

AN GENOCIDE AND THE RIGHTS OF PEOPLES

ARMENIAN GENOCIDE COMMEMORATION

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**THE ARMENIAN GENOCIDE COMMEMORATIVE COMMITTEE
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The Armenian Genocide and the Rights of Peoples

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PEOPLES OF THE WORLD

We meet at an extraordinary moment in human history. Everywhere we witness the assertion of the rights of peoples.

Recently I had to travel to London for a conference on the rights of the Tibetan peoples. My plane journey provided a vivid reminder of the power of collective identity - and its special force at this time.

Leaving our vast red continent, the plane winged its way over Indonesia. Down there beyond the left wing of the plane was the island of Timor. On the east of that island were peoples who resolutely asserted a different history, with a different culture, language and identity. They wanted to be themselves, separate. But they have been abandoned by many governments and peoples, including Australia's government. Now, forty years after the establishment of Indonesia, other outlying provinces of that heterodox collection of islands begin to stir. Their only rational link is four hundred years of Netherlands rule - for

otherwise they are thousands of islands with different cultures, languages and identities.

Onward the plane travelled over the disparate provinces of Malaysia. Down there on the right wing of the plane was the unhappy land of Burma - riven by separate revolutions, occupied by a military government which imprisons the victors of a democratic election.

Then through the dark night the plane took its long, majestic circle across the central lands of our world: where so many ancient civilisations and religions were spawned. There was Bangladesh - brought together with Pakistan in the identity of Islamic India but later separated when the shared identity wore thin. On the right was the ancient land of China and soon I was passing near the plateau of Tibet. There an ancient, distinct and separate peoples are ruled from Beijing. Their demand for their own identity and separation is denied. Their spiritual leader and many of their foremost citizens live in exile. Their ancient spirituality is mocked. During the Cultural Revolution their temples were shattered and defaced. Their crime is wanting to be themselves: something separate, different from the powerful Han peoples who dominate China and now rule them.

On the left of the plane was the subcontinent of India with its multitude of peoples and religions. Down there I knew were stirring the separation movements of Kashmir and the Punjab: people of different religions, languages and traditions who assert a right to be separate.

On and on the plane travelled through Afghanistan - a tough land that successfully withstood the second power of the world and forced it to withdraw. And now I was

approaching that region where the deepest conflicts fester. To the left of the plane was Kurdistan. Then I flew over historic Armenia. Far out to the west was Israel and Palestine. Further still troubled Cyprus. Yugoslavia was there: a federation in danger of separation into the historic lands of the Serbs, the Slovaks, the Slovenes, the Macedonians and Albanians.

Then through Russia itself the plane continued. Along its border, the ring of Soviet Republics now rising and demanding autonomy - even independence. But a few weeks ago the Georgian Republic voted for full autonomy. The Ukraine demands independence. Even - strangely to our eyes - the Russian Republic demands its separate autonomy from the Union - shattering our illusions that the Soviet Union was a mask for Russian hegemony. All along the borders there is division and resistance. The Moldavian Republic asserts its link with Romania. And the Baltic Republics condemn their forced absorption into this polyglot nation. Estonia, Lithuania, Latvia - all demand recognition of their separate identities.

The plane takes its swing down the grand circle towards London. But the peoples story does not finish in Europe. Down there are the Czechs now claiming separation from the Slovaks. Germany is newly reunited. But what of the lost Germans in the diaspora - German-speaking enclaves in the middle of Romania. Hungarians too in Romania? Turks in Bulgaria? Even in Britain the assertion of peoples' rights is to be seen. The Welsh claiming the identity of their own language and culture. The Scots with their different legal system and the growing claim for separate

rule. And the land of Ireland, from where my forebears hailed - still riven by a conflict entangled with religious, economic and clan rivalries.

This long journey did not take me to every nook and cranny of our world. Had I continued down to Africa I would have seen the same picture - colonial borders drawn with indifference to tribal and linguistic links. In the depths of Latin America there would be the same features. Even in North America we see Canada now imperilled: with the demand for the separation of Francophone Québec from the Federation which has held together longer even than our own. In the United States too there is the growing separate identity of Hispanic peoples and of Afro-Americans. And if we cross the Pacific, on the way back to this sunny land we would see other divisions in Hawaii, Fiji and other Pacific Islands.

THE BADGE OF DIVERSITY

We live in a blue planet, circling a tiny star in a mighty galaxy - one of billions in a gigantic universe. Yet on our planet we are torn and shattered and riven and divided. The divisions are strong. They do not succumb to rational debate. They will not bend to cold analysis of self-interest. For at the heart of the divisions are the claims of peoples to find their own identity by looking into themselves and looking about them to their neighbours, families and friends.

In group identity there are features of self-discovery and of comfortable shared values. These cannot be eradicated. Nor should they be extinguished. They provide the glory of the diversity of humankind. They are as precious - and as important to preserve - as the beautiful

variety of plants and the magnificent diversity of animals of the land and fish of the sea which is our heritage. In an extraordinary explosion of life, our blue planet - of no other great significance in the universe - boasts wonderful variety.

There are people in this world who would stamp out variety. There are rulers who would force uniformity and crush diversity. There is a continuing battle between these advocates of sameness and a growing band of advocates who defend diversity and wish to cherish and preserve it at every level of human, social and global life.

If ever there is a people who should reject conformity and embrace the code of diversity it is the Armenian people. They, like the Jews, the Kurds and the Palestinians - and many other groups - are peoples who have been long denied a state. To some extent, for the Jews, that denial has been repaired with the creation of the State of Israel. But that repair has created its own source of injustice to the Palestinian people. To some extent, the deprivation of the Armenian people has been repaired by the creation of the Armenian Republic in the Soviet Union. But an equal number of Armenian people today live outside that Republic as live within it. Many of them have suffered and still suffer for no reason other than their group identity as Armenians. The people of the world, energised by daily broadcasts and television pictures of the sufferings of the Kurds cry out for relief to them. Although in the past there have been historic antagonisms between the Kurds and the Armenians, the Armenian people will also now cry out for the Kurds. Those who have known suffering can understand it and will protest

about it.

My point, so far, is that the sufferings of the Armenians, like that of the Jews, the Kurds, the Palestinians and countless other peoples must be seen in a context. Unless we perceive and understand the context we will never resolve the forces which conspire to cause such suffering. The context is group identity which is seen as threatening by some other groups. The context includes the right of self-determination of peoples. That right is one of the great themes of the twentieth century. It is a promise which is only partly fulfilled. But it remains the banner of international law to which we should aspire. It is the banner which inspires the Kurds and the Palestinians and many other peoples too. It was the banner which originally gave hope to the Armenian peoples. That hope was shattered in the genocide which we have met to remember and reflect upon today.

REMEMBERING THE GENOCIDE

I have driven through part of historic Armenia. In an earlier journey, I travelled by car through the Khyber Pass, through Afghanistan and Iran. Travelling up towards Turkey on the way to Europe I came to Tabriz, Makoo, Gair, Agri, Erzurum, Eleskirt. In Tabriz, in the Shah's day, there was a museum of the history of the Armenian peoples. I hope it is still there. Beautiful and mountainous is the region in that corner of the world. Mount Ararat can be seen from the road. One realises how artificial are the borders stamped by man on the mountains, rivers and peoples.

As I drove through old Armenia I reflected on the suffering of the Armenian peoples in that part of the world.

That travail came to its peak in the early years of this century. Thrifty and industrious, the Armenian middle class had prospered after the conquest by Tsarist Russia of the Caucuses during the nineteenth century. Russia saw itself as a protector of the Christian Armenians in an area of the world often antagonistic to their language and culture: on the borderland of two great religions of the Book: Christianity and Islam.

But for British fears of Russian expansion and its perceived threat to the Empire in India, the Russian army might permanently have severed the Eastern parts of Turkey from the Sublime Porte. Had this occurred, our century might have begun in quite a different way. The Armenians might have re-established a viable Armenian state: occupying part of the historic kingdom of Armenia. Even the Kurds, a non-Arab people might have then have been encouraged to form their own separate land on the edges of Ottoman rule. It was not to happen. The problems of our time were then laid down. Russia retreated under the threat of British mobilisation. The route to the Indian empire was preserved. But the Armenians, not for the first and not for the last time, were abandoned - as were the Kurds and other minorities. The Ottoman Empire reasserted itself. Then began the series of massacres.

In 1909 there was a terrible massacre at Adana. But it was as nothing to the onslaught which occurred under the cover of Turkish involvement in the First World War. On the very day before the landing at Gallipoli on the first ANZAC Day - 24 April 1915 - 254 Armenian intellectuals in Istanbul were arrested. They were deported to the provinces. Nearly

all of them were murdered by the authorities.¹ So began the Armenian Holocaust.

The peril to the Ottoman Empire with its large, bloated, overstretched military led to successive attacks on minorities in Turkey: particularly the Armenians. How many Armenians died? Viscount Bryce, speaking in the House of Lords in October 1915 put the figure at around 800,000 to that time. But the slaughter continued well into 1916. Indeed as late as 1921, a British Colonel in Erzurum found the followers of Kemal Atatürk beating and starving Armenian captives to death.

Before 1914, approximately 2 million Armenians lived in Turkey. Since the first World War the figure has scarcely exceeded 100,000. The total Armenian dead is estimated at 1.5 million. To that cold statistic must be added the hundreds of thousands of refugees, each with an independent separate tale of misery, struggle, deprivation, loss. If we want to imagine what these people went through we can readily do so by watching the current predicament of the Kurds brought into our livingrooms each day by satellite and television. But to the sufferings we now witness could be added, in the Armenian case, the cruelty of secret extermination orders and the indiscipline and barbarism which secret operations permit. Under the gaze of the world's eyes, his military limited by the successful Allies, it is more difficult for Saddam Hussein to exert the same cruelty. The unwillingness of the world to respond in an effective way to the cruelty to the Armenians has haunted many people since 1916. It stands today as a warning to us all.

Immediately following the First World War, a mighty

battle had been fought and won. The victors forgot their promises. They had called for an uprising. But when the war was over, they had exhausted their treasure and their patience. They soon lost interest in a far-away people in a distant part of the world about which they knew little and cared less. The greatest crime is silence.

Sensitised now by the knowledge of the terrible sufferings earlier in the century of the Armenians, the Jews, the Palestinians, the Baha'is and others - our consciences enlivened every day by television images we are now more anxious and concerned. But whether that anxiety and concern will be translated into effective action remains to be seen. The story is unfolding at this very time. It has great significance for the future of stateless peoples.

THE RIGHTS OF PEOPLES

What can be done to solve the basic problem which is illustrated by the cruelties inflicted upon the Armenians and on other peoples? What can be done at this very moment for the Kurds whose land extends over three or more states: each resistant to a recognition of separate Kurdish rights?

I have said that one of the banners of the twentieth century has been the right of self-determination of peoples. In international law, the notion that "peoples" - as distinct from sovereigns and sovereign states - have rights is a comparatively new one. Until recent times, international law expressed the rights and duties of Kings and states. It is still profoundly influenced by that historical reality. It is states which exchange ambassadors, go to war, take their seats in the United Nations, vote and speak to each other on the world's stage.

However, recent times have been marked by the development and recognition of human and peoples' rights. This development gives a ray of hope for the future - and for a world that will be more attentive to the rights of peoples, such as the Armenian people.

One of the most stirring assertions of the rights of peoples was found in the opening words of the Declaration of Independence of the United States of America. It begins:

"When in the course of Human Events it becomes necessary for one people to dissolve the political bonds which have connected them with another, and to assume amongst the powers of the earth, the separate and equal station to which the laws of nature and nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation."

Thus the American Republic began by an assertion of the separate rights of the peoples of the American plantations and colonies to sever their links with the British Crown. It was a declaration which led to war. After many battles and much suffering, it was a war which the British Crown lost. It led on to the assertion by a modern state of rights to democracy and to the fundamental freedoms now collected in the Bill of Rights. That movement accompanied a similar development in revolutionary France. The world's history would never be quite the same again. People were no longer to be "subjects", pawns to be traded by Kings and Queens. They were to be citizens with individual rights. But also with rights as members of the group of people who come together to give legitimacy and authority to their government. It would be a government by the people. But who were the "people"?

By the insistence of Presidents Wilson and F D Roosevelt in the First and Second World Wars, the self-determination of peoples was made a war aim of the Allies in both Wars. One of President Wilson's Fourteen Points was a specific promise of self-determination to the oppressed peoples living under the rule of the Ottoman Empire. A great many of the Armenian peoples were then in this category. This became one of the objectives of the First World War, after the United States joined in to break the stalemate on the Western Front. It was an objective that raised great hopes. Amongst other things, it led to the establishment of the independent Armenian Republic.

The hopes and promises of 1918 were reflected in the text of the Treaty of Sèvres - as other hopes were earlier expressed in the Treaty of Versailles. But the promises of Sèvres were later torn up by Turkey. It terminated the independent Armenian Republic in Eastern Turkey. It then remained for Lenin, inspired by a number of Armenian nationalists and poets to establish the Armenian Republic in the Soviet Union. In these days when it is fashionable to condemn Lenin and all his works and to pull down his mighty statutes to the cheers of crowds, we should remember that amongst wrongs done by him there was the right - of the establishment of the Armenian Republic within the Soviet Union.

The words and promises of war leaders, anxious to secure the support of restive peoples of the Ottoman and other empires might have been forgotten after war was finished. As it was then, so it is today. But the principle of self-determination remained at the core of the post-war

institutions which were established following the Second World War.

In a reflection of the abiding influence of the American Founding Fathers right into our century, the United Nations *Charter* rests, for its authority and legitimacy, not upon the *states* of the United Nations but upon the *peoples*. The very opening words of the *Charter* from which its authority derives, is expressed in these terms:

"We, the peoples of the United Nations ..."

The second of the purposes of the United Nations, stated in the *Charter* of 1945, includes:

"To develop friendly relations among nations based upon respect for the principle of equal rights and self-determination of peoples."

The Human Rights Covenants, as earlier the Universal Declaration of Human Rights, gives similar priority and emphasis to *peoples'* rights - including the most important *peoples'* right of all - the right to self-determination.

There are other important *peoples'* rights. They include the right to existence as a people, for which the Genocide Convention gives protection in international law. There has been a debate in some circles as to whether there exist *peoples'* rights as distinct from human rights. But in the face of the language of the United Nations *Charter*, it can scarcely be denied. There are *peoples'* rights - especially to existence, to self-determination and to development. The debate now is about the content and not the existence of *peoples'* rights. *Peoples'* rights are not state

rights. Peoples' rights may not be used to derogate from individual human rights. Peoples' rights provide the preconditions necessary for the fulfilment of individual human rights. Peoples' rights, far from justifying anti-democratic actions by states against peoples assert and protect peoples from anti-democratic actions against them by the state in which they live, where that state is undemocratic or otherwise illegitimate.

However, much controversy exists as to who are "people" for the purpose of having these rights to existence and self-determination. It was this controversy which led to the formation of a group of experts by UNESCO. The experts met in Paris in November 1989. They elected me to chair their meeting. The work of the experts was devoted to defining a "people" for the purpose of peoples' rights in international law. The work of the experts is continuing. They will meet again in Budapest in September 1991. Because of the developments in the outlying republics of the Soviet Union, in the Baltic, the Balkans, for the Kurds, the Palestinians and the Armenians there could scarcely be a more important issue for international law and the international community.

The experts in Paris² stressed that a "people", enjoying the international legal right of self-determination could be described as:

"A group of individual human beings who enjoy some or all of the following common features:

- (a) A common historical tradition;*
- (b) Racial or ethnic identity;*
- (c) Cultural homogeneity;*
- (d) Linguistic unity;*

- (e) *Religious or ideological affinity;*
- (f) *Territorial connection; and*
- (g) *Common economic life.*

The experts stressed that the "group" must be of a certain number so that they are more than a mere association of individuals within a state. They must have the will to be identified as a "people" or the consciousness of being a "people". They must have institutions and other means of expressing their common characteristics and will for identity."

If this definition is accepted, who could doubt that the Armenian peoples qualify by every criterion listed as a "people" and are therefore entitled to the right of self-determination? They are just as much a "people" for this right as are the Kurds, and the Palestinians. In a sense, they are even more a "people" by this definition than the Jews who had been scattered to the four corners of the world. The Armenians have also been scattered; but they have had a continuous, unbroken historical link with their traditional territorial homeland. The borders of that homeland may have varied over time. Few peoples remain immobile and unchanging.

But if the Armenian peoples have the right to "self-determination" what is the world going to do about it? What is it going to do about the same right for the Kurds? How will the Palestinian people enjoy this right which is so important that it stands there at the very head of the United Nations Charter?

WHAT CAN WE DO?

Facing these quandaries we must ask what we can do? It may seem that there is very little that individuals can do. And yet this restive world is full of hope and opportunity. Rarely before has there been such a coincidence of forces which assert the rights of peoples. Peoples everywhere are rising. They are asserting their identity and their right to self-determination. We can see it in the referenda in the Soviet Union. We can see it in the debates in the Balkans. We can see it in Tibet. That brave country's claim to self-determination is symbolised in the Dalai Lama. In some ways, then, the times are propitious.

Yet the nation states which take their seats in the United Nations are deeply antagonistic to the notion of the rights of peoples - just as many of them are antagonistic to the assertion of human rights. We may take hope from the developments of the last two years in Eastern Europe where the assertion of the peoples' right to self-determination has proved remarkably successful. Perhaps this time, the world will prevent a holocaust of the Kurds³ and the pious neglect of the Palestinians.⁴ There will be no peace in the world until the rights of self-determination of dispossessed peoples is recognised by the international political and legal order. We have not yet found the institutions and precise means to redraw national boundaries and to give peoples living within a state an effective right to self-determination. States resist that idea out of fear of separatism. Yet the banner of self-determination of peoples provides a potent symbol. There is no force so powerful as an idea whose time has come. This idea's time appears to have come. In translating it into just action we

should learn from the suffering of the Armenian people and the neglect of their right to self-determination earlier this century. If we do learn, their great wells of suffering will not have been in vain. Perhaps the new-found resolve to protect the Kurdish people may evidence a determination to prevent a new holocaust and to protect, even against a sovereign state, the precious peoples' right to self-determination.

MULTICULTURAL AUSTRALIA

Within our own country we can reflect these ideals. We can do so by building an Australia which is truly a model of tolerance and mutual respect. We are a land with a remarkable diversity of peoples. Once it was required that we should all march to a single drum. Today, diversity is accepted. We do not feel threatened by it. We are linked together by a common dedication to a democratic country. We do not seek to suppress the marvellous heritage that comes with the peoples of a hundred and fifty lands who now live together and call themselves Australians. These diverse peoples bring with them their languages, cultures, religions, philosophies. Their diversity is a precious gift to us. In Australia, we should give an example for the world of the 21st century. People of many lands, living together in harmony, respectful of diversity and not seeking to stamp it out.

So on this anniversary - when our thoughts fly far from here to the ancient land of Armenia, all Australians should join together whatever their ethnic background. Armenians and Irish. Turks, Russians and British. Vietnamese and Kenyans. Chileans and Fijians. We should all, as members of

the human family, remember the terrible suffering of the Armenian holocaust and of the holocausts which followed it and blighted this century. We should remember the suffering which still continues in our world. We should resolve to strive to make the world a better place. We should uphold the peoples' rights to self-determination. And we should not do so selfishly only for the Armenian peoples. But for all peoples who are denied the precious right to self-determination. All of them are our brothers and sisters. Ask not for whom the melancholy bell of the Armenian suffering tolls. It tolls for all peoples.

Those who forget the lessons of history are condemned to repeat its mistakes.

* President of the New South Wales Court of Appeal. President of the Australian Section of the International Commission of Jurists. Member of the Executive Committee and Chairman-elect of the International Commission of Jurists, Geneva. Chairman, UNESCO Expert Group on the Rights of Peoples (November 1989). Personal views.

1. D M Lang and C J Walker, *The Armenians* Minority Rights Group, 1987, 7. See also V N Dadrian, "Genocide as a Problem of National and International Law: The World War I Armenian Case and its Contemporary Legal Ramifications" 14 *Yale J Int L* 221 (1989). Armenian National Committee, *The Armenian Genocide as Reported in the Australian Press*, Sydney, 1983. P Vidal Naquet and Ors, *"The Crime of Silence, the Armenian Genocide"*, Zed Books, London, 1985.
2. United Nations Educational, Scientific and Cultural

Organization, International Meeting of Experts on Further Study of the Concept of the Rights of Peoples, UNESCO, Report, Paris, November 1989; J Crawford (ed) *The Rights of Peoples*, Clarendon Press, Oxford, 1988.

3. See "How to help the Kurds", Editorial, *Sydney Morning Herald*, 5 April 1991; 10; see also P Stevens "Allies plan refugee camps in Iraq" in *The Age*, 18 April 1991, 9. Cf "The world cannot stand by and watch a genocide", Editorial, *The Age*, 18 April 1991, 3.

4. See T Walker, "Palestinian camps legacy haunts US", Comment, *The Age*, 18 April 1991, 9.