Reconciliation Policies

Lily Gardner Feldman asserts that the EU policy of “apology” is different from the “realistic” or “ethical” approaches. She also assumes that “the peace building process has not possessed only an instrumental purpose, it encompasses a differentiated sets of actors and institutional activities.” While drawing our attention to the links between reconciliation and legitimacy –both internal and external- is very important in the EU expansion debate¹⁵⁴ Feldman says that in the last decade two different schools have emerged: One is the forgiveness school, which does not neglect the pragmatic sides but emphasizes moral imperatives rooted in philosophical or in some instance, in religious thought. The other equates reconciliation with rapproachment and is more interest-based.¹⁵⁵ Considering these, it is possible to say that one who wants to understand the EU’s reconciliation policy, should consider

¹⁵⁴ Lily Gardner Feldman, “Reconciliation and Legitimacy, Foreign Relations and Enlargement of the European Union”, in Thomas Banchoff and Mitchell F. Smith ed., *The Legitimacy and the European Union: the Contested Polity* (London:Routledge), p. 67.

¹⁵⁵ *Ibid.*, p. 69.

together the philosophical/emotional aspects and the practical/material aspects of the issue.

Over the past fifty years, Germany has made numerous efforts to atone for its World War II aggression and atrocities. German apologies, reparations, and education about its past actions are praised as a model for other states. Today Europe appears to be in a state of deep peace; great-power war among the European states appears nearly inconceivable. Scholars and journalists have argued that German apologies have helped reduce the perception of a German threat in Europe.¹⁵⁶ Since its founding in 1949, the Federal Republic of Germany has worked to face up to the crimes committed by the Nazi regime and acknowledged its obligation to provide material restitution.

According to Jennifer M. Lind, German policies of remembrance can be traced in three time periods: The Early Phase (1945-50s), the Middle Phase (1960s–80s) and the Late Phase (1990s and 2000s). Lind coded the first case “reflecting Amnesia”, the second and the third case both as “Apologetic.” In the first case, under the leadership of West German choncellor Konrad Adenauer, Germans mainly had focused on their own suffering, and chose to ignore the suffering of Nazi Germany victims. Adenauer said, “The government of the Federal Republic, in the belief that many have subjectively atoned for a guilt that was not heavy, is determined where it appears acceptable to do so to put the past behind us...”¹⁵⁷

¹⁵⁶ Gardner. “The Principle and Practice of ‘Reconciliation ‘in German Foreign Policy: Relations with France, Israel, Poland and the Czech Republic,’ *International Affairs*, 75, no: 2 (April 1999):333-357.

¹⁵⁷ Jennifer M. Lind, “Apologies and Threat Reduction in Postwar Europe.” Paper prepared for delivery at the Memory of Violence Workshop, Massachusetts Institute of Technology, January 24-25, 2003, p.10.

In the middle phase of the 1960s-1980s, the West German remembrance was influenced by two important political transitions. In the late 1960s the Left gradually gained power and ruled until 1982, in what was called the social-liberal era. Second, in 1982, the conservatives regained power, and under their leadership policies of remembrance reflected less emphasis on Nazi crimes; more and more people argued that Germans should move forward from their past. However, despite increasing controversy about the past, West Germans continued to admit and regret Nazi crimes. According to Lind, Statements of German leaders during this period increasingly reflect a more apologetic approach to the past. However, some leaders encouraged people to move forward, and argued against collective guilt. For example in 1978 Chancellor Helmut Schmidt said *Kristallnacht* and the complaisance of ordinary Germans in persecuting Jews was “a cause of bitterness and shame.” Schmidt emphasized that Germans had to reflect on this past.¹⁵⁸ On the 40th anniversary of Bergen-Belsen’s liberation, Chancellor Kohl gave a speech in which he enumerated Nazi crimes and singled out the Jewish people as the most victimized. He rejected the “we didn’t know” defense, and exhorted Germans to remember their past. Finally, in April 1987 West German leaders offered apologies to Israeli President Chaim Herzog upon his visit to Bonn.

The other important component of the political debate was an academic debate (in German *Historikerstreit*) which took place between 1986-1989 that started an essay entitled "The Past That Will Not Pass Away," written by the German philosopher Ernest Nolte that appeared on June 6, 1986, in the prestigious German daily *Frankfurter Allgemeine Zeitung*. A few weeks later, well-known leftist social theorist and political activist Jürgen Habermas responded in a detailed article, “A

¹⁵⁸ Ibid., p.13.

Kind of Settlement of Damages: The Apologetic Tendencies in German History Writing," which appeared in the liberal Hamburg weekly *Die Zeit*. During the months that followed, many other scholars joined in the heated discussion. The debate continued on different newspapers between the left-wing intellectuals adding to Nolte and Habermas, like the historians Hans-Ulrich Wehler, Jürgen Kocka, Hans Mommsen, Martin Broszat, Heinrich August Winkler, Eberhard Jäckel, and Wolfgang Mommsen and the right-wing (or better to say "more conservatives") intellectuals like the journalist Joachim Fest, the historians Andreas Hillgruber, Klaus Hildebrand and Michael Stürmer.¹⁵⁹ The debate rounded around four main topics: 1) Were the crimes of Nazi Germany uniquely evil in history? 2) Did German history follow a "special path" (Sonderweg) leading inevitably to Nazism? 3) Were other "genocides", including the "Armenian genocide" and the "Khmer Rouge genocide" in Cambodia, comparable to the Holocaust? 4) Were the crimes of the Nazis a reaction to Soviet crimes under Stalin? While some participants like Hildebrand and Hillgruber rejected the Sonderweg explanation, historians like Wolfgang and Hans Mommsen and supported it.¹⁶⁰

Perhaps the most famous act of contrition in world history then or since was Chancellor Willy Brandt's falling to his knees before the Warsaw Ghetto memorial in 1970. Chancellor Helmut Schmidt, the first West German leader to visit Auschwitz-Birkenau in Poland, made a contrite speech upon his visit.¹⁶¹ In 1984, at

¹⁵⁹ Peter Baldwin, *Hitler, the Holocaust and the Historians Dispute* (Boston, MA: Beacon Press, 1990.)

¹⁶⁰ A summary of the debate see A.B. Ian Warren, "Throwing Off Germany's Imposed History, The Third Reich's Place in History, A Conversation with Professor Ernst Nolte," *The Journal for Historical Review* 14, no. 1 (January/February 1994):15. See online version of it: Institute for Historical Review. http://www.ihr.org/jhr/v14/v14n1p15_Warren.html.

¹⁶¹ Lind, pp. 13-4.

the World War I cemetery of Verdun, French President François Mitterrand and Chancellor Kohl were memorably photographed holding hands in 1984, in Verdun. The Franco-German joint declaration at Verdun proclaimed that “France and the German Federal Republic have drawn the lessons of history. Europe is our common fatherland. We make a historic gesture today to show that our two peoples have irreversibly taken the path of peace, reason, and friendly cooperation.”¹⁶² Second, the United States and West Germany conducted a similar ceremony at Bitburg Cemetery and Bergen-Belsen concentration camp on 5 May 1985. The visit had been intended to honor the victims of World War II and the Holocaust, and to celebrate the reconciliation between the U.S. and West Germany.¹⁶³ Thus West Germany’s commemoration with its NATO allies led to decreased focus on the Nazi past during the 1980s.

In 1990, after German reunification, Germany continued the established West German policy on restitution and made available additional funds for persons who had received little or no compensation due to the circumstances of the Cold War. It thus recognized the fact that the former German Democratic Republic (East Germany) had not consistently provided compensation for injustices perpetrated by the Nazi regime. With a view to Eastern Europe, a united Germany in the 1990s contributed 1.8 billion German marks to "Reconciliation Funds" in Poland, Belarus,

¹⁶² Ulrich Krotz, “Social Content of the International Sphere: Symbols and Meaning in Franco-German Relations,” *Program for the Study of Germany and Europe Working Paper No. 02.2*, Harvard University. www.ces.fas.harvard.edu/publications/Krotz2.pdf. pp.31-33. According to Krotz, the location was also the place where on 11 August 843 Charlemagne’s grandsons had sealed the loss of unity by splitting up the empire in an agreement named “Treaty of Verdun,” so the image of Mitterrand and Kohl hand in hand in Verdun had become part of the collective Carolingian memory.

¹⁶³ A great deal of controversy surrounds Reagan's visit to the German military camp at Bitburg, which contains graves of Nazi soldiers of the Waffen SS. For the sequences of the reconciliation between the Germany and the U.S.A see for a series of articles published in April 1985 and onwards: The New York Times. http://topics.nytimes.com/top/reference/timestopics/people/k/helmut_kohl/index.html?offset=75&s=01dest&.

the Russian Federation, Ukraine, and the Czech Republic. In the meantime, these funds have paid an average of DM 1,000 to each victim, mostly former forced laborers. Chancellor Schröder and President Clinton endorsed the agreement reached in talks co-chaired by former Minister Otto Graf Lambsdorff and Deputy Secretary Eizenstat to endow a German public foundation "Remembrance, Responsibility and the Future" with DM 10 billion, funded by the German government and German enterprises.¹⁶⁴ Additionally, as important symbolic gestures, a series of memorials including the Memorial to the Bookburning, the Neue Wache, and the Memorial to the Murdered Jews of Europe was erected in several German cities.¹⁶⁵

Although Germany had apologized a great deal by 1990, the French were unwilling to accept German unification without German renunciation of territorial claims and weapons of mass destruction, and without German assurances to deepen European integration. France also opposed to enlargement process as the same reason. In order to minimize the difference between the two countries, France, German and Poland have created "the Weimer Triangle."¹⁶⁶

¹⁶⁴ For German official policy of the apology see the official paper of "German Compensation for National Socialist Crimes" see German Embassy Washington D.C. http://www.germany.info/relaunch/info/archives/background/ns_crimes.html. According to a resource guide titled "Postwar Germany and Growth of Democracy" developed by Department of Education of Commonwealth of Virginia, Richmond, from 1947 to 1997 Germany provided more than \$ 57 billion in restitution. The number is expected to reach \$ 76 billion by the year 2030. www.pen.k12.va.us/VDOE/Instruction/History/germany/germanyc.pdf.

¹⁶⁵ For the debates on these memorials see Omar Sacirbey, "Berlin Struggles to Pick A Memorial to Holocaust," *Christian Science Monitor*, 27 January 1998, <http://csmonitor.com/cgi-bin/durableRedirect.pl?durable/1998/01/27/intl/intl.3.html>; Cohen, Roger. "Berlin Holocaust Memorial Approved," *New York Times*, June 26, 1999, <http://select.nytimes.com/gst/abstract.html?res=F6081FFF395E0C758EDDAF0894D1494D81&n=To%2fReference%2fTimes%20Topics%2fSubjects%2fR%2fReligion%20and%20Belief>; Cohen, "Wiesel Urges Germany to Ask Forgiveness," *New York Times*, 28 January 2000, <http://select.nytimes.com/gst/abstract.html?res=F30C17F838580C7B8EDDA80894D8404482&n=To%2fReference%2fTimes%20Topics%2fPeople%2fW%2fWiesel%2c%20Elie>.

¹⁶⁶ The "Weimar Triangle" exists mostly in the form of summit meetings between the leaders of these three conferences, the most recent of which occurred on May 9, 2003 in Poland. Previous meetings occurred in Poznan, Poland (1998), Nancy, France (1999), and Hambach, Germany (2001). For more information see Wikipedia. http://en.wikipedia.org/wiki/Weimar_Triangle.

Indeed, after 1989, the successful Franco-German relationship has often been flagged as a point of comparison and a potential model for the “Europeanisation” of Polish-German relations. Two similarities were pointed out in this context, both of which were strongly related to issues of convergence and Western institutional integration. First, as was the case between Germany and France, it was argued that the deep divergences that existed in Polish-German relations only could be overcome through the emergence of exceptionally intimate links. Second, it was suggested that the best way to achieve such an intimate convergence was to co-operate through multilateral channels, preferably through the EU, in a way resembling the Franco-German axis which was known since the Elysee Treaty of 1963¹⁶⁷, they had deliberately formed an exclusive partnership, which they liked to call an axis, or "engine" of European integration.

The Role of the European Union Institutions

The progress on minority rights during the last decades is demonstrated on the one hand by the Organization for Security and Co-operation in Europe (OSCE), the commitments taken by its participating States as well as action taken by the organisation itself. The issue of the treatment of German-speaking populations at and after the end of the World War II has been raised regularly within OSCE, too¹⁶⁸ as well as by the European Parliament for a number of years already. The Council of Europe, too, was seized during the accession debates of the Czech Republic. At the

¹⁶⁷ The Elysée Treaty, which was signed by Charles de Gaulle and Konrad Adenauer on 22 January 1963 contained a number of agreements for joint cooperation in foreign policy, economic and military integration and exchange of student education.

¹⁶⁸ The OSCE is the world's largest regional security organization whose 55 participating states span the geographical area from Vancouver to Vladivostok. OSCE.<http://www.osce.gov>. Rachel Brett. “Human Rights and the OSCE”, *Human Rights Quarterly*, 18, no. 3 (1996): 668.

Bonn Conference in 1995, OSCE was named the Commission on Security and Cooperation in Europe (CSCE).¹⁶⁹ Two recent developments brought the issue after WW II back to the current political debate. On the one hand, further steps undertaken by a number of countries, in order to retribute, compensate or mitigate losses incurred or forced labour performed by Jewish persons during the Nazi regime in Europe, and on the other, the quickly approaching membership of a number of successor states to those which expelled the German-speaking minorities after World War II, to the European Union. This can be seen as the short-term political side. On the longer-term, there is a considerable time-span that separates people from the war and its cruel actions. This situation was coupled with the continued progress in acknowledging and guaranteeing the rights of national minorities in the Eastern European countries.

The creation of the office of the OSCE High Commissioner on National Minorities, the first phase of which went back 1991,¹⁷⁰ the focus of the OSCE action on minorities through its the Office for Democratic Institutions and Human Rights as well as its field missions and regular parts of OSCE implementation debates on the questions of national minorities have given national minorities issues further prominence. The OSCE's Participating States are all equal. Thus, for example, Malta and Liechtenstein are equal –at least in theory- with Russia or Germany. Furthermore, the decisions are taken in the consensus. In other words, there is no weighting, no veto and no majority.¹⁷¹ According to the Mandate of Commission,¹⁷²

¹⁶⁹ United Nations Economic Commission for Europe. www.unece.org/ead/osce/osceunece/bonn90.pdf

¹⁷⁰ The Geneva OSCE Meeting of Experts on National Minorities of July 1991 was the breaking point for the view that “national minorities [...] are a factor of enrichment of each respective State and society”. The Hungarian Prime Minister's Office.

<http://archiv.meh.hu/nekh/Angol/7/osce/oscegeneva.htm>. The decisions taken in the Meeting reinforced by the decisions taken in Rights of minorities Report in 29 January 1992. For the text see Concil of Europe. <http://assembly.coe.int/Documents/WorkingDocs/doc92/EDOC6556.htm>.

¹⁷¹ Brett, p.670.

the High Commissioner's task is to provide “early warning” and, as appropriate, “early action” at the earliest possible stage “in regard to tensions involving national minority issues which have not yet developed beyond an early warning stage, but, in the judgement of the High Commissioner, have the potential to develop into a conflict within the OSCE area.”

It should be noted that there is no general agreement on what constitutes a (national) minority, either in the OSCE or elsewhere. In his keynote address at the opening of the OSCE Minorities Seminar in Warsaw in 1994, High Commissioner van der Stoep stated the following:

I won't offer you [a definition] of my own. I would note, however, that the existence of a minority is a question of fact and not of definition. In this connection, I would like to quote the Copenhagen Document of 1990 which ... states that 'To belong to a national minority is a matter of a person's individual choice.'... I would dare to say that I know a minority when I see one. First of all, a minority is a group with linguistic, ethnic or cultural characteristics, which distinguish it from the majority. Secondly, a minority is a group which usually not only seeks to maintain its identity but also tries to give stronger expression to that identity.¹⁷³

At the meeting in Copenhagen on 29 June 1990, OSCE (now CSCE) adopted a text became known as the Copenhagen Document (is sometimes referred to as a “European Constitution on Human Rights.” According to the political aspects of the Copenhagen Criteria¹⁷⁴ all candidate countries should prove their will for democracy, supremacy of law, respect for human rights and protection of minorities, by establishing strong institutions. In the declaration, it has said that the Copenhagen

¹⁷² Oiginal text of the Mandate of the OSCE High Commissioner on National Minorities see OSCE. <http://www.osce.org/hcnm/13022.html>.

¹⁷³ Ibid. The similar conclusion was made by Rachel Brett. She said that the OSCE “is not user friendly” and added that it “can seem like Kafkaesque nightmare” and added “The impact ofte OSCE will always be open to dispute. If NATO drops a bomb, the effect is visible.” Ibid., pp. 668 and 679.

¹⁷⁴ For the full text see European Union Portal. http://europa.eu.int/information_society/activities/atwork/_documents/dgenlargementbrochure/sld005.htm

European Council recognised the right of the countries of central and eastern Europe to join the European Union when they have fulfilled three criteria: 1) political: stable institutions guaranteeing democracy, the rule of law, human rights and respect for minorities; 2) economic: a functioning market economy; 3) incorporation of the Community *acquis*: adherence to the various political, economic and monetary aims of the European Union. These accession criteria were confirmed in December 1995 by the Madrid European Council, which also stressed the importance of adapting the applicant countries' administrative structures to create the conditions for a gradual, harmonious integration. Thus, fulfilling political criteria was a prerequisite for further steps towards membership. In 1991-92 CSCE also insisted on “minority protection as a criterion for the recognition of new states” and in 1993-94 undertook the Pact on Stability in Europe. In 1997, the policy of “conditionality” was introduced for both the front-runners and the second-wave applicants, and the successor states of Yugoslavia.¹⁷⁵

The European Charter for Regional or Minority Languages which entered into force on 1 March 1998,¹⁷⁶ and the Framework Convention for the Protection of National Minorities entered into force on 1 February 1998.¹⁷⁷ The Convention's follow-up monitoring missions in adhering states also play a useful role in taking the pulse of minority problems. Most significantly, it has established the Office of a High Commissioner for National Minorities in 2001. All these temporal and political elements led to government actions on past injustice with respect to members of the German-speaking minorities. It is estimated that today German population of Czech

¹⁷⁵ Witte, de Bruno. “Politics versus law in the EU's approach to ethnic minorities, in Jan Zielonka ed., *Europe Unbound, Enlarging and reshaping the boundaries of the European Union*, Routledge: London and New York, 2002, pp. 139-143.

¹⁷⁶ Concil of Europe. <http://conventions.coe.int/treaty/en/Treaties/Html/157.htm>

¹⁷⁷ Concil of Europe. <http://conventions.coe.int/treaty/en/Treaties/Html/148.htm>

Republic is approximately 50,000-150,000 out of 11 million. It is supposed that in Hungary approximately 65,000-200,000 Germans out of total 10,5 million are living now. German populations living in Poland and Romania are respectively 300-800,000 out of total 40 millions and 100,000 out of total 24 million. The Republic of Slovakia has the least German minorities (approximately 5,000 out of total 5,5 million) among the Central European countries.¹⁷⁸

The Current Debate on the “After Potsdam Situation”

The abolition of the Beneš Decrees had been demanded for years by the Sudetendeutsche Landsmannschaft of Germany and Austria, the German federal government and by several German and Austrian state government, as a precondition for the admission of the Czech Republic and the Slovak Republic to the European Union.

According to a 6 May 1996 report of the Czech News Agency, the Slovak Foreign Minister, Juraj Schenk, “indicated that Slovakia could not meet the demands being made in Budapest to abolish the Beneš Decrees, which affected the Hungarian minority after World War II. Further, the Czech Constitutional Court has expressed an unwillingness to rescind these decrees and laws, even though it is known that they can never be harmonized with the laws of the European Union.”¹⁷⁹

The Parliament of the European Union called upon the Czech government in April 1999 to abolish the Beneš Decrees. However, on April 23, 1999, the Slovak Foreign Minister, Eduard Kukan, stated that the Slovak government does not wish to deal with the post- World War II discriminatory edicts over the course of the next

¹⁷⁸ Liebich, Andre. “Ethnic minorities and long-term implications of EU enlargement,” in *Europe Unbound*, pp. 131-133..

¹⁷⁹ “Ethnic Cleansing in post WW II Czechslovakia,” Cornivus Library. www.net.hu/corvinus/lib/ethnic/ethnic.doc

three and a half years. It is viewed as a very sensitive issue to be discussed only at the request of the European Union. On 15 April 1999, the European Parliament in Brussels adopted a resolution asking the Czech Republic and the Republic of Slovenia (in former Yugoslavia) to abolish postwar laws that discriminate against former citizens solely because of their ethnicity, i.e. the Beneš Decrees and in Slovenia the AVNOJ Regulations before joining the European Union. On 20 May 1999, the Austrian Parliament (Nationalrat) passed a resolution condemning the Beneš Decrees and demanding that the Czech Republic abolish these before being able to join the EU, stating that the EU is based on respect for individuals. In June 2003 the Bundesrat (second chamber of the German Parliament) formerly accepted the EU report about expansion of the ranks and with it the addendum bill to the decision of the European Parliament of 1999.¹⁸⁰

The Slovak Republic¹⁸¹ has already in its early days of newly acquired democratic freedom and independence made a considerable gesture towards the persons expelled and their descendants. Although, in 2002, as a reaction to the situation that the previous prime minister of Hungary consistently brought up the decrees in official forums, saying that they should be abolished before the EU membership is allowed for the Slovak and Czech Republics, Maria Kadlecikova, Deputy Prime Minister, Republic of Slovakia, dismissed the idea that the Beneš Decrees need to be discussed when Slovakia joins the European Union, with a short reference to the 1991 “apology.” The EU ambassador to the Slovak Republic, Eric

¹⁸⁰ Some recent examples of such attempts are to be found in the minutes of the European Parliament, Resolution on the progress made by each of the candidate countries towards accession (20.11.2002), P5_TA-PROV (2002)0536. See also Corvinus Library. www.hungarian-history.hu/lib/ethnic/ethnic.doc.

¹⁸¹ As it has been indicated before, the end of communist rule in Czechoslovakia in 1989, the state had been split into two successor states namely the Republic of Slovakia and the Czech Republic. Two states are members of the European Union since May 1, 2004. Further information see European Union. http://europa.eu.int/abc/european_countries/eu_members/czech_republic/index_en.htm#.

van der Linden said that “The Beneš Decrees are one thing, and the enlargement is another. It is not necessary to open up chapters of history, especially when today we are about to enter a phase of common future, peace and integration” and the Defense Minister Stank, maintains that the Beneš Decrees “remain a part of the legal system of the former Czechoslovakia, and have no legal validity nowadays.”¹⁸² In September 2003, Slovakia had to void the Beneš Decrees of 12 and 108 concerning the expropriation of real estate owned by Germans and Law (Number 172/2003) allowed restitution of real estate confiscated on the basis of collective guilt initiated from the Beneš Decrees and their applications.¹⁸³

In Poland, for example, those expelled were mainly German citizens which Poland found on her newly acquired territory - and not original Polish citizens -, and autochthonous German-speaking Polish citizens were excluded from the expulsions. Furthermore, most of the decrees and laws which brought injustice to German-speaking persons, seem to have been abrogated by laws on amnesty, citizenship as well as on the economic system during the years from 1949 to 1985. Finally, and already since the exchange of letters between the bishops conferences of both countries in 1990, the climate of reconciliation is remarkable and may lead to the establishment of a documentation centre on expelled persons in Wroclaw (Breslau in German).¹⁸⁴

¹⁸² International Reports by Washington Times.
<http://www.internationalreports.net/europe/slovakia/2002/togetherness.html>.

¹⁸³ However, this now applies only to current citizens of the Slovak Republic -not those who were ethnically cleansed in 1945-46, once Slovakia becomes part of the EU in 2007, this restriction would have to fall.

¹⁸⁴ Zabarowski, Marcin. “Europeanization as a consensus building process: The case of Polish-German Relations,” The London School of Economics. www.lse.ac.uk/Depts/intrel/pdfs/EFPUEuropeanisation-PolishGerman.pdf.

In 2002, Poland became ready to witness the affirmation not only of its more substantial minorities, such as the Germans, the Ukrainians and the Belarussians, but also of such innumerically insignificant groups as the Jews.¹⁸⁵ Anxiety grew considerably with Poland's accession to the European Union on 1 May 2004, by which it fell under the jurisdiction of a whole new set of laws and regulations that might and will conflict with the legal sources for Polish decisions here to fore. Today, many Poles are anxious that with Polish accession to the EU, there will commence a flood of individual civil suits at the European Tribunal of Human Rights in Strasbourg and at the European Tribunal of Justice in Luxembourg, initiated by the former property owners expelled by Poland at the end of World War II. At the same time, there is reason to believe that neither of these two highest EU courts would want to adjudicate cases that took place half a century before their creation. On the other hand, on 22 June 2004 the European Court of Human Rights in Strasbourg decided in a case of a Polish expellee from the former Polish territories in the East that were claimed then by Stalin as part of Soviet Union, and belong now to Ukraine, that the Polish government is liable to pay compensation for loss of his home and land in Lwow (Lemberg).¹⁸⁶

A Special Case: The Czech Republic and the EU Relations

The Czech Republic and the EU relations presents a special case, both historically and actually. Additionally the debate over the Beneš Decree is very

¹⁸⁵ Liebich, p. 123.

¹⁸⁶ The decision of the Tribunal at : Council of Europe.<http://www.echr.coe.int/Eng/Press/2004/June/Grand%20ChamberjudgmentBroniowskiPoland.htm>. For more context-setting information and commentary on this issue Euro Activ.<http://www.euractiv.com/cgi-bin/cgint.exe?204&OIDN=1507917>.

illuminating and guiding in the case of the “Armenian genocide” issue. The case is special historically because the expulsion there occurred in its most harsh and inhumane form, the quality of the measures and the number of persons concerned in no other country at that time equalled what happened in Czechoslovakia. Other countries in a similar situation - those with an autochthonous German-speaking minority - did not act in a similar way as did Czechoslovakia, as repeatedly argued by the Czech side today.¹⁸⁷ Its roughly 50,000 members in 1991 represent one percent of the former German-speaking minority and 0,5 percent of the Czech population. (In 1986/88 the official numbers still amounted to 57,000-56,000 persons.) At the 2001 census the preliminary number decreased by 21 percent to 38.321 persons declaring membership of the German minority. Through expulsion and subsequent communist oppression, the minority reached a stage where it can be qualified in the Czech public life as “below perception.”¹⁸⁸

As a result, the EU and international lawyers consider the Sudeten Germans' case one of an argument between states: the German state that accepted their parents as refugees, and the Czech Republic. The argument for the "collective guilt" of the Germans, at least in the immediate post-war years, is flawed as a legal argument, and unacceptable as a moral one, but is understandable on the emotional level.

The only gesture towards reconciliation made by the Czechs was a few public apologies by Vaclav Havel, none of which went over very well in Czech public opinion. The first time Havel issued what could be considered an apology was in 1989. A few months later, when German president Richard Weizsacker visited

¹⁸⁷ Non paper of the Ministry of Foreign Affairs of the Slovak Republic on the Presidential decrees of the Czechoslovak Republic see Foreign Ministry. <http://www.foreign.gov.sk/En/files/file548.shtml>.

¹⁸⁸ Buchsbaum, T.M. “National minorities issues from Central Europe’s history”, p.15 www.isn.ethz.ch/5isf/5/Papers/Buchsbaum_paper_III.4.pdf.

Prague in 1990, Mr. Havel said “Six years of Nazi rule was enough for us to allow ourselves to be infected with the germ of evil. Instead of giving all those who betrayed this state a proper trial, we drove them out of the country and punished them with the kind of retribution that went beyond the rule of law. This was not punishment. It was revenge.”¹⁸⁹

In the 1992 the Treaty of Good-neighbourliness and Friendly Cooperation was signed between the Federal Republic of Germany and the Czech and Slovak Republics.¹⁹⁰ Although both sides showed eagerness to develop German-Czech relations helping to shape the integrating Europe, it was interestingly indicated in the treaty that the German side had acknowledged “Germany's responsibility for its role in a historical development which led to the 1938 Munich Agreement, the flight and forcible expulsion of people from the Czech border area and the forcible breakup and occupation of the Czechoslovak Republic” and “[i]t regrets the suffering and injustice inflicted upon the Czech people through National Socialist crimes committed by Germans. The German side pays tribute to the victims of National Socialist tyranny and to those who resisted it.”

On the other side as it has been indicated that “[t]he Czech side regrets that, by the forcible expulsion and forced resettlement of Sudeten Germans from the former Czechoslovakia after the war as well as by the expropriation and deprivation of citizenship, much suffering and injustice was inflicted upon innocent people, also in view of the fact that guilt was attributed collectively. It particularly regrets the

¹⁸⁹ <http://www.pehe.cz/Clanky/2002/06-11-wsj.htm>. In another occasion, on October 2001, during his visit in Vienna, Czech president Vaclav Havel admitted to Austrian president Klesstil that the Beneš-Decrees were “blood vengeance” based on “ethnic hatred”.
<http://www.geocities.com/ycrtmr/Beneš.htm>.

¹⁹⁰ For the evaluation of the effect of this type of treaties see. Kinga Gal, “Bilateral Agreements in Central and Eastern Europe: A new Inter-State Framework for Minority Protection?,” European Center for Minorities. www.ecmi.de/download/working_paper_4.pdf.

excesses which were contrary to elementary humanitarian principles as well as legal norms existing at that time, and it furthermore regrets that Law No. 115 of 8 May 1946 made it possible to regard these excesses as not being illegal and that in consequence these acts were not punished.” The declaration also stated that “[b]oth sides agree that injustice inflicted in the past belongs in the past, and will therefore orient their relations towards the future.”¹⁹¹

In February 2000, Czech Foreign Minister Jan Kavan stated to Austria that under no circumstances would the Czech Republic alter the Beneš Decrees. It is to be hoped that the European Union will apply pressure to change his defense of genocidal laws contrary to the UN Charter and common decency.¹⁹² Five months later, Madeleine Albright, Czech-born American Secretary of State, gave Jan Kavan, an official diplomatic note in which the US government declared any challenge of the Beneš-decrees to be against US interests. Albright said that:

To deny at the same time Germans whose assets were confiscated and who often had to perform slave labor after the war solely because of their ethnicity the protection of the law shows a perverted sense of morality at the very least. However, since no compensation fund has been set up by the Czech government, should a class-action suit be filed by Sudeten Germans in the US against Czech firms and insurance companies that benefitted from theft and slave labor.¹⁹³

During his four-day visit to Germany 9-12 May 2000 Czech president Vaclav Havel’s journey was disrupted by the Beneš Decrees issue. At the press conference held by Havel and German President Johannes Rau, Havel repeated the Czech position that the decrees are a historical part of the Czech legal code and are no longer valid. “In accordance with the text of the Czech-German Declaration, I

¹⁹¹ The text of the Czech-German Declaration see Brigham Young University Harold B. Lee Library. <http://www.lib.byu.edu/~rdh/eurodocs/germ/czecheng.html>

¹⁹² Radio Praha. <http://archiv.radio.cz/news/EN/2000/11.02.html>

¹⁹³ CompuServe. Our World. ourworld.cs.com/ycrtmr/benesch.htm

believe we should not burden our future. That does not mean we should not be engaged with it and study it, however.” On the last day of his visit, Havel visited the state of Bavaria, where the largest number of Sudeten Germans expelled from Czechoslovakia live. Bavarian Prime Minister Edmund Stoiber mentioned their compensation requests, on the other hand he assured Havel that Bavaria would support the Czech Republic in its efforts to join the EU. In relation to the Beneš Decrees, he said, "I am relying on the Czech nation, during the course of its accession to the European Union, to renounce decrees and laws opposing international laws and that Express an unfortunate past."¹⁹⁴

The statements which were being issued by the EU authorities of the time emphasized over and over again that rehashing the past was not in anyone's interests. Gunter Verheugen said that, on 11 April 2002 in Prague: “According to the EU treaty, member countries and the EU institutions must make their decisions based not upon the past acts of candidate nations but on their present day actions. The successes of the Czech nation should not be overshadowed with debate over past issues.”¹⁹⁵ In a statement on May 2002, Commission President Prodi stated, “We should look to the future. The EU was formed on the fundamental principle of forgiveness and the opening of new chapters.”

After a series of decisions dealing with the issue, in 2002, three reports were issued. The first one is the legal report of 12 September 2002, dealing with the question of the Beneš Decrees with regard to the future accession of the Czech Republic to the European Union,¹⁹⁶ commissioned by the Committee on Foreign

¹⁹⁴ CAROLINA. <http://carolina.cuni.cz/archive-en/Carolina-E-No-376.txt>.

¹⁹⁵ Ferai Tınç, *Hürriyet*, 11 June 2004.

¹⁹⁶ European Parliament resolution on the Czech Republic's application for membership of the European Union and the state of negotiations see: Official Journal C 72 E of 21 March 2002.

Affairs of the European Parliament. The report was prepared by Prof. Dr. Jochen Frowein, a German expert in international law. The second report was the legal opinions on the Frowein study made by the Swedish expert Prof. Dr. Ulf Bernitz the British expert Lord Kingsland Q.C, titled “Legal Opinion on the Beneš Decrees and the Accession of the Czech Republic to the European Union,” in October 2002.¹⁹⁷ On the same days, another report of the German expert in international law Prof. Dr. Dieter Blumenwitz, who prepared it on behalf of the “Sudetendeutsche Landsmannschaft” (association of the Sudeten Germans), was published.¹⁹⁸

In the report Frowein, while accepting that the Beneš Decrees remain part of the legal system in both republics concluded that,

the Decrees relating to the expropriation of property and to citizenship are no longer capable of creating new legal relations; their effect has been established and property rights have been based on these Decrees for over 50 years. A legitimate expectation has arisen that these Decrees are good law and rights to property which would now be protected by the ECHR have been established. In any event, they are irrelevant in the context of the Czech Republic’s accession to the EU. The Decree relating to forced labour has no legal effect today and so should not affect the Czech Republic’s accession to the EU.

The expert also advised that, “it should be stopped from using these issues to prevent accession to the EU as this would undermine the whole basis on which the EU is founded.”¹⁹⁹ A similar conclusion was reached by another report titled “Legal Opinion on the Beneš Decrees and the Accession of the Czech Republic to the European Union,” requested by the European Parliament, again in September 2002

¹⁹⁷ The full text of the report see European Parliament.
http://www.euorparl.eu.int/stues/Benesdecrees/pdf/opinions_en.pdf.

¹⁹⁸ For the full text of the report see Offizielle Webseite der Sudetendeutschen Landsmannschaft.
www.sudeten.de/bas/down/Comparison.pdf.

¹⁹⁹ Report European Parliament.
www.euorparl.eu.int/studies/benesdecrees/pdf/opinion_frowein_en.pdf p.72

from Bernitz and Kingsland.²⁰⁰ According to the experts, because the Beneš Decrees had been adopted and implemented before the Community was founded and before the Treaty of Rome had entered into force, “the candidate countries will have to fulfil the criteria set out by the Copenhagen European Council, in particular the political criterion that requires them to have stable institutions guaranteeing democracy, the rule of law, human rights, and respect for and the protection of minorities.”²⁰¹

An analysis made by Jeff Osenacek, the reporter of *Monthly Political and Macroeconomic Review*, indicated that Austrian Chancellor Wolfgang Schussel called for the repeal of the decrees so that the Sudeten Germans can receive compensation. Schussel also demanded that the Czech Republic make a formal apology. While he noted that he would not use the issue to block Czech entry into the EU, however, every Czech political party rejected the idea of repealing the decrees. On the other hand the Prime Minister of Hungary recalled the same issue and said that decrees were inconsistent to the EU laws and should be repealed before the Czechs and Slovaks were allowed to join the EU. In addition, Prime Minister Miloš Zeman made some comments of his own, which angered German and Austrian politicians, saying that the Sudeten Germans were Hitler’s “Fifth Colony” and that they had been active and willing sympathizers with the Nazi regime during occupation, and that they had caused the “Sudeten Crisis,” which had led to the Munich Agreement of 1938 where the break up of Czechoslovakia had been decided without Czechoslovak representatives being present. Finally the Czech Republics chief negotiator for EU accession, Pavel Telicka, said that after consultations with

²⁰⁰ For the full text of the report see European Parliament. www.europarl.eu.int/studies/benesdecrees/pdf/opinions_en.pdf?PHPSESSID=35d3b4095ffb2f041d5369b54be82262.

²⁰¹ European Union. <http://europa.eu.int/eur-lex/pri/en/oj/dat/2002/ce081/ce08120020404en00910091.pdf>.

the EU, he was told that the EU would not condition accession by demanding the annulment of the Beneš Decrees.²⁰²

Finally the European Commission took the following decision on 4 April 2002: “The Beneš Decrees were adopted and implemented before the Community was founded and before the Treaty of Rome entered into force. When they accede, the candidate countries will have to fulfill the criteria set out by the Copenhagen European Council, in particular the political criterion that requires them to have stable institutions guaranteeing democracy, the rule of law, human rights, and respect for and the protection of minorities.”²⁰³ Despite this, they were of the opinion that the Beneš-decrees did not pose a legal obstacle to Czech membership in the EU. In a unanimous decision the report states “1. The confiscation on the basis of the Beneš Decrees does not raise an issue under EU law, which has no retroactive effect. 2. The Decrees on citizenship are outside the competence of the EU. 3. The Czech system of restitution, although in some respects discriminatory as held by the UN-Human Rights Committee does not raise an issue under EU law.”²⁰⁴

In the second half of 2003, Erika Steinbach, leader of the *Bund der Vertriebenen* (BdV) (German for "Federation of Expellees") led the initiative for the creation of a Foundation for the Center against Expulsions managed to get it to the floor of the Bundestag [German Parliament]. The proposal was to create a national center devoted to the expulsions of Germans at the end of World War II, to be located in Berlin.²⁰⁵ The proposal has triggered a very heated debate in which many

²⁰² Jeff Ocenasek, “Political Review,” *Monthly Political and Macroeconomic Review*, 7 February 2002.

²⁰³ <http://europa.eu.int/eur-lex/pri/en/oj/dat/2002/ce081/ce08120020404en00910091.pdf>.

²⁰⁴ Report, p. 5.

²⁰⁵ Pawel Lutomski, “The Debate about a Center Against Expulsions: An Unexpected Crisis in German-Polish Relations?,” *German Studies Review*, 27, no.3 (2004): 449-68.

intellectuals, institutions and politicians from both states have participated. Especially in Poland, Polish political and intellectual elites uniformly and deeply resent granting the Germans the status of victims of World War II and, of the expulsion, because they believe that Germans inevitably could claim this status if Steinbach's proposal became reality. Steinbach has been also criticized by German intellectuals of attempts to create a false historical consciousness and selective collective memory.

In the following year the European Parliament members asked some questions about the issue to the European Commission, which it answered always with the same argument that "the Commission considers that the question raised by the Honourable Member is not covered by the Copenhagen criteria"²⁰⁶ and it declared that the Beneš Decrees would not stand in the way of the Czech Republic's accession to the European Union. Consequently, the Czech Republic was accepted as a member state to the European Union in May 2004 along with Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia.²⁰⁷ As a piece of good news, the ministry of Czech Republic announced at its sessions held on 24 August 2005 that,

The Government of the Czech Republic expresses its deep recognition to all former Czechoslovak citizens, in particular those of German nationality, who lived before World War II in the territory of the present Czech Republic and who remained loyal to the Czechoslovak Republic during World War II ...they suffered wrongs as a result of measures applied in Czechoslovakia after the end of World War II against the so-called enemy population. The Government of the Czech Republic expresses its apology to all the active opponents of Nazism who suffered such wrongs, irrespective of their later citizenship and residence....²⁰⁸

²⁰⁶ Answer given by Mr Verheugen on behalf of the Commission on 29.9.2004.

²⁰⁷<http://www.britishembassy.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1079977891856>

²⁰⁸ Website of the Czech Ministry of Foreign Affairs
<http://www.mzv.cz/www/mzv/default.asp?id=34187&ido=13797&idj=2&amb=1>

CHAPTER III

TURKEY AND THE EUROPEAN UNION

Diplomatically, Turkey has been part of the European state system since the nineteenth century when the Ottoman Empire was included in the Concert of Europe. At the Paris Peace Conference in 1856, Europe's great powers decided that the territorial integrity of the Ottoman Empire was essential for European stability. Indeed, for much of the last half of the nineteenth century, European diplomacy was dominated by the "Eastern Question"—that is, how to manage the decline of the Ottoman empire, which by the mid-1800s had become, "the sick man of Europe."²⁰⁹ Yet although the Ottoman Empire was part of the European state system, it was never regarded as an equal member of it. Most European statesmen felt that the Ottoman Empire did not share these values and norms. As Iver Neumann has noted, "Although 'the Turk' was part of the system of interstate relations, the topic of culture denied it equal status within the community of Europe."²¹⁰ As the Empire lost its military superiority and fell behind the European states in technological development, the Ottoman elite began to look to Europe as a model and began to import European ideas, lifestyles, and ways of thinking. In the words of one Turkish

²⁰⁹ "Turkish Foreign Policy in an Age of Uncertainty" Rand Corporation. www.rand.org/pubs/monograph_reports/MR1612/MR1612.ch3.pdf.

²¹⁰ Iver B. Neumann, *Uses of the Other: The "East" in European Identity Formation* (Minneapolis: University of Minnesota Press, 1999):59.

scholar, Europe became “a mirror through which the Ottoman elite perceived its own weaknesses, differences and traits.”²¹¹

Turkey applied to become a member to the European Economic Community (EEC, the predecessor of European Union) in 1959. While refusing to attend the Asian Conference in 1949, and acting like the speaker of the West at the Bandung Conference of Asian and African Nations in 1955, and pursuing close policies to the colonialist powers during independence movements in the late 1950s (such as in the Algerian case), Turkey sustained enthusiastic efforts to participate in all initiatives of Europe.²¹² The economic situation of Turkey in late 1950s was another factor in its application to the EEC the Turkish rulers thought that being a member to the ‘rich’ club of Europe would facilitate receiving more credits and would change its financial balances in a positive way. Besides, as the six members (Germany, Italy, France, Luxembourg, Belgium and Netherlands) of the EEC were the traditional trade partners of Turkey, the government did not hesitate to apply to establish a common market with them. Finally, Greece, Turkey’s rival in foreign politics, had applied for membership. Thus, the Turkish ruling elites who did not want to remain behind, arrived at the conclusion that Turkey should not miss the same opportunity.²¹³ Turkey was regarded as an important bulwark against the expansion of Soviet power and a critical link in the Western defense system. In 1963, Turkey concluded an Association Agreement (the Ankara Agreement) with the European Community (EC), which foresaw the possibility of eventual membership (Article 28) once the conditions for membership had been met.

²¹¹ Meltem Müftüler-Bac, “Through the Looking Glass: Turkey in Europe,” *Turkish Studies*, 1, no.1 (Spring 2000): 28.

²¹² “Atatürk Sonrası Türk Dış Politikası 1938-1995,” Hacettepe University. www.ait.hacettepe.edu.tr/genel/dersler/II12.pdf.

²¹³ Çağrı Erhan, “Asian Dimension of Turkey’s Character: An Obstacle or a Catalyst for European Union Membership,” *Stradigma*. www.stradigma.com/english/feb2003/articlesprint_4.html

This ambiguity about Turkey's place in Europe and its "Europeanness" has become more acute since the end of the Cold War. As long as the Soviet Union was perceived as a major threat, strategic considerations tended to dominate Turkey's relationship to Europe. EEC's approach to Turkey in late 1950s was shaped mainly by three factors too. At official level, then the rulers of the EEC members were focused on similarities rather than differences, therefore historical and ideological factors were not put as obstacles before Turkey's application. However, at the unofficial level, there has been a negative approach to Turkey and Turks.²¹⁴

The Effect of the Europeanization Process

In this respect, The "Europeanization" process²¹⁵ seems to have become critical in defining Turkey's development and evolution. This process was given new impetus after World War II by Turkey's entry into NATO. After the end of the Cold War "Europeanization" became a popular slogan also in East-Central Europe, encapsulating the very essence of the political and economic transformation of the region and setting the standard for nurturing of democracy, opening the economy and the radical re-direction of foreign policies. The two factors can be considered in order to understand this popularity. First, for many East-Central Europeans "Europe"

²¹⁴ As one former European Union official has put it, "Turkey has never been fully considered a European country, but neither is it considered fully Asian. It is at the crossroads between two continents, two cultures and two destinies." Rhein, Eberhard. "Europe and the Greater Middle East," in Robert D. Blackwill and Michael Stürmer eds., *Allies Divided: Transatlantic Policies for the Greater Middle East* (Cambridge, MA: MIT Press, 1997), p. 47.

²¹⁵ The term of Europeanisation has emerged in political and academic debates since the late 1980s. However, in spite of its frequent usage there is no unanimity amongst scholars as to the precise meaning and scope of Europeanisation. For a review of the Europeanization debate see: Radaelli, Claudio M. "Whither Europeanization? Concept Stretching and Substantive Change," *European Integration Online Papers* (EioP), 4, no. 8 (2000); Tanja A. Börzel and Thomas Risse, "When Europe Hits Home: Europeanization and Domestic Change" *European Integration online Papers* (EIoP) 4, no.15, (2000), at <http://eiop.or.at/eiop/texte/2000-015a.htm>; Bornemann, John and Nick Fowler, "Europeanization," *Annual Review of Anthropology*, no.26 (1997):487-514.

meant Western Europe from which they felt that they were artificially excluded by the non-European Soviet Union. Thus Europeanization as “Return to Europe” continues to act as a strong normative force, in the sense that those states which are labelled as European are seen as “good” states. The Europeanization process, however, has not occurred in Turkey. Ankara continues to orient its policy more toward Washington than Brussels. Thus, although the economic and political aspects of Europeanness have complemented one another in the case of Southern Europe, this has not happened in Turkey’s case.

On the other hand, the EEC (European Economic Community, former name of the now-called European Union) members have perceived the economic weakness of Turkey as a negative factor. However, its huge population, geographical location and growing economy made Turkey a big market, which should not be ignored.²¹⁶ As for the political dimension, since the Cold War dynamics were in force, Turkey and the EEC members were at the same block: They were members of NATO, the Council of Europe and the Organisation for Economic Co-operation and Development (OECD)²¹⁷ Turkey signed an association agreement with the EEC in 1963, which opened the way for full membership after preparatory and transition periods, which would prepare Turkish economy for the mechanisms and functioning of the EEC. Having finished the preparations Turkey entered the transition period in 1973. According to the “Additional Protocol” signed in 1973, customs duties would

²¹⁶ “Backgrounder on Turkey’s economy and accession to the EU,” Paper presented at the Press Conference Turkish Desk, on 22 September 2004 see Lawfort.<http://www.lawfort.be/files/backgrounder.pdf>

²¹⁷ For a detailed information about the institution see <http://www.oecd.org>.

be abolished between the parties within 22 years, and during this process Turkey would become a full member to the “club.”²¹⁸

However, deep economic and political instabilities in Turkey in the 1970s and reactions from European societies to the activities of the military rule after the 1980 coup, brought tensions to the relations. Although Turkey applied for full membership in 1987, the EEC rejected this application asserting that Turkey was not ready to fulfill its obligations within the Community. As the Cold War ended and the “iron curtain” between the east and west Europe lifted in the late 1980s, the priorities of the EEC totally changed, and this new situation has made it more difficult for Turkey to become a member. Although many Europeans had doubts about whether Turkey could ever become a member of the European Community (the EU was then called) these doubts took a backseat to the overriding strategic need to bind Turkey close to the West. The end of the Cold War, however, has raised new doubts about Turkey’s place in Europe and created new difficulties in Ankara’s relations with Europe. With the demise of the Soviet Union, military strategic considerations have become less important in Europe’s approach to Turkey, whereas economic, political, and cultural factors have increased in importance. Today Europe is concerned not primarily with deterring a Russian threat but about creating a cohesive political and economic union and forging an effective common European foreign and defense policy. This shift in priorities has highlighted Turkey’s “distinctiveness” and raised new questions about where Turkey fits into the “new Europe.” have been accentuated by the EC’s (and later the EU’s) changing approach to enlargement.²¹⁹

²¹⁸ Çağrı Erhan, “Asian Dimension of Turkey’s Character...”

²¹⁹ Sevilay Elgün Kahraman, “Rethinking Turkey-European Union Relations in Light of Enlargement,” *Turkish Studies*, no. 1 (Spring 2000): 1–20; For a detailed discussion of Turkish and EC considerations regarding Turkey’s application, see Heinz Kramer, “Turkey and the European Union: A Multi-Dimensional Relationship,” in Vojtech Mastny and R. Craig Nation eds., *Turkey*

Turkey's candidacy for EC membership has been complicated further by the collapse of communism in Eastern Europe in 1989–1990. This created a new dilemma for the EC: how to facilitate the “return to Europe” of the countries of Eastern Europe which had just emerged from 45 years of communist rule. Suddenly, Turkey found itself thrust to the back of the enlargement queue by the emergence of a large new group of candidates for membership —countries that only a few years earlier had been on the other side of the East-West divide. Although many of the East European countries were less advanced economically than Turkey, they were considered to be politically and culturally a part of Europe. Thus, the EU's attempt to integrate the East European countries has added a new “cultural dimension” to the EU's policy that previously was absent. The Copenhagen Summit in June 1993 was an important watershed in the evolution of the EU's approach to enlargement. First, it acknowledged that membership of the East European and Baltic countries — but not Turkey— was a major objective of the EU policy.²²⁰ In 1997, Kohl made a speech in European Christian Democrat Parties meeting and said that Turkey was excluded from the EU, because it was a part of a different civilization.²²¹ After that,

Between East and West: New Challenges for a Rising Regional Power (Boulder, CO: Westview Press, 1996), pp. 203–232.

²²⁰ For example see the following speeches: “Belonging to Europe” given by Tadeusz Mazowiecki, Prime Minister of Poland, to the Council of Europe in Strasbourg on 30 January 1990 in the collection of documents edited by Adam Daniel Rotfeld and Walther Stützel, *Germany and Europe in Transition*. Sipri:Oxford University Press, 1998, pp.131-34; The speeches by Vaclav Havel, President of Czechoslovakia, given to a meeting of the leaders from three neighbouring countries at Bratislava Castle on April 9, 1990 and in the Council of Europe in Strasbourg on May 10, 1990: Office of the President of Republic of Czech. www.hrad.cz/president/Havel/speeches/1990.

²²⁰ Two most famous expressions of this line of thinking are an article by Milan Kundera “The Tragedy of Central Europe,” *New York Review of Books*, 26.04.1984 and a book by György Konrád, *Antipolitics: An Essay*. London:Quartet, 1984. For a recent reassessment of the Central European notion see an article by Judy Batt and Kataryna Wolczuk, “Keep an Eye on the East,” *Financial Times* (International Edition) 23.02.2001.

²²¹ Stephen Kinzer, “Turks Say Bonn is Encouraging Racist Attacks” *The New York Times*, 5 April 1997.

Klaus Kinkel, German Foreign Minister said that Turkey would never be invited to the EU.²²²

The Copenhagen Criteria

There are additional requirements for accession. For example, article 49 of the Treaty on European Union (TEU) states the criteria for accession to the EU "Any European State which respects the principles set out in Article 6 (1) may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members." —Article 6(1) of the TEU states: —The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States."²²³

However, Turkey's economic and political performance in fulfilling the Copenhagen Criteria was below the EU's expectations. Turkey was excluded from the EU's enlargement perspective at the Luxembourg European Council of 1997, while 12 other countries (Estonia, Lithuania, Latvia, Bulgaria, Romania, Slovenia, Slovakia, Hungary, Poland, Czech Republic, Malta and Cyprus) were listed among the candidates for the EU.²²⁴ Turkey reacted in a strong manner to this decision and

²²² Mango, Andrew. "Turkey and the Enlargement of the European Mind". *Middle Eastern Studies*, 132, no.2 (April 1998):171.

²²³ The text of "The EU and Fundamental rights-The wider context" European Union Portal. www.eu.int/comm/justice_home/unit/charte/en/rights.html.

²²⁴ For the full text of the human rights report of Turkey see Council of Europe.http://www.coe.int/t/E/human_rights/ecri/1-ECRI/2-Country-by-country-approach/Turkey/Turkey_CBC_3.asp#P132_14573.

suspended its political ties with the EU. Turkey's reaction smoothed the approach of the EU, which in fact did not want to cut all of its ties with Turkey for political and economic reasons, and the candidate status of Turkey was accepted by the EU at the Helsinki European Council in 1999.

Bearing this in mind, Turkey prepared its National Program to complete those prerequisites. Differences between the EU's and Turkey's documents were criticized by the EU Commission's annual enlargement report (Strategy Paper) in 2001 and Turkey was evaluated separately from the other 12 candidates.²²⁵ To remove these critics Turkish Parliament made substantive constitutional reforms in the summer of 2002, but this move was found inadequate by the EU Commission's report in September 2002. By the last months of 2002, Turkey's relations with the EU reached their most delicate level because of the approaching Copenhagen European Council in December, at which the enlargement process of EU until 2007 will take its final shape. In 2003, the EU adopted the "Accession Partnership Document" for Turkey, which was a "road map" in nature, telling Turkey what it should do to fulfill membership criteria in short and medium terms. According to the official press release the purpose of the Accession Partnership "adopted by the European Council in May 2003 is to assist the Turkish authorities in their efforts to meet the accession criteria, with particular emphasis on the political criteria. This followed "a revised National Programme for the Adoption of the Acquis" in July 2003.²²⁶

On 17 December 2004, the European Council defined the perspective for the opening of accession negotiations with Turkey and the 44th session of the Turkey-EC Association Council was held in Luxembourg on 26 April 2005. In June 2005 the

²²⁵ European Commission.<http://ec.europa.eu/comm/enlargement/report2001/#paper2001>.

²²⁶ European Commission.http://ec.europa.eu/comm/enlargement/turkey/eu_relations.htm; for the full text of the Turkish National Programme see: <http://www.abgs.gov.tr/NPAA/up.htm>

Commission presented a draft framework for accession negotiations, setting out the method and the guiding principles of the negotiations and the framework for the admission process was adopted by the Council of Ministers on 3 October 2005.

It would be very difficult to forecast what kind of success or what sort of concrete results can be expected in the accession process. The fact that Turkey finds itself the focus of serious effort on the part of Europe to effect democratic change in the region may have a generalized ripple effect in the region but the one point that promises real results is Turkish-Armenian relations. This is for two reasons: First of all, Europe is demanding that Turkey open its border with Armenia. Second, in the process of joining as a member Turkey is going to have to come face to face with its history however, the most important issue remained as the “Armenian genocide” issue as one of the preconditions in consideration of Turkey’s acceptance into EU membership.

The Decisions Related the Armenian Issue

The history of the tension in the relations between Turkey and the EU goes back to the end of 1980s. The first and most important of these was passed on 18 June 1987 and states that the EP “believes that the tragic events in 1915-1917 involving the Armenians living in the territory of the Ottoman Empire constitute genocide within the meaning of the convention on the prevention and the punishment of the crime of genocide adopted by the UN General Assembly on 9 December 1948”. In addition, the resolution delineated the effects such a statement would have on the relations between Turkey and the EU said that, “...D. whereas the Turkish State rejects the charge of genocide as unfounded; E. whereas, to date, the Turkish

Government, by refusing to recognize the genocide of 1915, continues to deprive the Armenian people of the right to their own history; F. whereas the historically proven Armenian genocide has so far neither been the object of political condemnation nor received due compensation; G. whereas the recognition of the Armenian genocide by Turkey must therefore be viewed as a profoundly humane act of moral rehabilitation towards the Armenians, which can only bring honor to the Turkish Government.”

Whereas, it has been added in the I-4.th article that,

Believes that the refusal by the present Turkish Government to acknowledge the genocide against the Armenian people committed by the Young Turk government, its reluctance to apply the principles of international law to its differences of opinion with Greece, the maintenance of Turkish occupation forces in Cyprus and the denial of existence of the Kurdish question, together with the lack of true parliamentary democracy and the failure to respect individual and collective freedoms, in particular freedom of religion, in that country are insurmountable obstacles to consideration of the possibility of Turkey's accession to the Community.

Another important part of the decision was the parliament's statement that “the present Turkey can not be held responsible for the tragedy experienced by the Armenians of the Ottoman Empire and stresses that neither political nor legal or material claims against present-day Turkey can be derived from the recognition of this historical event as an act of genocide”²²⁷

The second resolution passed on 15 November 2000 repeated the same concern. The European Parliament “calls...on the Turkish Government and the Turkish Grand National Assembly to give fresh support to the Armenian minority, as an important part of Turkish society, in particular by public recognition of the genocide which that minority suffered before the establishment of the modern state of Turkey.” In a third resolution dated 25 October 2001, there was only a reference to

²²⁷ For the full text of the decision see Armenian National Institute. http://www.armenian-genocide.org/Affirmation.152/current_category.7/affirmation_detail.html.

and support of the activities of the Turkish-Armenian Reconciliation Committee; there was no mention of the Genocide or demands for its recognition. The European Parliament “supports the civil initiative launched by a group of former diplomats and academics from Turkey and Armenia, the aim of which is to arrive at a common understanding of the past; believes that this initiative, together with others, should lead to the normalization of relations between the communities and states concerned.”²²⁸ Another resolution, dated 28 February 2002, states that the European Parliament “calls upon Turkey to take appropriate steps in accordance with its European ambitions, especially concerning the termination of the blockade against Armenia; reiterates in this respect the position in its resolution of June 18, 1987 recognizing the genocide upon Armenians in 1915 and calls upon Turkey to create a basis for reconciliation.”²²⁹

These decisions followed two that were taken on 26 February and 1 April 2004 in which the EU stated it “would like a dialogue to be established between Turkish and Armenian academics, social and non-governmental organizations in order to overcome the tragic experiences of the past as has been expressed in its earlier solutions.”²³⁰ Another decision was on 15 December 2004 and in it the EU “calls on Turkey to promote the process of reconciliation with the Armenian people by acknowledging the genocide perpetrated against the Armenians as expressed in the European parliament’s earlier resolutions with regard to Turkey’s candidate status (from 18 June 1987 to 1 April 2004).” Additionally, the “EU believes that the Governments of Turkey and Armenian must continue their process of reconciliation,

²²⁸ Armenian National Institute. <http://www.armenian-genocide.org/affirmation/resolutions/index.php>.

²²⁹ Rapporteur:GAHRTON Per; A5-0028/2002 in European Parliament. <http://www.europarl.eu.int/>

²³⁰ European Parliament. http://www2.europarl.eu.int/omk/sipade2?PUBREF=-//EP//TEXT+TA+P5-TA-2004-0274+0+DOC+XML+V0//EN&LEVEL=3&NAV=X#def_1_7.

possibly with the assistance of a bilateral committee of independent experts, in order to overcome explicitly the tragic experience of the past.”²³¹ The last resolution of the European Parliament saying that “whereas the Turkish authorities have also still not complied with demands regarding Armenian issue, as expressed by the European Parliament in its resolution of 18 June 1987. was passed on 28 September 2005. ²³²

Recently, not only the European Parliament, but other national parliaments as well have passed similar resolutions on this issue. These parliaments and the dates of the taken decisions are Germany (15 June 2005); Poland (19 April 2005); Slovakia (30 November 2004); Sweden (29 March 2000), Cyprus (29 April 1982) parliaments that appear to be battlefields for the Turkish-Armenian conflict.

Whereas, there were other initiatives that sounded more positively taken by different political figures effective in the European Parliament. For example, Per Gahrton, member of the Swedish parliament and European Parliament's reporter on the South Caucasus who wrote 28 February 2002 parliamentary resolution, clearly supported the second position as can be seen in an interview he gave in the weekly newspaper AGOS: “[The European Parliament’s] statement concerning Turkey’s acceptance of the genocide is not a precondition for its admittance, but only an amicable suggestion. Turkey can become a member of the EU without altering its policy towards this issue, because we don’t want this position to be exploited as an impediment to Turkey’s admittance.”²³³

In July 2003 when 65 politicians and intellectuals from six countries published an appeal supporting the idea of a European center with an international

²³¹ European Parliament. <http://www2.europarl.eu.int/omk/sipade2?PUBREF=-//EP//TEXT+TA+P6-TA-2004-0096+0+DOC+XML+V0//EN&LEVEL=3&NAV=X>.

²³² Armenian National Institute. http://www.armenian-genocide.org/Affirmation.341/current_category.7/affirmation_detail.html

²³³ Noyan Tapan. www.nt.am/eng/news/13.05.2004/All

board. The signatories, among them three former foreign ministers — Hans Dietrich Genscher, Bronisław Geremek, and Władysław Bartoszewski— warned that the favoring of a European center leaves the local question open, recruits instead for multinational working group and conception of the memorial place. It reminds of 50 to 70 million Europeans, in twentieth century were driven out, deported or forced to hard labour.” They proposed that European history should be written together so that it will not be used against one another.”²³⁴ Regardless from that how the debate ended, the important aspect of this discussion is that a lot of intellectuals and politicians from both sides undertook the effort to put the issue within a broader European context and hinder the effort to use the historical injustices as a weapon to whip up the hatred among the nations in the current discussions.

Among the many recommendations made as a part of the 17 December 2004 decision, the European Parliament could make a historians commission part of the package. The motion, that has been brought up in the floor in German Parliament (Bundestag) by the CDU/CSU faction in February 2005 is another example of the vague position of the EP..²³⁵ The Greens reacted with disappointment to irresponsible moves by Christian Democrat MEPs to delay a vote on Turkey's extended customs union with the EU. Green/EFA group co-president, Daniel Cohn-Bendit summed up the situation: “The accession of the former Communist states was part of the European reunification, and nobody asked questions about Poland, or Czech Republic belonging to the EU. Turkey represents a real new enlargement and is a new dimension for the EU.”²³⁶

²³⁴ This is the automatic translation made by Altavista Babel Fish program from German to English. The German version of the news see NZZOnline. www.nzz.ch/2003/09/06/fe/page-article92INT.html.

²³⁵ Der Spiegel, February 27, 2005.

²³⁶ The Greens/EFA in the European Parliament Press Release- Strasbourg, 28 September 20.

Besides this type of encouraging initiatives, there are some negative rapprochement in the European political arena. In a Commentary entitled “Turkey's missed appointment” by Pierre Lellouche, Chairman of NATO Parliamentary Assembly, and published in the French Liberation newspaper on 26th September, Lellouche wrote,

“The European public, especially in France, expected - again rightly - a gesture from Turkey in connection with the Armenian genocide of 1915 and relations with independent Armenia. Turkey can indeed say that such a gesture is not mentioned - and I regret the fact - in the conditions expressly set by the European Council. But we cannot build the future on a denial of history and a negotiation of past crimes, even if they were committed by previous generations and under a different political regime, in this instance the Ottoman Empire. There is no point in evading responsibilities towards History: better to acknowledge, to mend and to be reconciled. Germany fully realised this following 1945 and that is what made possible its involvement, with equal rights, in European building”²³⁷

Without a doubt the European Parliament’s decisions do not bind. Because the EU’s highest organ was the Council. In other words, these decisions do not carry with them legal consequences for non-compliance. However, the European Union Commission Report dated 6 October 2004 contained a short paragraph under the subtitle of “Armenians” in the section of Minority Rights (Paragraph 2.6.1) said that:

Before the World War One, the Armenians were the largest non-Turkish minority. The 1915-16 genocide of the Armenians, in the course of which at least 1 million Armenians were killed, led to ‘ethnic cleansing’ of Anatolia...Turkish Official quarters still deny the Armenian genocide and the ‘ethnic cleansing.’ Far from it, it is commonly taught in schools that no genocide has ever occurred.²³⁸

²³⁷ Newropeans Magazine.http://www.newropeans-magazine.org/index.php?option=com_content&task=view&id=2883&Itemid=84

²³⁸ Hochleitner, Eric. « The Political Criteria of Copenhagen and their application Turkey », Österreichisches Institut für europäische Sicherheitspolitik. http://www.oeies.or.at/PolKrit_englisch.pdf.

CHAPTER IV

CONCLUSION

In this paper I discussed the forced population transfers have taken place from the beginning of the nineteenth century to 1950s in Europe and in the Ottoman Empire. I am particularly interested in two cases, namely the expulsions of ethnic Germans from Yugoslavia during the World War II, Poland and Czechoslovakia between 1945 and 1950 and the expulsions of ethnic Armenians from their home-countries in Anatolia during 1915-16. The main motive that could have triggered the former case seemed to punish ethnic German minorities for the role they had played in German occupation policy in Central and Eastern Europe. According to some estimates in Central Eastern Europe alone, 46 million people were forced out of their ancestral homes between 1939-1946; between 12 and 13 million of these refugees and expellees were ethnic Germans.²³⁹

These forced migrations, exiles and murders can still constitute a serious source of tension for Germany, Poland, Hungary, Czech Republic and Slovakia during the EU membership process. As a result, to evaluate the Turkish-Armenian tension within this general picture gives the EU the opportunity to bring member nations face to face with the issue of acknowledgment of their own historical wrongs.²⁴⁰ The reconciliation process between Germany and Poland, and between

²³⁹ Henning Süßner, *Still Yearning for the Lost Heimat? Ethnic German expellees and the Politics of Belonging*. Paper prepared for: ECPR-CONFERENCE 2003, 18-21 September 2003, Philipps-Universität Marburg/Germany.

²⁴⁰ There are some very intense debates on the issue within Germany, in particular. For a general summary of these arguments see: Faulenbach, Bernd, "Die Vertreibung der Deutschen aus den Gebieten jenseits von Oder und Neiße. Zur wissenschaftlichen und öffentlichen Diskussion in Deutschland" in: *Aus Politik und Zeitgeschichte*, Nr. 51-52/53 (23.12.2002).

Germany and the Czech Republic were facilitated both by the democratisation of these countries and their desire for integration into NATO and the European Union, as well as by a generational and change of mind within the German expellee community living in these countries.

Unlike German-Poland relations, German-Czech relations were never burdened by unresolved territorial issues, as the territory in question, the *Sudetenland*. The issue in German-Czech relations was primarily one of the legitimacy of the expulsions and the way in which they were conducted. After years of negotiations, in 1997, the German government accepted the responsibility of Germany in the developments leading up to the Munich Agreement and the destruction of Czechoslovakia, and expressed its deep sorrow over the suffering of Czechs during the Nazi occupation of their country. The Czech government, on the other side, regretted the post-war policy, resulting in the expulsion and expropriation of a large section of the German minority, including many innocent people. On April 15, 1999, the European Parliament in Brussels adopted a resolution asking the Czech Republic and the Republic of Slovenia (in ex-Yugoslavia) to abolish postwar laws that discriminate against former citizens solely because of their ethnicity, i.e. the Beneš-decrees and in Slovenia the AVNOJ-decrees, before joining the European Union. Despite this, they were of the opinion that the Beneš-decrees did not pose a legal obstacle to Czech membership in the EU and consequently the Czech Republic became an EU member on May 1, 2004.

If we look at the Ottoman case, from the spring of 1915 onwards, eastern Anatolia became a war theatre itself. The decade of war also marked the end of the old Christian communities in Anatolia, primarily those of the Armenians questioned for their loyalty to the Ottoman Empire forced to leave their homeland by the state in the

catastrophic atmosphere of 1915-16. Similarly, as a result of war, epidemics and starvation, some 2.5 million Anatolian Muslims had lost their lives, as thousands of Armenians besides other Christians like Greeks. Although there are not only similarities but differences between the forced population transfers of the Germans and the Armenian forced population transfers, most people who are familiar with the Armenian Genocide issue believe that the real problem lies in the disagreement over historical events, yet this is true only to a limited extent. In other words, their current perception of each other seems more important than the past itself. One can argue that Armenians and Turks have developed a certain discourse, that is, separate narratives about the past which are an important part of each collective group identity and used only to reinforce existing national stereotypes. In this way, the perception of each party of itself and others, quite apart from the historical debate, becomes an obstacle to common understanding. At the same time, the “Armenian genocide” issue presents a perfect opportunity to the oppositional groups in the EU by not only promising to keep the issue on the table but also to change the Constitution in order to put Turkey’s EU membership to a referendum.

In the light of these discussion, it is possible to see more clearly what Turkey would be faced with in the future regarding relations with the European Union. The legal document which determines the conditions for Turkey’s membership is the so called “Copenhagen Criteria” and these criteria do not include the acknowledgment of “genocide.” The EU could either make the acknowledgment of “genocide” so it became a legal provision for Turkey or it could insist on Turkey only in lifting the barriers, legal and political, to allowing an open debate of the issue. It could be argued that if making the redressing of the historical injustices as a precondition to EU membership so that that member countries come clean about their past, the EU

would be taking a positive step towards its own democratization. However, if the EU makes the “genocide admittance” a pre-condition for Turkey alone, it will be very difficult to deny the criticism of a double standard at play. That the issue mostly has been brought up by the groups who vehemently oppose Turkey’s accession to the EU could be seen as a strong indication for such a double-standard approach.

In addition, the EU has never developed legal jurisdiction to make the redressing of the past a pre-condition for membership. Just the opposite, up until now, the EU has followed a policy of not making the recognition or redressing of historical grievances a prerequisite to the membership process. The EU has until now refrained from demanding that candidate members redress historical wrongs as a prerequisite to membership. It is possible to guess that if it would have forced the memberstates to face their history, probably no country could join to the EU club. In fact the EU has not looked favorably on this position not only from ethical point of view, at the same time from a practical standpoint. In order to maintain internal and external security through the reconciliation policies, there are different alternatives in front of the EU the policy of which is basically is to try to help develop democracies in the region, not through war, but through example, with positive support given to internal dynamic forces in the region. The model country in the region, as far as the EU is concerned, is Turkey. If we take a look back at the Czech Republic, the Republic of Slovakia, Spain, Portugal and Greece, the EU has been following a steady, consistent path towards encouraging democratic practices in its potential member states. After Willy Brandt visited Poland and knelt at the monument of the Warsaw ghetto uprising, it took another two decades of patient diplomatic exchanges for the Poles and Germans finally to sign a treaty that put an end to this bitter history. Only then, did the Poles seem willing to apologize for the fate of the Germans whom

they had forced to leave their homes and whom they had tortured and killed 25 years earlier. This example shows also that the EU has more possibilities rather than simply forcing Turkey to acknowledge the “genocide” as a pre-condition. The EU can consider the matter in a broader context and approach to that problem as a part of democratization process of whole Europe and facing the history within the European context. In this respect, the role of Germany and France in the development of the this process in Ottoman Empire could be an interesting starting point for Europe.

On the other hand, some moral issues are waiting to be solved. The real problem is how people can come to terms with a legacy of past atrocities and criminal acts? How can wounds caused by division and conflict be healed? How can a people recover from collective trauma? The answers to these questions pose a stark choice between absolute justice and peace at any price. We can formulate the alternatives in extreme terms, such as the victim’s lust for revenge on the other hand and the perpetrator’s self-interested amnesia on the other, or witch-hunts on the one hand and whitewashes on the other. Max Weber theorized these two extreme poles as two ideal types of ethical systems to be practiced in the world of politics.²⁴¹ One is the ethic of ultimate conviction. This is characterized by an uncompromising commitment to a set of values and ideals. The other is the ethic of responsibility, which acknowledges the need of what is practically possible within the existing world as it is and the parameters of the existing conditions. In other words: A compromise of lesser evil. Within the extremes that we have defined, how can we address the past in a constructive, future-oriented manner?

Turkey has different choices regarding its future. One end of the pendulum could be envisioned with Turkey not expressing its sorrow for the past and not

²⁴¹ Andrew Rigby, *Justice and Reconciliation After the Violence* (London: Lynne Rienner Publisher, 2001), p. ix.

apologizing for anything. The other choice is apologizing without using the term “genocide” and eventually avoiding the full responsibility of it. Another choice would be for Turkey to recognize the “genocide” as a wrong act of the Ottoman authorities and to enter negotiations with Armenia. European pressure and the development of domestic civil society are two interrelated factors that seem to facilitate Turkey’s self-examination on questions of historical injustice. The EU is both impetus and incentive in this process. The possible negative consequences of facing the past may be mitigated by the economic and social advantages of membership in the European Union.

There are different choices for the EU, of course. Turkey can be excluded from the EU until the period of “facing its history.” One of the possible results of this kind of rejection to decelerate the democratic reforms and to sharpen the antagonism between the Turkish and the Armenian sides. Another way that the EU can follow is to approach the issue, not as a way of preventing Turkey from joining the “club,” but as a way of encouraging an internal dynamic towards democratization, not only Turkey’s, but the EU’s democratization also. Instead of pondering which weapon it should point at Turkey, the EU should be focusing on how to come to the terms with its own history which could become an important element to EU identity.

Regardless of which of these scenarios may or may not come to fruition, the problem is on the Turkey-EU agenda. But the question “should the recognition of the genocide be a precondition for admittance” is essentially a political question. It is obvious that “the Armenian genocide” issue, along with political issues, will be one Turkey must grapple with as it continues on the road to the EU membership.

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