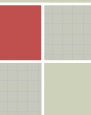


## IKV BRIEF

### **THE ARMENIAN LOBBY IN FRANCE AND THE RECENT DEVELOPMENTS REGARDING THE PROBABILITY OF ADOPTION OF LEGISLATION CRIMINALIZING THE DENIAL OF THE SO-CALLED ARMENIAN GENOCIDE**

**Dr. Kaan Sahilyol, Assist. Expert**



The So-called Armenian Genocide Denial Law, which was **adopted by** the French National Assembly in December 2011 and further approved on January 23<sup>rd</sup>, 2012 in the French Senate, **was found unconstitutional** by the French Supreme Court on February 23<sup>rd</sup>, 2012. **Consequently**, the relations between France and Turkey became tense and the Armenian pressure groups in France were again on the Turkish agenda, due to the said law being proposed, backed by the Sarkozy administration and being **approved** in the Parliament. As it is known, the French Parliament issued a law in 2001, stating “France recognizes the Armenian Genocide that took place in 1915” and thus recognized the Armenian Genocide, **but did not impose any legal action on those who denied the law**. One year before the 2007 Presidential Elections, a legislation, which was to accompany the 2001 law and which proposed a fine and a prison sentence to those who denied the genocide, was accepted in the French Parliament but was refused by the French Senate, becoming annulled.

Reintroducing this law, which was already legitimized in 2001, into the Parliament of France with the addition of a fine and prison sentence in 2012 appears to be a ritualized concession given to voters of Armenian descent before every election. Although the said law was annulled by the French Supreme Court on February 12<sup>th</sup>, 2012, it is highly likely that the Armenian pressure groups in France will propose a similar legislation on the political platform in the future. Considering that the Genocide Denial Draft Law, up until its refusal in the French Supreme Court, was supported by both the centre-right inclined party Union for a Popular Movement (UMP) and the Socialist Party, the two largest parties in France, it is revealed that the Armenian pressure group has an ongoing influence over French Politics.

### **French Citizens of Armenian Decent and Their Influence on French Politics**

Although initially it seems surprising that the French citizens of Armenian descent, whose population are around 400.000 and are close in number to French citizens of Turkish descent, are better at lobbying than their Turkish origin counterparts, this achievement is better understood in the context of their history in France. The increase in Armenian people in France started with the withdrawal of Ottoman Armenians from Adana in 1921, and continued with their migration to Marseille with French ships. After Hatay was annexed to Turkey in 1938, the Armenian population living in that region migrated to France, alongside the Armenian’s living in Syria and Lebanon, who gained independence in 1946. The course of events leading from 1921 to 1946 caused nearly 100.000 Armenians to migrate to France, with most of them settling in the three biggest cities in France, Paris, Lyon and Marseille.

Starting immediately after World War II and ending with the collapse of the Soviet Union in 1989, the Cold War period saw the Armenian population in France grow, with immigrants coming in from Turkey, Egypt, Syria, Lebanon and the Soviet Union. With the end of the Cold War, Armenians who had relatives in France had the right to leave Russia, eventually settling in France. As the relatives of those Soviet citizens of

Armenian descent had been living in France for a long time, the Soviet immigrants didn't spend too much time getting used to the French way of life. Consequently, those Armenians who came from the Soviet Union became French citizens after 20 years and thus became active in political life.

**Those second or third generations of French Armenians were politically active since the early 1980's and achieved ethnic and mass support together with the Soviet Armenians, who were granted French citizenship after the Cold War.** The resulting voters support group and propaganda activities, which could be deemed the "Armenian Pressure Group", helped French citizens of Armenian descent become prominent figures in French Politics in the 1990s. Édouard Balladur, who was born in İzmir in 1929 and was the French Prime Minister during 1993 and 1995, and Patrick Devedjiyan, whose roots go back to Elazığ and who was a minister in Sarkozy's cabinet from 2008 to 2010, are two figures who stand out. Patrick Devedjiyan, who is the grandson of Karekin Efendi Deveciyan, the director of the Istanbul Wholesale Fish Market from 1910 to 1917 and the author of the guide "Fish and Fishing in Turkey", also stood out as the originator of the So-called Genocide Draft Law which was annulled by the French Senate in 2006.

The strength of the Armenian Pressure Group in France and their success in influencing public opinion becomes more evident after the approval of the So-called Genocide Law by the French Senate on January 23<sup>rd</sup>, 2012. Consequently, this would be the first time a draft law pertaining only to Armenian voters was approved in both chambers of the French Parliament, with only the approval of the French Supreme Court awaiting. The So-called Genocide Law was seen as contradicting the 33<sup>rd</sup> clause of the French Constitution, the clause stating the law on freedom of opinion and expression, and was annulled on February 28<sup>th</sup>, 2012, which prevented the transition from a political to a legal platform of the genocide claims. The French Supreme Court said of its decision that the So-called Genocide Law contradicted both the 34<sup>th</sup> clause of the French Constitution, which guaranteed freedom of opinion and expression, and the 10<sup>th</sup> clause of the European Convention on Human Rights, and concluded that the said law transcended the limits of the legislative authority of the French Parliament.

### **The Rejection of the Draft Law by the French Supreme Court and Subsequent Developments**

If the So-called Draft Genocide Law, which was annulled by the French Supreme Court on grounds that it contradicted the freedom of opinion and expression but which is expected to be brought up in the agenda in the future, does become a valid law this would make void Turkey's claim to leave "history to historians". If the draft law overcomes the obstacle posed by the French Supreme Court and becomes a valid law then "once it has completed its transition from a historical issue to a political one, it will then proceed to become a legal issue. Consequently, Turkey should not rely on the draft law being annulled by the French Supreme Court, but should be ready for any

consequences brought about by the approval of such a law that is suggested before subsequent elections. Despite the annulment of the So-called Genocide Draft Law by the French Supreme Court and the election of François Hollande, the Socialist Party Leader, as French President in the second round run-off on May 6<sup>th</sup>, 2011, the inclusion of the so-called genocide claims in high-school text books requires due diligence on Turkey's part against the efforts of the **Armenian Lobby** in France. **The inclusion of genocide allegations into school books was supported by the majority of both Nicholas Sarkozy's Popular Front Party, as well as the new President Hollande's Socialist party. The existence of such support strongly suggests that the Armenian lobby does not limit its activities to election periods and has acquired a high level of influence on the views of politicians about the so-called genocide issue**

In case the so-called genocide law is passed through both chambers of the French Parliament and put into force through the French Supreme Court, Turkey must avoid actions that are threatening in nature and that will offend France as a nation. Instead, Turkey should respond to France's actions in **a rational, carefully planned, and scientific manner**. When Turkey is to defend itself against the unfair allegations put forward by French Politicians, it is not to follow the unfavourable manner in which its French counterparts act, but must behave in such a way as to safeguard its relations with this country, thereby improving its credibility on the international platform. It must find solutions to issues arising from changes in governments in countries where there is a strong Armenian presence, and conserve its credibility and respectability it achieved through prudence. For such a permanent and legitimate impression on the international platform, one of the first solutions that come to mind is Turkey taking the issue to the International Court of Justice.

Turkey's legal basis for such an action rests on **Article 8** of the "*Convention on the Prevention and Punishment of the Crime of Genocide*", which was also signed by Turkey. The aforementioned article states that "*Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.*" The article not only allows the party claiming to be subjected to acts of genocide to take the issue to the International Court of Justice, but also the party who is claimed to have engaged in the act of genocide. Hence Turkey, as a nation accused of engaging in acts of genocide, has the right to take the issue to the International Court of Justice, the basis of this being the 8<sup>th</sup> article in the Convention on the Prevention and Punishment of the Crime of Genocide.

If in the future the So-called Genocide Law is passed through either the French Parliament or put into force by the French Supreme Court and Turkey takes the issue to the International Court of Justice, the Court will not only appeal to the accounts of the defendant and the accused, but also the information given by court experts on the issue, such as scholars, when adjudicating the case. Hence the judicial process will then rest on

the genocide claims being investigated by historians, a procedure that has been put forward by Turkey for many years. Therefore, Turkey is to investigate whether the International Court of Justice has the structure and capacity to come to an impartial and correct decision, and if the investigation yields positive results, **Turkey should start its political, legal, and academic preparations for this upcoming challenge.**