



Policy Brief

The Bermuda Triangle: Turkey, Azerbaijan and Armenia

Yalım Eralp

May 2010

Abstract: *The Protocols signed between Armenia and Turkey constitute a significant threshold in the relationship between the two countries. The process of ratification has been stalled, especially due to issues in Turkish domestic politics, and the Protocols have been shelved for now. However, it is important to not completely kill the process. It would thus be helpful in terms of a soft transition into the future if both parties implement those clauses in the Protocols that do not require ratification.*

According to some Turkish officials, April 24th 2010 was averted with no damage, since the US President Obama did not use that “magical” word; genocide. In reality, Obama talks of genocide without using the word. Meds Yeghern, meaning the Great Calamity, is a term synonymous with genocide for Armenians.

This brought to mind the future, or rather the ratification, of the Protocols, signed between Turkey and Armenia in 2009. The text of the Protocols ensure a compromise in terms of each country’s priorities. For Armenia, the opening of the border is the biggest issue, while for Turkey it is Armenia’s recognition of the mutual border and the establishment of a historical commission to investigate the Armenian question. The Protocols faced fierce criticism in both countries. In Armenia, those opposing the historical commission are against opening up the genocide

for discussion at all. In addition, according to the Armenians objecting to the Protocols, the clause that refers to the establishment of diplomatic ties and reads “recognition of the border along international treaties” translates as an indirect recognition of the 1921 Kars Treaty.

In Turkey, those opposing the Protocols focus on the same clauses. Some say that the lack of a real mention of the Kars Treaty is a big mistake, that it will mean for Turkey giving up its special observant (*droit de regard*) status on Nakhchivan, and that the historical commission will open up a bargain on the genocide question. And of course there is the objection that the Protocols cannot be ratified while Armenia’s occupation of Azeri lands continues.

Azerbaijan also made its move as the Protocols faced objections in Turkey. Ministers from the brother country, which was being continuously informed of the Turkish-Armenian negotiations, came to Turkey and almost became a part of the domestic politics. They acted out in ways that would have created an avert reaction in Turkey had Azerbaijan not been “the brother country”. AK Party officials and the Prime Minister were startled by the situation. Prime Minister Erdoğan went to Baku and gave guarantees that the Protocols would not be ratified before the Nagorno Karabakh conflict is resolved. In fact, the Prime Minister’s words were taking it a few steps further than the rhetoric and conceptions of the Foreign Ministry and Minister Davutoğlu. Up until then, Turkish governments were talking about certain steps to be taken towards the resolution of the Armenian-Azeri conflict in order to open the border, as Armenians and Azeris themselves had come to an understanding to defer the solution of the problem. The core of the problem was the disagreement over whether a clause specifically referring to how the Karabakh issue would be resolved should be put in the text; Armenians want the word referendum mentioned, the Azeris object to this. Armenians refuse to withdraw from the occupied rayons as long as the method of resolution remains undecided.

Turkey’s condition that the Armenian-Azeri conflict should be resolved in order for the Protocols to be ratified got a negative reaction from Armenia. Those who objected to the Protocols in Turkey criticized the absence of this subject in the text. In fact, it is not common to put an issue having to do with a third country in

these kinds of Protocols. The three co-chairs of the Minsk Group, the US, France and Russia, stressed that the ratification of the Protocols should not be tied to any conditions and thus indirectly criticized Turkey’s attitude. What caused this limp? During the Yerevan visit organized by the Global Political Trends Center of Istanbul Kültür University, Armenian officials told the Turkish delegation that during the negotiations, the Turkish side did not mention the resolution of the Armenian-Azeri conflict. Instead the Armenian side brought up the question of how the conflict will be managed in the process, and they were told that the problem was already solved at the highest level. The officials from the Turkish Foreign Ministry, on the other hand, claim the opposite; that the problem was brought up by the Turkish side. There is thus a serious uncertainty, while the Swiss side that chaired the negotiations remains silent. There are then three possibilities here:

- A. The Turkish side did bring up the subject during negotiations, but not as a precondition for ratification.
- B. The Turkish side, as Armenians claim, did not bring up the subject.
- C. The reason being that the co-chairs of the Minsk Group gave guarantees for progress on the resolution of the Armenian-Azeri conflict to the Turkish side.

For a while now the co-chairs of the Minsk Group have made it a tradition to make optimistic statements on the Armenian-Azeri conflict. Statements such as the conflict being 95% solved have been abounding. In international relations, “the devil is in the details.” The most sensitive part of the issue is that 5% that remains to be solved.

In addition to this stumbling block before ratification, the Turkish side claimed the decision by the Armenian Constitutional Court confirming the compatibility of the Protocols with the Armenian Constitution also cast a shadow over the Protocols. The Court’s 6-page conviction mainly stated that the Protocols could not be interpreted as to contradict the preamble of the Armenian Constitution or Article 11 of the Declaration of Independence. In other words, it is stressed that Armenia would not give up on the idea of, or the work towards, “having the Armenian Genocide, including in Western Armenia, recognized by the international community”. The message is that the historical sub-commission envisaged by the Protocols cannot be interpreted as having given up on genocide recognition. It is assumed that it will not be easy for Turkey to convincingly argue on the international stage that this decision by the Court cast a shadow over the Protocols. Indeed, it is more significant that President Sargsyan said in an interview he gave to the Russian media that the committee would not discuss the genocide, but rather the consequences of the genocide. Those who oppose the Protocols put a similar claim forward in Turkey. The relevant provision of the Protocol mentions “dialogue towards establishing mutual trust between the

two peoples, including a scientific and objective investigation of historical documents and archives.” In this regard, Sargsyan’s statement does not conform to the text, but shows how Armenia interprets this provision.

The stall in the ratification process in Turkey prompted action on the Armenian side as well. First, legislation was passed that allowed the government to withdraw their signatures from the Protocols. Later the President announced that the Protocols were suspended and Armenia would not take action until Turkey ratified them. Thus Armenia leveled up with Turkey in terms of ratification. If Armenia wanted to put Turkey in a difficult position internationally, it would ratify the Protocols and shift the pressure towards Turkey. The content of Prime Minister Erdoğan’s meeting with Sargsyan in Washington DC in April during the Nuclear Summit is unknown, but it is presumed that his statements that Turkey is behind the process and the signatures impeded Armenia’s tendency to withdraw from the process. The remarks President Sargsyan made when he announced the suspension of the process on President Gül’s political honesty could evoke an important subject. Turkey was not the party to bring up Karabakh during the Turkish-Armenian negotiation process, as President Gül had not made any statements implying the ratification process was conditional on another issue either.

The Protocols serve an important function in the normalization of relations. It would not only be wrong to give up the process, but that would also make it even harder to restart in the future. The opening of the border might not mean as much to the Armenian economy as it did in early 1990s. Still, the opening of this door would both allow Armenia to breath better and also be perceived there as a moral victory against Azerbaijan.

For Turkey, keeping the border closed is an anomaly. However, an equally important issue for Turkey is the desire to curb Armenia's international campaign for genocide recognition. To counter this campaign Turkey would try to use both the historical sub-commission and the article on "avoiding policies that are not coherent with good neighborly relations" in the Protocol on Building Diplomatic Relations. It is important that the historical sub-commission is established. In fact, President Clinton had pointed to a history commission against the genocide campaign. In reality a history commission on genocide would conduce to a document exchange, like it was done through the University of Vienna in 2004. Arriving at a decision regarding the genocide would be the task of an international court, which the 1948 Charter points to as well. A historical commission cannot take such a decision. The Armenian side would say they are discussing the genocide through the commission, while the Turkish side would be sending the message that documents are being investigated in a scientific and objective manner.

The process of normalization in Turkish-Armenian relations is shelved for now. But it is not dead. There are a number of possibilities in this area that could keep the process alive to an extent, even if the Protocols are not ratified.

The Minsk Group:

The three co-chairs should put more effort in solving the conflict. Specifically, Russia should not view the conflict solely from the perspective of energy corridors. It is apparent that Russia would like to tie the solution of the conflict to shaping its energy issues in its favor. The occupation is as much of an anomaly as the Turkish-Armenian border being closed. There is the impression that the idea in 1990s of solving the conflict in accordance with Azerbaijan's territorial integrity has shifted towards the region being integrated to Armenia. Azerbaijan's idea to solve the conflict with arms is faulty and would cause larger problems. For the Madrid Principles to be implemented, the Minsk Group has to work in unity.

Turkey:

Even though the Protocols remain not ratified, there are steps that could be taken without having to wait for ratification. As foreseen in the Protocols, establishing dialogue between the Foreign Ministries of both countries, student and specialist exchange in the fields of science and education are the principal among those steps. The Protocols do not have to be ratified to do these. Moreover, protecting and improving Turkey's Armenian heritage and culture is something that needs to be done regardless of the Protocols. In addition, there are many steps that could be taken with neighboring Armenia in the field of culture, including TV programs. Building close dialogue among the two people with assistance from civil society organization is essential for the future and a soft transition in relations.

Armenia:

Expecting Armenia to give up the genocide idea is unrealistic. Nonetheless, it is possible for Armenia to act more carefully even when pursuing this idea. Vilifying Turkey everyday cannot be very beneficial. It would also prevent a rapprochement between the two people. Armenia should not push aside the "constructive ambiguity" formula in regards to implementing the Madrid Principles within the Minsk Group framework.

Azerbaijan:

The leaders of this brother country, who are informed on the Turkish-Armenian negotiation process, are expected to be more careful in their remarks concerning Turkey. Threatening, screaming and playing the Russia card may seem profitable in the short run, but still cause unforeseen damages. Since the Armenian occupation has gone on for the past 15 years despite the border being closed, the border has ceased to be a factor in the solution of the Armenian-Azeri dispute. Just as the annulment of Karabakh's status had been wrong in the beginning, a new military operation might complicate matters even further.

Ambassador (R) Yalın Eralp

Yalın Eralp is a member of the High Advisory Board at the Global Political Trends Center, a faculty member at the Department of International Relations of Istanbul Kultur University and a diplomatic commentator at CNN TÜRK. Yalın Eralp was born in 1939 in Istanbul. In 1958, he graduated from Forest Hills High School, New York City. In 1962, he graduated from the Faculty of Political Sciences, Ankara. Between 1962-1983, he served as a diplomat in New York, Greece, and in Rome NATO Defense College from where he graduated. Later on, he was appointed as Counselor at the Turkish Delegation within NATO, Brussels. He served in Washington D.C. as the Deputy Chief of Mission. Having served as the Spokesman of the Ministry for four years, he became Ambassador to India in 1987. Between 1991-1996, Ambassador Eralp served as Principal Advisor to Prime Ministers Mesut Yılmaz and Tansu Çiller and was also the Director of NATO Affairs at the Ministry. In 1996, he became Ambassador to the Organisation for Security and Cooperation in Europe (OSCE) Delegation in Vienna. In 2000, Ambassador Eralp retired from the Ministry of Foreign Affairs.

About GPoT

Global Political Trends Center (GPoT) was established as a research unit under the auspices of Istanbul Kultur University in 2008.

GPoT Center aims to produce innovative and distinctive policy recommendations by analyzing the contemporary trends in regional and international politics.

**The opinions and conclusion expressed herein are those of the individual author and does not necessarily reflect the views of GPoT or Istanbul Kultur University.*