A detailed historical map of the Armenian Genocide region, showing the area from the Black Sea to the Persian Gulf and from the Caucasus to the Taurus mountains. The map is overlaid with a grid and various geographical features, including rivers, mountains, and cities. The title "RESOLUTION WITH JUSTICE" is prominently displayed in the upper center, with "REPARATIONS FOR THE ARMENIAN GENOCIDE" below it. The subtitle "THE REPORT OF THE ARMENIAN GENOCIDE REPARATIONS STUDY GROUP" is centered below the main title. The map includes labels for various regions such as "KARS", "ERIVAN", "VAN GEUL", "MESOPOTAMIA", and "KURDISTAN". It also shows the "TIGRIS" and "EUPHRATES" rivers, and the "ZAGROS" mountains. The map is a historical representation, likely from the early 20th century, showing the borders and names of the regions involved in the genocide.

RESOLUTION WITH JUSTICE

REPARATIONS FOR THE ARMENIAN GENOCIDE

*THE REPORT OF THE ARMENIAN GENOCIDE
REPARATIONS STUDY GROUP*

Final Report – September 2014
Executive Summary & Introduction

RESOLUTION WITH JUSTICE

REPARATIONS FOR THE ARMENIAN GENOCIDE

THE REPORT OF THE ARMENIAN GENOCIDE REPARATIONS STUDY GROUP

Final Report – September 2014

Armenian Genocide Reparations Study Group:

Chair: **Henry C. Theriault**

Members: **Alfred de Zayas**
Jermaine O. McCalpin
Ara Papian

This independent study was initially made possible by a grant from the Armenian Revolutionary Federation-Dashnaktsutyun. The AGRSG wishes to express its deep appreciation to George Aghjayan for serving as a consultant regarding the analysis of financial reparations in Part 8 of this report. The AGRSG also gives special thanks to Ambassador John Evans and Drs. Levon Chorbajian, Susan Karamanian, Antranig Kasbarian, Asbed Kotchikian, Roger Smith, Ernesto Verdeja, and Margaret Urban Walker, each of whom provided invaluable comments on the draft of the report. Of course, though the AGRSG has tried to incorporate the many excellent suggestions from these commentators and tried to improve the report to address their insightful criticisms, all shortcomings of the report are the responsibility of the AGRSG. The positions taken and perspectives expressed are those of the AGRSG members alone, and do not necessarily represent the views of the Armenian Revolutionary Federation-Dashnaktsutyun or any of the draft commentators.

The Executive Summary and Introduction of the final report of the Armenian Genocide Reparations Study Group (AGRSG) are published by the "Armenian Cause" Foundation, in Yerevan, Armenia, with permission from the AGRSG. The complete final report is available in PDF format online, at www.armeniangenocidereparations.info

CONTENTS

EXECUTIVE SUMMARY	i
INTRODUCTION	1
1. AGRSG Formation and Mission	1
2. The Armenian Case in Global Historical Context	3
3. Timing of the Final Report	4
4. Report Overview	8
5. Assyrians and Greeks	9
6. Challenges	9
7. Potential Misrepresentations and Misuses of the Report	12
8. Is Repair Feasible?	13
TERMINOLOGY	15
Part 1 Historical Background	
Part 2 The Harms Inflicted Through the Armenian Genocide	
Part 3 The Five Components of Reparations for Genocide	
Part 4 Reparations in International Law and the Armenian Case	
4.1 General Legal Considerations for Property Seizure within the Context of Human Rights Abuse	
4.2 Applicability of the United Nations Genocide Convention	
4.2.1 The Genocide Convention Is Declaratory of Pre-Existing International Law	
4.2.2 Non-Prescription of the Crime of Genocide	
4.2.3 Universal Jurisdiction and “the Protective Principle”	
4.3 The Doctrine of State Succession	
4.4 The Right to Restitution Has Not Lapsed Due to the Deaths of Potential Claimants or Time Passage	
4.5 From International Law to Domestic Cases	
Part 5 Historical Obligations and Reparations	
5.1 Background	
5.2 Sèvres and Lausanne	
5.3 Wilson’s Arbitration	
5.3.1 The Process and Report	
5.3.2 Validity of the Arbitral Award	
5.3.3 Further Considerations Regarding the Validity of the Arbitral Award	
5.3.4 Implications for Land Status Today	
Part 6 Ethical Dimensions of the Reparations Question	
6.1 Application of Major Ethical Theories to Reparations	
6.2 Refining the Moral Arguments: Responding to Challenges, Objections, and Alternatives	
6.2.1 Challenge: The Passage of Time	
6.2.2 Challenge: Restoration of the Pre-Genocide State of Affairs Is Impossible and Undesirable, and Creation of the State of Affairs Had the Genocide Not Occurred Is Impossible	
6.2.3 Challenge: A Full and Accurate Accounting of What Is Due to Armenians and to Whom Specifically It Is Due Is Impossible	
6.2.4 Objection: Material Reparations Will Be Unacceptably Disruptive, Harm the Innocent, and Benefit the Undeserving	
6.2.5 Objection: The Notion of Pre-Genocide “Armenian Territory” Is Untenable	
6.2.6 Alternative: Recognition and/or Apology Adequately Address the Legacy of the Armenian Genocide	
6.2.7 Alternative: Governmental or Civil Society Dialogue with Turkish People toward Reconciliation Is a Better Path to Armenian Well-being than Reparations	

- 6.2.8 Alternative: Democratization of Turkey, not Reparations, Will Lead to the Optimal Resolution of the Legacy of the Armenian Genocide
- 6.2.9 Objection: Granting or Even Calling for Reparations Will Produce a Counterproductive Backlash
- 6.2.10 Objection: Land Reparations Are an Unacceptable Existential Assault on Turkish Statehood and Identity

Part 7 The Reparations Process and the Process as Reparation

- 7.1 Legal Cases and Political Negotiation as Paths To Repair
- 7.2 The Truth Commission Approach
- 7.3 The Turkish Transition
- 7.4 The Truth Component
- 7.5 The Reparative Component
- 7.6 AGTRC Structure and Process
 - 7.6.1 Composition
 - 7.6.2 Origin of the Commission
 - 7.6.3 Frame of Reference
 - 7.6.4 Powers and Limitations
 - 7.6.5 Source of Resources for Reparations

Part 8 Recommendations for a Comprehensive Reparations Package

- 8.1 Punishment
- 8.2 Recognition, Apology, Education, and Commemoration
- 8.3 Support for Armenians and Armenia
- 8.4 Rehabilitation of Turkey
- 8.5 Return of Property and Compensation for Property, Death, and Suffering
 - 8.5.1 Who Should Bear the Costs of Material Repair?
 - 8.5.2 How Should Material Reparations Be Distributed?
 - 8.5.3 Determining the Territory To Be Returned and Its Post-Reparations Status
 - 8.5.4 Calculation of Compensation for Unavailable Movable Property and for Death and Suffering

Concluding Remark

About the AGRSG	17
Maps.....	20

EXECUTIVE SUMMARY

This is the final report of the Armenian Genocide Reparations Study Group (AGRSG). The report offers an unprecedented comprehensive analysis of the legal, historical, political, and ethical dimensions of the question of reparations for the Armenian Genocide of 1915-1923, including specific recommendations for the components of a complete reparations package.

The present time is optimal for release of the report. The 100th anniversary year of the beginning of the Genocide, 2015, will see greatly heightened international political, academic, media, artistic, and public interest in the Genocide. In addition, in the past few years, reparations for the Genocide have gone from a marginal concern to a central focus in popular and academic circles. Much of that focus has been on piecemeal individual reparation legal cases. This report represents a decisive step toward a much broader and all-embracing process of repair that is adequate to resolve the extensive outstanding damages of the Genocide. Furthermore, genuine, non-denialist engagement with the legacy of the Genocide is growing in Turkey. Finally, in the past decade, there has emerged a global reparations movement involving numerous victim groups across an array of mass human rights violations. The Armenian case has a place within that movement.

The AGRSG recognizes that Assyrians and Greeks were also subjected to mass violence and property expropriation in the same overarching genocidal process that targeted Armenians. Because of the AGRSG members' expertise and scholarly or policy-making histories, they have not presumed to analyze or make recommendations regarding the other cases; other scholars and policy analysts with expertise on the vast specifics of those cases are far better situated for such work.

The case for reparations is complicated by many practical obstacles. For instance, the possession by the perpetrator group of expropriated property over time has become the normalized status quo, such that return of property and compensation appear unwarranted. In addition, the sacrosanct principle of "territorial integrity" of existing states is a particularly significant obstacle to land reparations. This principle, which is taken as basic to the global political order, makes nearly impossible the international border changes the AGRSG sees as central to a comprehensive and effective reparations package.

The AGRSG also recognizes there are those who would object to this report not on the grounds that its analysis is wrong or inadequate, but that the quest for reparations for the Armenian Genocide, especially a return of land, is very unlikely to succeed and thus impractical. At the same time, history offers many examples of those seeking fundamental social and political change who were similarly dismissed as impractical and having no chance of success, such as leaders of the U.S. civil rights movement. Yet, in time, the naysayers were proven wrong, and dramatic change did occur. The AGRSG operates with the view that, where law and ethics support change, however far-reaching, that change is possible.

PART 1: HISTORICAL BACKGROUND

In the main phase of the Armenian Genocide (1915-1918), the Committee of Union and Progress (CUP), which had seized power in the Ottoman Empire, planned and directed the murder of up to 1.5 million Armenians and dispersed nearly all of the remaining million into a worldwide refugee diaspora. The genocidal process entailed infliction of great suffering, including extensive rape, as well as expropriation of virtually all Armenian material resources, from money, jewelry, and land, to kitchen pots and pans and clothes. In the second phase (1919-1923), Turkish nationalist forces militarily invaded the Armenian

Republic established in 1918 as a haven for Armenian reconstitution, and took much of its territory for the emerging Turkish Republic while forcing the rump Republic into the Soviet Union. Nationalist forces and supporters also prevented return of Armenians to their former lands after the end of World War I.

PART 2: THE HARMS INFLICTED THROUGH THE ARMENIAN GENOCIDE

The Genocide devastated every aspect of Ottoman Armenian existence and later profoundly harmed Russian Armenians as well. Damages can be broken into two categories, “permanent” and “material.” Permanent damages cannot ever be rectified fully or directly. These include the killing, torture, and rape of Armenians, destruction of families and community structures, and consequent psychological trauma resulting from these. For instance, there is no way to bring the dead back to life, nor to bring into existence the people who would have been their descendants living today. And, there is no way to erase the suffering of rape once it has been inflicted. Indirect partial reparation for permanent harms is possible, though, for instance, compensation that helps support the demographic increase of Armenians. Material harms include the expropriation of movable and immovable property, including businesses. These can be returned or compensated for through a cash equivalent plus appreciation and inflation adjustments and compensation for lost use (*usufructus*). There are also hybrid harms, such as enslavement, some part of which (labor) can be compensated and some part of which cannot fully be (psychological harm).

PART 3: THE FIVE COMPONENTS OF REPARATIONS FOR GENOCIDE

A comprehensive reparations package for a genocide comprises the following components:

- (1) Trials of all accused major perpetrators and assessment of the responsibility of other perpetrators.
- (2) Return of all available expropriated property and compensation for unavailable property as well as deaths, suffering, loss of family and community members, and loss of cultural, religious, and educational institutions and opportunities.
- (3) Recognition and apology.
- (4) Measures designed to support the reconstitution and long-term viability of the victim group.
- (5) Rehabilitation of the perpetrator society.

PART 4: REPARATIONS IN INTERNATIONAL LAW AND THE ARMENIAN CASE

International law and human rights law require reduction of the impact of a harm through a combination of affirmative measures, including an investigation of the events, recognition of the crime, expression of regret for the crimes, punishment of the guilty, restitution of properties, compensation schemes, and rehabilitation of the victims and their descendants.

Pursuant to the general principle of law prohibiting “unjust enrichment,” it is necessary to deprive the perpetrators of the crime and the persons inheriting their rights of the fruits of genocide. The general

principle that reparations are appropriate and required in cases of gross human rights violation such as genocide has been affirmed by the United Nations General Assembly, in the “Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.”

One basis of material reparations for the Armenian Genocide does not depend on the case being genocide. International law is clear that illegitimate expropriation of movable and immovable property through or as a consequences or part of human rights abuse, whether genocide or not, is not acceptable. The Permanent Court of International Justice enunciated this principle in the *Chorzow Factory Case* as follows: “It is a principle of international law, and even a general conception of law, that any breach of an engagement involves an obligation to make reparation.” This requirement to repair depends on the violation of an obligation of the perpetrator state. The Ottoman Empire had assumed such an obligation to Armenians prior to the Genocide, by accepting agreements starting in the mid to late 19th Century that required it to stop the widespread human rights violations against Armenians. This obligation was confirmed by (1) the Empire’s trials of some of the major genocide perpetrators for violating the laws of the Empire in destroying the Armenians and (2) an Ottoman deputy’s November 1918 statement in support of the trials that what was done to Armenians was a violation of the “rules of law and humanity,” to which Turkey and every other state is bound. Importantly, other states also have an obligation not to recognize illegal property seizures as those in the Armenian case: Article 41(2) of the Articles of the International Law Commission (ILC) on the Responsibility of States for Internationally Wrongful Acts stipulates that “no State shall recognize as lawful a situation created by a serious breach” of an obligation arising under a peremptory norm of general international law (*jus cogens*).

The U.N. Genocide Convention is a second basis, which expands the scope of reparations beyond property expropriations, to include death and suffering. Although the Armenian Genocide occurred before entry into force of the convention and even coining of the term “genocide” in 1944, the convention is declaratory of pre-existing international law that made the Genocide clearly illegal when it occurred. The doctrine of state responsibility for genocide and crimes against humanity already existed at the time of the Ottoman massacres against the Armenians. Such state responsibility entailed both an obligation to provide restitution and/or compensation and the personal criminal liability of the perpetrators.

State responsibility does not lapse with time: the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity makes clear that there is no prescription on the prosecution of the crime of genocide, regardless of when the genocide occurred, and the obligation of the responsible state to make restitution or pay compensation for properties obtained in relation to a genocide does not lapse with time.

An important objection to the current Turkish Republic’s responsibility for reparations is the argument that it represents a different state from that which perpetrated the Genocide. Even setting aside the fact that Ataturk’s forces perpetrated the second phase of the Genocide, as described above, this objection still fails. In the report of the independent expert on the right to restitution, compensation, and rehabilitation for victims of grave violations of human rights, Professor M. Cherif Bassiouni reiterates a basic principle of succession:

In international law, the doctrine of legal continuity and principles of State responsibility make a successor Government liable in respect of claims arising from a former government’s violations.

Nor do the deaths of survivors entail an end to this obligation. The standing of genocide survivors to advance claims of restitution, both individually and collectively, extends to their descendants, as made clear in United Nations Basic Principles and Guidelines on the Right to Reparation for Victims of Gross Violations of Human Rights and International Humanitarian Law, which provides in part:

Reparation may be claimed individually and where appropriate collectively, by the direct victims of violations of human rights and international humanitarian law, the immediate family, dependents or other persons or groups of persons closely connected with the direct victims.

Options for pursuit of reparations suits include not only international legal bodies, such as an ad hoc tribunal or the International Court of Justice, but extend to domestic courts as well, based both on existing laws allowing such a use and on the possibility of passage of “enabling legislation” granting the decisions of international courts and tribunals status in the domestic legal order, which would in turn translate the principles underlying the decisions into domestic legal norms.

PART 5: HISTORICAL OBLIGATIONS AND REPARATIONS

The first Armenian Republic, which included lands previously in both the Ottoman Empire and Russian Empire, was established in 1918. On April 26, 1920, the Allied Powers of World War I submitted a compromise (application) to U.S. President Woodrow Wilson asking him to determine the border between the Armenian Republic and Turkey. On May 17, 1920, the U.S. Secretary of State informed the American Ambassador in France that the President had agreed to act as arbitrator. Article 89 of the August 20, 1920, Treaty of Sèvres confirmed the referral to the arbitration of President Wilson. The resulting Wilsonian Arbitral Award fixed the border between Turkey and Armenia in the Villayets of Erzerum, Trebizond, Van, and Bitlis, which required transfer of territory in these areas to Armenia, and provided Armenia access to the sea.

While the treaty itself required ratification by signatories to go into full effect, under international arbitration law, once an arbitration application is made and accepted, the arbitration decision becomes binding on referring parties, regardless of whether other related instruments, such as a treaty, go into effect, so long as the arbitration process meets the four criteria for a valid, legally-binding arbitral award. The Wilsonian Arbitral Award process did.

(1) The arbitrator(s) must not have been subjected to any undue external influence such as coercion, bribery, or corruption. There can be no question of U.S. President Wilson’s freedom from coercion, bribery, and corruption.

(2) The production of proofs must have been free from fraud and the proofs produced must not have contained any essential errors. A brief examination of the committee and its operation confirms this criterion to have been met. The U.S. President convened a committee of experts, the Committee upon the Arbitration of the Boundary between Turkey and Armenia. The committee’s chair was William Linn Westermann, then Professor at the University of Wisconsin and soon after Professor at Columbia University until 1948. He was a specialist in the history and politics of the Near and Middle East and, in 1919, had been the chief of the Western Asia Division of the American Commission to Negotiate Peace in Paris. The principal collaborators and contributors were Major (and Professor) Lawrence Martin of

the Army General Staff, who had participated as the geographer of the Harbord mission, and Harrison G. Dwight of the Near Eastern Division of the Department of State. Each committee member was a knowledgeable, experienced, and impartial expert. What is more, their work continues to stand out and be highly regarded by international lawyers as a model for such processes. They used a wealth of valuable information provided from a range of reliable sources and took account of

the need for a “natural frontier” [and] “geographical and economic unity for the new state,” [while] ethnic and religious factors of the population were taken account of so far as compatible[, and] security, and the problem of access to the sea, were other important conditions.

(3) The compromis must have been valid. This is confirmed by the fact that all relevant parties, including the governments of Armenia and Turkey, consented to the arbitration. The Turkish government, in fact, had a formal opportunity to object to the arbitration as part of its review of the Sèvres Treaty, but did not object. The compromis itself was signed by the authorized representatives of the lawful government of the Ottoman Empire.

(4) The arbitrators must not have exceeded their powers. The compromis asked the arbitrator (a) to fix the frontier between Turkey and Armenia in the Villayets of Erzerum, Trebizond, Van, and Bitlis, (b) to provide access for Armenia to the sea, and (c) to prescribe stipulations for the demilitarization of Turkish territory adjacent to the Turkish-Armenian frontier. The Arbitral Award did exactly these things and did not address any other territorial concerns.

Thus, the Wilsonian Arbitral Award of territory to the Armenian Republic was binding at the time, regardless of the fact that the Treaty of Sèvres was never ratified.

From the validity of President Wilson’s Arbitral Award at the time, it follows that Turkey’s current occupation of “Wilsonian Armenia” constitutes a breach of an international obligation and is legally actionable, for instance, by referral to the International Court of Justice (ICJ), under Article 36 (2) of the ICJ Statute, which allows it to decide “the nature and claim of the reparation to be made for a breach of an international obligation.” Consequently, in spite of long-standing occupation of the land in the arbitral award, Turkey does not possess legal title to that territory and its de facto sovereignty is merely administrative control by force of arms. Belligerent occupation does not yield lawful rule over a territory. Continuous occupation since 1920, demographic changes (forced or otherwise) in the territory in question, and elimination of the outward cultural signs and designations of the territory have no effect on the legality of Turkish control of the territory.

The July 24, 1923, Treaty of Lausanne is often considered to be the replacement for the unratified Treaty of Sèvres. This is not the case, however. The Lausanne Treaty could not have been an amendment of the Sèvres Treaty because the former was not a treaty among the Sèvres signatories but a different set, while a treaty can only be amended by the agreement of all its signatories. What is more, the Treaty of Lausanne was and is not binding for any Armenian entity, because no Armenian entity was a party to it, despite the continued existence of the Armenian delegation that signed the Sèvres Treaty. What is more, the scope, objectives, and context of the two treaties were quite different: the Sèvres Treaty was meant to end that part of World War I that concerned Turkey and to establish peace, while the Lausanne Treaty concerned only the Greek-Turkish conflict of 1919-1922.

The Wilsonian Arbitral Award has special importance for Armenian Genocide reparations. The original award can be seen as the central component of a reparations scheme worked out by relevant representatives of the international community in the aftermath of the first phase of the Armenian Genocide. The goal was to provide Armenians a territory adequate for their post-genocide reconstitution and future viability as a people. If reparations for the Armenian Genocide are justified, then it is reasonable to see the previously determined reparations scheme that includes the arbitral award as still valid. Second, the present enforcement of the award can be viewed as repair for the damage done by Turkish nationalist forces that blocked full implementation of the award and violently seized the awarded territory, including that part already under Armenian political sovereignty. In this sense, enforcement of the award is reparation for Turkey's violation of a binding obligation, a violation that was part of the second phase of the Armenian Genocide pursued by nationalist forces through 1923.

PART 6: ETHICAL DIMENSIONS OF THE REPARATIONS QUESTION

Reparations not only must be legally right, but must be consistent with the political context in which claims are made. Typically there is strong resistance to reparations within the geopolitical realm, where “realism” based on the interests of powerful states dominates. Short of substantial shifts in the power hierarchy or interests of political players, ethical commitments are the key mechanism of change. Indeed, ethics-based movements have in some cases succeeded in driving profound positive changes despite the resistance of powerful interests. The successes of the Indian independence movement for freedom from British rule, the U.S. civil rights movement, and the anti-Apartheid movement are examples. Law/politics and morality are not opposed forces, but on the contrary ethical commitments can be crucial to implementation of human rights-respecting laws, legal decisions, and political orders. Ethical imperatives are the key to changing attitudes within a perpetrator group. An understanding of why Armenian Genocide reparations are morally right can foster broad and effective support for the legal and political decisions that are necessary to implement them. The AGRSG thus includes consideration of the ethical dimensions of the Armenian Genocide reparations issue in this report, as a complement to legal and political considerations.

The major traditions of Western philosophical ethics – Aristotelian, Kantian, Utilitarian, and Rights-based – all generally support reparative justice. Ethical theories focused specifically on oppression often go further, to include repair of damage done through human rights abuse as a priority issue. At the same time, modern Western philosophical thought, particularly in its liberal forms, tends to deemphasize or reject a key aspect of repair, the repair of groups. But genocide is aimed at destruction of groups as groups, more than simply aggregates of individuals. Thus, a comprehensive and effective reparations package should focus on repair of the victim group – for instance, reconstitution of the economic and political life and the identity of the group – rather than individual reparations. While the latter can have a role in an overarching process of repair, only through group reparations are the harms of genocide addressed directly and adequately.

Despite general ethical support for reparations, alternatives exist and complexities arise when detailed ethical analyses are developed, especially when general principles are applied to specific cases, such as the Armenian. The report addresses 10 such complexities and alternatives to be relevant to the Armenian case.

(1) Does the passage of time eventually nullify reparations claims? This is the case only when the relevant groups are no longer identifiable and the damage done originally has no traceable impacts on the present.

Armenians and Turks as peoples with associated political entities quite clearly exist today, with lineages directly back to the Genocide period. The injuries done by the Genocide continue to have significant impacts on Armenians, for example, the widespread poverty of Armenians in the Armenian Republic; the political, military, and economic weakness and precariousness of the Republic; the continuing loss of Armenian identity and community cohesion in the global Armenian Diaspora; the physical insecurity and vulnerability of various Diasporan communities around the globe; and the small size of the Armenian population relative to groups such as Turks.

(2) Restoration of the pre-Genocide state of affairs is impossible and undesirable. This is true, because (a) for instance nothing at the present time can bring back those killed in the Genocide or their descendants who would be alive today and (b) it is highly unlikely that any Armenian would wish to live under the same conditions in which Armenians lived before the 1915 Genocide or even the earlier 1894-1896 Massacres of Armenians. But the push for reparations is not a call for a complete reversal of harms or impossible and undesirable return to the pre-harm state. It calls for present-day measures that can mitigate the continuing impact of the harms done in the Genocide, in a manner that will support the reconstitution of Armenians as a group and their identity and political viability into the future.

(3) A full accounting of what reparations are due Armenians is impossible. This might be true, because of incomplete records of deaths, suffering, and property expropriations, but there are extensive existing records based on which it is possible to determine directly and by extrapolation much that is due. Where records are unclear, conservative estimates can be used. That not every loss or injury can be addressed does not mean none should be.

(4) Will material reparations be unacceptable disruptive, harm innocent Turks today, and benefit underserving Armenians? Clearly, Turks today are not to blame for the Genocide. But, many families, individuals, and businesses still benefit greatly from property expropriated in the Genocide, while the mass expropriation of property going to the state and other military, political, and identity gains still significantly benefit Turks in general today. Contemporary Turks are responsible for reparations to the extent their state and society and particular individuals still benefit from it today. What is more, Turks today identify with the same national group as committed the Genocide. If they are willing to accept and celebrate the positive aspects of that identity, they must accept responsibility for the negative aspects of that identity, including its history of Genocide.

Group reparations to Armenians are not meant to profit particular Armenians in personal terms, but rather to support reconstitution and the future viability of Armenians as a group, which Armenians deserve in the face of the legacy of the Genocide that continues to undermine and degrade Armenian group existence.

(5) Is the notion of pre-Genocide “Armenian Territory” untenable? Although the six traditionally Armenian provinces within the Ottoman Empire had mixed populations, they were long identified and associated with Armenians, and many areas had Armenian majorities. What is more, their Armenian populations had been reduced through deliberate policies. In addition, Armenians had substantial demographic presences in other areas of the Ottoman Empire, including the Cilicia region and many urban areas. Determination of lands to be included in a final reparations package could offset pre-Genocide demographic interspersions on the land to be given with the fact that Armenia lands in other areas would remain in Turkey. Resistance to identification of lands as Armenian is not the result of objective analysis

of the facts, but instead of the persistence of the genocidal ideology that excluded Armenians even conceptually from the Ottoman Empire and later Turkish Republic and saw Turkification of Armenian land as justified.

(6) Do recognition and/or apology adequately address the legacy of the Genocide? While both are essential components of a comprehensive reparations package, alone they are (a) inadequate to address the full extent of the continuing impact of the Genocide, especially its material elements, and (b) inherently unstable unless connected to material forms of repair, because they are merely rhetorical and can be withdrawn at a later date.

(7) Is Armenian-Turkish dialogue toward reconciliation a better path than reparations? While dialogue can be positive and the AGRSG considers use of a truth commission as an avenue for dialogue to be an essential mechanism of the reparative process, dialogue alone cannot address the outstanding legacy of the Genocide. There is a deep power asymmetry between the groups that is the legacy of the Genocide and can only be mitigated by material measures. Dialogue will not only leave it intact but will likely exacerbate it, to the detriment of Armenians. While dialogue might result in improved relations, these will be at the cost of Armenians giving up material and even symbolic reparations claims and accepting their subservient position relative to the Turkish state and society.

(8) Democratization of Turkey would be a positive development. But, while it might change attitudes toward minority groups in Turkey, including Armenians, and even promote recognition of the Armenian role in Turkish history, it would not in itself repair the bulk of Genocide injuries. Only an explicit reparations process can do that. What is more, as a multitude of historical examples show, democratic political institutions and practices are perfectly consistent with bad treatment of minority and external groups; mere democratization of Turkey does not entail a change in attitudes toward and treatment of Armenians within or outside Turkish borders.

(9-10) Will granting or calling for reparations produce a backlash among Turks? And, do land reparations represent an unacceptable existential assault on Turkish statehood and identity? If the answer is “yes” to either question, the reason for this is not because Armenians are exercising a right to repair or are being aggressive in any way; it is because the post-Genocide political and property status quo and subjugation of Armenians have become so entrenched in the culture and institutions of the Turkish state and society that a call for just repair is misperceived as an unfair victimization of Turks, or as an aggressive threat to Turks.

PART 7: THE REPARATION PROCESS AND THE PROCESS AS REPARATION

The AGRSG proposes a novel approach to the reparations process, use of an Armenian Genocide Truth and Rectification Commission (AGTRC). A truth commission would increase the likelihood of reparations being made, make more likely that the reparations were genuine and sincere, and encourage the rehabilitation of the Turkish state and society, which is not a concern in the legal or treaty analyses and just touched on in the discussion of ethical issues. It therefore offers a path toward repair that includes the benefits of recognition and apology, dialogue, and democratization of Turkey, without sacrifice of material and other reparations components. The AGTRC would engage Turkish individuals and institutions to be active participants in the reparative process, thus allowing the freedom of ethical decision-making to come

into relation with the legal and ethical requirement for repair. Instead of reparative measures being imposed on the Turkish population from outside, reparations would flow out of the truth commission experience. The AGTRC would offer a unique opportunity to invest material reparations with the meaning they should have but which is often excluded from legal and political processes. Next, not only will the truth commission process foster the awareness and reflection necessary to rehabilitative transformation of the Turkish state and society away from the legacy of genocide, the process itself would be rehabilitative. A truth commission is the best mechanism for bringing about the rehabilitation of the Turkish state and society.

The AGTRC is not meant to open legitimate discourse on the events starting in 1915 to denial and obfuscation. On the contrary, the AGTRC is predicated on the veracity of the Armenian Genocide. It is not a mechanism for determining whether the Genocide happened – the historical evidence that it did is incontrovertible – but rather (1) for consolidating the historical record as to the details of what happened and the impacts of what happened going forward, (2) for helping contemporary Turkey and Turks come to terms with the accurate history of the Genocide, and (3) for engaging Armenians and Turks in a deliberative process regarding repair of the damage done. It is a mechanism for dealing with the legacy of the Genocide, not a means for questioning whether the Genocide occurred. It is thus quite different from what the unofficial “Turkish-Armenian Reconciliation Commission” that operated from 2001 to 2004 was and what many fear the “historical sub-commission” called for in the 2009 diplomatic protocols between Armenia and Turkey could become, despite assurances to the contrary. As a broad-based, public process, the AGTRC offers Turkish society its first opportunity to engage the history of the Genocide – and thus its own history – in an open, forthright, and comprehensive manner freed from the pressure of denial and legally-enforced adherence to an inaccurate and damaging state narrative of the past. It is thus a mechanism for the “deeply divided” Turkish society, with continuing ethnic fractures and hierarchies, to develop a new understanding of itself that can help it overcome the divisions. In this sense, the AGTRC could be a highly effective engine of democratization for Turkey, accomplishing what methods that sidestep the legacy of genocide would fail to.

The corrective impulse of long-term solutions is necessary but often misguided in connection to truth commissions. Resolution of the Armenian Genocide, as with many other mass killings and atrocities, must focus primarily on justice based on truth, and not simple conciliation. The goal of resolution efforts must place energy in revelation and reparation. It is not that conciliation is not important, but to recognize that meaningful conciliation cannot be achieved until the parties have moved beyond the contestation of the Genocide toward justice for it. Conciliation by acceptance of an unjust status quo is not a productive resolution of the Genocide, but instead consolidates its harms and further weakens and marginalizes the victims. Proper conciliation is a by-product, not a focus or ultimate goal nor a necessary outcome of the AGTRC. If the AGTRC achieves justice for the Armenian Genocide but does not result in Armenian-Turkish conciliation, it will have been successful, and at the very least have opened up the possibility of a future conciliation.

The practical implementation of the AGTRC will be complex. The politicized and idiosyncratic nature of the Turkish-Armenian Reconciliation Commission (TARC) membership offers an important caution. The logistics of how members of the AGTRC would be selected will always be controversial. Armenians, Turks, and persons not directly connected to either group ought to serve on the commission. Just as importantly, its members should represent a wide cross-section of interests and not be dominated by political brokers on either side. Given the origination point of the AGTRC – recognition of the fact of the Armenian Genocide and the need to engage its legacy – deniers have no role on the AGTRC.

The AGTRC's powers and limitations must be decided on, clearly stated, and fully supported by Turks and Armenians. In general, truth commissions are not judicial bodies and therefore do not have the powers of subpoena or prosecution. They often make recommendations based on their findings but are normally limited in their ability beyond that. Additionally, all truth commissions must answer the question as to who will be held liable by its findings and who will be charged to implement its recommendations.

A crucial consideration of the AGTRC will be who will provide resources for reparation. This issue is likely to be controversial within the Turkish state and society and will require deliberations among Turks. The AGTRC offers an open process for these deliberations.

PART 8: RECOMMENDATIONS FOR A COMPREHENSIVE REPARATIONS PACKAGE

The AGRSG makes the following recommendations for reparations for the Armenian Genocide, based on the five elements of a comprehensive reparations package

(1) Punishment

Punishment of direct perpetrators of a genocide is an important measure for establishing the dignity and worth of the victims by officially marking the injustice of what was done to them. In the case of the Armenian Genocide, however, no direct perpetrators are alive for prosecution, and so this aspect of repair is not applicable.

(2) Recognition, Apology, Education, and Commemoration

The Turkish government and complicit non-governmental entities should officially recognize and apologize for the Genocide. These acts should contain precise details of the Genocide, including accounts of who committed what acts and who was victimized. They should explicitly identify the nature of the connection of contemporary Turkey to the Genocide and explain its responsibilities to Armenians today. Extensive educational initiatives, including making the Genocide a major component of public education curricula in Turkey, should be pursued by Turkey domestically and internationally at all levels. Finally, Turkey should create multiple museums and fund commemorative events on the Genocide across Turkey, and support such initiatives in other areas, including the Republic of Armenia. Historically Armenian place names should be restored in areas not to be given as territorial reparations to Armenians.

(3) Support for Armenians and Armenia

The Turkish state should provide political and other support for the long-term viability of the Armenian state and Armenian identity globally. Beyond material reparations and cessation of additional harmful activities, such as the two-decade blockade of the present Turkish-Armenian border, Turkey should take positive steps, including providing diplomatic advocacy for the Armenian Republic and protection of the Republic against external security threats.

(4) Rehabilitation of Turkey

Beyond an end to all denial activities and promotion of respect for Armenians and all non-Turkish groups in Turkey, the Turkish state and society should extirpate from all institutions, cultural elements, etc., vestiges of the attitudes and practices connected to the genocidal ideology and process of genocide against Armenians, such as Article 301 of the Turkish Penal Code.

(5) *Return of Property and Compensation for Property, Death, and Suffering*

Land, buildings, businesses, and other currently available immovable and movable property expropriated through the Genocide should be returned. Property destroyed or otherwise legitimately unavailable should be compensated for. For returned and compensated property, there should also be usufructus compensation for lost use and benefits during the period of the property was held. As discussed below, individual and group land reparations should be adjusted to allow political transfer of contiguous lands to Armenians. Compensation for the deaths and suffering of victims of the Genocide should also be made. All expropriated Armenian Apostolic Church, Armenian Protestant Church, and Armenian Catholic Church property, regardless of location, should be returned..

With the exception of property now held by direct heirs of those who seized it in the Genocide, the Turkish government is responsible for paying compensation and developing a program for property return, which should include compensation to Turkish citizens whose land is given in repair. The costs of this process should be distributed across Turkish society in a fair manner, which might be determined through the AGTRC process.

With the exception of Armenians with complete documentation of specific expropriated property, property return and compensation as well as all compensation for death and suffering should be given to Armenians as a group. Assignments of these resources to the Armenian government, global and local Armenian institutions and organizations, and individuals across the global Armenian population must be made through a fair process that prioritizes immediate and long-term group viability and the needs of individual Armenians. Armenians from all locations and statuses should have full voices in the process, and special care should be taken to prevent powerful elites from hijacking the process.

Multiple approaches can be used to determine the territory designated for political transfer. The AGRSG views the Wilsonian Arbitral Award to be optimal for determining the territory to be politically transferred. The determination of this territory took into account precisely the factors related to the future viability of an Armenian state that is the key concern of this report. What is more, comprising parts of four of the six traditional Armenian provinces that were contained in the Ottoman Empire, it represents a reasonable reduction of a full award of the six provinces plus Cilicia, in order to account for mixed pre-Genocide populations in the provinces. While a complete political transfer of land to the Armenian Republic is optimal, the AGRSG recognizes the alternative of demilitarizing the Wilsonian zone and allowing free Armenian economic activity and residential status in it.

Financial compensation for property unavailable for return and related usufructus could be estimated based on extrapolations from (1) documented property losses and (2) historical records of general levels of pre-Genocide material possessions of Armenians in various locations. Because of the extensive analysis necessary for this calculation and the need for analysis of records that are just now emerging and being studied, the AGRSG cannot provide a figure at this point for this compensation. As for compensation for death and suffering, either of two methods related to the *Marootian et al. v. New York Life Insurance Company* case could be used, yielding US\$33,358,953,125 and US\$10,450,000,000, respectively. The former figure might be adjusted using the U.S. Bureau of Labor Statistics Dollar Inflation Calculator in place of that in the New York Life case, yielding a final figure of US\$70,030,167,080.

As an alternative, it is possible to use the calculations of property losses and compensation for deaths and suffering determined by the Paris Peace Conference in 1919. Using the New York Life method, the

adjusted 2014 figure is approximately US\$41,500,000,000. The U.S. Bureau of Labor Statistics Dollar Inflation Calculator would yield US\$87,120,217,000. If these figures are further adjusted by adding an additional 20 percent to account for losses and deaths and suffering for the second phase of the Genocide in 1919 to 1923, the totals would be US\$49,800,000,000 or US\$104,544,260,400, respectively.

In addition to the New York Life and U.S. Bureau of Labor Statistics methods, other methods for calculation of losses and death and suffering compensation at the time of the Genocide as well as forward valuation are possible. The actual reparations figure would have to be selected from what is given in this report or through another method, as decided in the legal decision, political agreement, or AGTRC recommendation used to determine the final reparations package.

INTRODUCTION

1. AGRSG FORMATION AND MISSION

This is the report of the Armenian Genocide Reparations Study Group (AGRSG). Prior to formation of the AGRSG in 2007, the limited discourse on reparations for the 1915-1923 Armenian Genocide included abstract notions of territorial return,¹ consideration of limited aspects such as insurance lawsuits,² academic and other works focused on a specific part of the overall topic,³ and sometimes valuable short works treating the issue but without comprehensive or detailed analysis.⁴ The AGRSG was formed in 2007 by four experts in different areas of reparations theory and practice. Their mission was to produce the first systematic, comprehensive, in-depth analysis of the reparations issues raised by the Armenian Genocide.

After early agreement that some form of repair is an appropriate remedy for the legacy of the Armenian Genocide as it stands today, the AGRSG prepared a preliminary report, which was released for limited distribution in 2009. Completion of the draft was followed by three symposia. The first was a panel discussion featuring three of the report authors, held on May 15, 2010 at George Mason University in the United States, in conjunction with the university's Institute for Conflict Analysis and Resolution.⁵ The second was a major day-long symposium featuring the four co-authors and a number of other experts on reparations for the Armenian Genocide, conducted at the University of California Los Angeles School of Law through its International Human Rights Law Association, on October 23, 2010.⁶ The third was a panel by two of the report authors held in Yerevan, Armenia, on December 11, 2010.⁷ The AGRSG is now issuing for broad distribution its final report, an extensive revision and updating of the 2009 preliminary report.

The AGRSG final report remains the only systematic, all-encompassing, in-depth approach to Armenian Genocide Reparations. The report examines the case for reparations from the legal, historical, and ethical perspectives (Parts 4, 5, and 6, respectively), offers a plan for a productive reparative process drawing on transitional justice theory and practice (Part 7), and proposes a concrete reparations package (Parts 3 and 8). The report also includes background on the Armenian Genocide (Part 1) and the damages inflicted by it and their impacts today (Part 2). Through its broad dissemination, this report fills a crucial gap in the scholarly work and policy discourse on the Armenian Genocide. Not only will those outside of Turkish and Armenian circles benefit from the analysis provided in the report as they consider their own roles

1 See, for example, "Document Two: Four Questions to Vazgen Manukian," in Gerard J. Libaridian (ed.), *Armenia at the Crossroads: Democracy and Nationhood in the Post-Soviet Era – Essay, Interviews and Speeches by the Leaders of the National Democratic Movement in Armenia* (Watertown, MA, U.S.A.: Blue Crane Books, 1991), pp. 39-46 at 40-42; Monte Melkonian, *The Right To Struggle: Selected Writings of Monte Melkonian on the Armenian National Question*, Markar Melkonian (ed.), 2nd ed. (San Francisco, CA, U.S.A.: Sardarabad Collective, 1993), pp. 13, 61-62.

2 See, for example, Henry Weinstein, "Insurer Settles Armenian Genocide Suit: New York Life Will Pay \$20 Million to Victims' Heirs and to Nine Civic Organizations," *Los Angeles Times*, January 29, 2004, <http://articles.latimes.com/2004/jan/29/local/me-genocide29> (accessed September 9, 2014); Vince Lovato, "Genocide Families to Receive \$17M Payout," *The Burbank Leader*, October 15, 2005, http://articles.burbankleader.com/2005-10-15/news/blr-genocide15_1_armenian-genocide-armenian-americans-axa-group (accessed September 9, 2014).

3 See, for example, Kevork K. Baghdjian, *La Confiscation par le Gouvernement Turc des Biens Arméniens Dits "Abandonnés"* (Montreal, Quebec, Canada: K. K. Baghdjian, 1987).

4 Dickran Kouymjian, "Confiscation of Armenian Property and the Destruction of Armenian Historical Monuments as a Manifestation of the Genocidal Process," *Armenian Forum* 1:3 (1998): 1-12.

5 "Beyond the Protocols: The Armenian Genocide Reparations Study Group and Armenian-Turkish Relations," Institute for Conflict Analysis and Resolution, George Mason University, Arlington Campus, May 15, 2010.

6 "The Law, Ethics, and Politics of Making Amends," International Human Rights Law Association, School of Law, University of California Los Angeles, October 23, 2010.

7 "The Armenian Genocide Reparations Study Group," Erebuni Hall, Yerevan, Armenia, December 10, 2010.

in and policy options for a resolution process, but it will also give Turkish and Armenian individuals as well as civil society and political institutions the information, analysis, and tools to engage the Armenian Genocide issue in a systematic manner that supports meaningful resolution.

The AGRSG members' early consensus that reparations are essential to contemporary resolution of the legacy of the Armenian Genocide was based on their shared general position that reparations are an important part of redress for any large-scale violation of human rights, their agreement on three specific reasons why this is true, and their recognition that the Armenian case satisfies these three criteria. First, in many cases, because of the nature of the damage done and/or the length of time that has passed between violation and remedy, repair is the primarily or exclusively appropriate form of redress. So much time has passed since, for instance, the 1904-1907 Herero Genocide,⁸ that no direct perpetrators are alive today to be prosecuted. All that remains are reparations, understood as material (financial compensation and support, security guarantees, investment, etc.) as well as symbolic (recognition, apology, education, etc.) measures meant to address the damages done by the Genocide. The situation is quite similar for the Armenian Genocide. Second, the harms done by a mass human rights violation such as genocide are inevitably debilitating. Without some measure of substantive repair, a victim group typically faces insurmountable challenges on the individual and group levels. Individuals can be reduced to poverty and face long-term traumatic effects, while the group becomes unable to sustain itself into the future. Genocide in particular aims at the annihilation of a group through murder and traumatization of individuals but also destruction of its self-sustaining social, political, economic, cultural, educational, and spiritual institutions and relations. The force of this destructive process compounds over time. The damage can only be (partially) addressed through reparations aimed at reconstruction and support for the long-term viability of the victim group. Review of the outstanding harms to Armenians as a group (Parts 2 and 6) supports the applicability of this criterion. Third, through a mass violation of human rights, the perpetrator group imposes on itself an obligation to rectify as much as possible the harms it did. As elaborated in Part 4, there is no statute of limitations on mass human rights violations such as genocide. The obligation remains open until the perpetrator group discharges it through reparations. Aside from an aborted series of prosecutions of a small number of Armenian Genocide perpetrators starting in 1919,⁹ which was prior to the second stage of the Genocide, the Turkish state and society has provided no redress for the Genocide. It has, in fact, rejected even recognition of the historical facts through an extensive, decades-long, systematic denial campaign.¹⁰

8 On this case, the first genocide initiated in the 20th Century, see Horst Drechsler, "The Herero Uprising," in Frank Chalk and Kurt Jonassohn (eds.), *The History and Sociology of Genocide: Analyses and Case Studies* (New Haven, CT, USA: Yale University Press, 1990), pp. 231-248; Dominik Schaller, "The Genocide of the Herero and Nama in German South-West Africa, 1904-1907," in Samuel Totten and William S. Parsons (eds.), *Centuries of Genocide: Essays and Eyewitness Accounts*, 4th ed. (New York, NY, USA: Routledge, 2013), pp. 89-114.

9 Vahakn N. Dadrian, *The History of the Armenian Genocide: Ethnic Conflict from the Balkans to Anatolia to the Caucasus*, (Providence, RI, USA: Berghahn Books, 1995), pp. 303-343; Taner Akçam, *A Shameful Act: The Armenian Genocide and the Question of Turkish Responsibility* (New York, NY, USA: Metropolitan Books/Henry Holt, 2006), pp. 207-376; Vahakn N. Dadrian and Taner Akçam, *Judgment at Istanbul: The Armenian Genocide Trials* (New York: Berghahn Books, 2011).

10 See, as just a few examples of the many scholarly works on the overall history and specific incidents in this long Armenian Genocide denial campaign, Richard G. Hovannisian, "The Armenian Genocide and Patterns of Denial," in Richard G. Hovannisian (ed.), *The Armenian Genocide in Perspective* (New Brunswick, NJ: Transaction Books, 1986), pp. 111-133; Speros Vryonis, Jr., *The Turkish State and History: Clio Meets the Grey Wolf*, 2d ed. (New Rochelle, NY: Aristide D. Caratzas, 1993), pp. 79-118; Roger W. Smith, Eric Markusen, and Robert Jay Lifton, "Professional Ethics and the Denial of the Armenian Genocide," *Holocaust and Genocide Studies* 9:1 (1995): 1-22; William H. Honan, "Princeton Is Accused of Fronting for the Turkish Government," *New York Times*, May 22, 1996, <http://www.nytimes.com/1996/05/22/nyregion/princeton-is-accused-of-fronting-for-the-turkish-government.html> (accessed September 10, 2014); Eric Schmitt, "House Backs Off on Condemning Turks' Killing of Armenians," October 20, 2000, <http://www.nytimes.com/2000/10/20/world/house-backs-off-on-condemning-turks-killing-of-armenians.html> (accessed September 10, 2014); Kim Willsher and Sam Jones, "Turkey Warns France over Armenian Genocide Law," *The Guardian*, January 24, 2012, <http://www.theguardian.com/world/2012/jan/24/turkey-warns-france-armenian-genocide> (accessed September 10, 2014) (this article addresses the backlashes to both the 2001 French recognition of the Genocide and the 2012 law imposing criminal sanctions for denying it).

2. THE ARMENIAN CASE IN GLOBAL HISTORICAL CONTEXT

In order to develop a comprehensive and deep-reaching analysis, this report engages the array of rich international law, transitional justice, political theory, and ethics literatures on mass human rights violations, justice, and reparations. It does not treat the Armenian Genocide as a special case, but instead situates consideration of it within general legal, political, and ethical principles. This theoretical contextualization of the Armenian Genocide reflects its place in world history. No longer is it possible to treat any case of mass human rights abuse in isolation; as expressed in the term “crime against humanity” – which was first used in a prominent international political context in reference to the Armenian Genocide,¹¹ mass human rights violations affect not just their victims, but all of humanity. As much as the often celebrated political, social, and technological innovations of the past half millennium have shaped the world we share today, so has the vast gamut of mass human rights violations over that same period. So much of the social, political, economic, and military state and structure of the world today is the effect of recent centuries of incessant genocide, slavery, colonialism, apartheid, human trafficking, mass rape, economic exploitation, odious debt, aggressive war, and gender, racial, religious, and other oppressions. These forces operate unabated today. Group after group contends with the consequences of their particular victimization in the context of a global order whose institutions and structures reinforce it. Demographics the world over reflect these processes, and numerous international borders can be traced directly to genocide, colonialism, or aggressive war. For individual groups and across groups, victimization produces more victimization, while widespread historical impunity is the frequent basis of power, wealth, and security. The contemporary Armenian situation as a legacy of genocide parallels many others and is joined with them in an overarching historical process.

Recognition that the global order incorporates and consolidates damage to a host of groups has inspired the recent emergence of a global reparations movement.¹² This movement has brought into contact and solidarity, beyond the Armenian case, a variety of reparations efforts focused on different instances of mass human rights violation, from the Holocaust, genocides of indigenous peoples in the Americas and Australia, and Japan’s sexual enslavement of “Comfort Women,” to U.S. slavery and Jim Crow, South African Apartheid, and debilitating debt imposed on vulnerable “Third World” populations by corrupt leaders and exploitative international players.¹³ From the perspective that this movement has fostered, it has become clear that the mere ending of a given human rights violation, criminal justice measures occasionally take after it, acknowledgment of past violations in historical narratives, and even establishment of a better political arrangements in the aftermath of or long after a violation still leave intact the damage done to particular groups and the broader human community. Only through reparations can the ways in which the world order and local conditions have been warped, compromised, and made into mechanisms of oppression and destruction be reversed or changed. It is not enough to acknowledge that key aspects of our world have been shaped by forces of social and political destruction and oppression; these forces must be reversed or overcome. The reality of history is not revealed through what is written

11 See Akçam, *A Shameful Act*, p. 221 (see Note 9 for full citation).

12 This was perhaps first identified at the December 10, 2005, symposium, “Whose Debt? Whose Responsibility?,” Worcester State University, December 10, 2005.

13 See, for example, articles in the special issue on “The Global Reparations Movement” of the *Armenian Review*, 53:1-4 (2012): Henry C. Theriault, “Introduction: The Global Reparations Movement”: 1-10; Jermaine McCalpin, “Reparations and the Politics of Avoidance in America”: 11-32; Kibibi Tyehimba, “Reparations of People of African Descent in the United States”: 33-51; Haruko Shibasaki, “Reparations and Comfort Women Victims of the Japanese Army”: 53-61; Diana Lenton, Walter Delrio, Pilar Pérez, Alexis Papazián, Mariano Nagy, and Marcelo Musante, “Argentina’s Constituent Genocide: Challenging the Hegemonic National Narrative and Laying the Foundation for Reparations to Indigenous Peoples”: 63-84; M. P. Giyose, “The Debt to the Indebted: Reparations, Odious Debt, and Their Global Implications”: 167-191; Patrick K. Sargent, “Debt Cancellation as Reparation: An Analysis of Four Cases”: 193-205.

about it, but through its enduring and deep structural and material effects on the world as we know it. Addressing the long-standing problems of today in an adequate manner always must include addressing the legacy of historical wrongs: contemporary justice is historical justice. Reparations as a global process is necessary to rework the world away from destructive and oppressive structures and patterns, toward the human rights-promoting global order pointed to in international human rights law and the best of our political and ethical thought.

Given the unlikelihood of an immediate universal reparative process, reparations for single groups can have an important role. Each repair shifts the global order more toward an overarching justness and builds momentum for additional reparations. Reparations for the Armenian Genocide are thus essential to a global justice process. Without it, global justice will be incomplete. Through it, as a preliminary case, it can provide a useful model for movements addressing other mass human rights violations. Reparations function as a deeper transformative process to address the profound harms inherent in the global status quo that has resulted from parallel and often interconnected processes of genocide and other mass harms as listed above. Each particular group reparations process is part of the above-described broader global process of repair away from the world as structured by these oppressive and destructive forces and toward a fairer, human rights-respecting world order.¹⁴

Understanding the Armenian case as part of a geographically and historically broad set of mass human rights violations has an important implication for Turkey. Turkish progressive scholars and activists typically focus exclusively on this case. This is a laudable approach that prevents evasion of Turkish responsibility through emphasis on the many other genocides of recent centuries. In presenting this report, however, the AGRSG wishes to stress that the Armenian case is one among many and Turkey, while responsible for reparations, is not exceptional in this regard. The list of perpetrators of genocide just in the 19th and 20th Centuries is long: to name just some, the United States (Native Americans), Canada (Native Canadians), Australia (Tasmanians, Aborigines), Argentina (Mapuche and other groups), Germany (Herero, Holocaust), Soviet Union (Ukraine), Japan (Nanjing Massacre), Indonesia (“communists,” East Timor), Bangladesh (Bengalis), Paraguay (Ache), Khmer Rouge (Cambodia), Guatemala (Mayans), various South American countries (indigenous people of the Amazon region), China (Tibet), Serbians (Bosnian), Hutu (Rwanda), Russia (Chechnya), and Sudan (Nuba Mountains, Darfur). Only regarding the Holocaust and Native Canadians (very partially) have meaningful reparations been made. Far from this report and other efforts to call Turkey to account for the Armenian Genocide representing an unfair demonization of Turkey, they provide an opportunity for Turkey to take the lead in establishing a new, more just global order, as a beacon for human rights.

3. TIMING OF FINAL REPORT

Release of the final AGRSG report at this point is especially timely for a number of reasons. Most obviously, 2015 is the 100th anniversary of the beginning of the Armenian Genocide. The year will sustain great interest among Armenians and Turks as well as generating significant global attention on the issue. As a result, 2015 will provide a unique opportunity for genuine movement on the issue. Furthermore, the fact that a century has passed since the Genocide began makes clear the need for decisive action to resolve its legacy now.

In the current period, there is also the opportunity to move beyond a focus on denial. For decades, the key concern regarding the Genocide has been denial. The goal of most activism on the issue was

¹⁴ See Henry C. Theriault, “Against the Grain: Critical Reflections on the State and Future of Genocide Scholarship,” *Genocide Studies and Prevention* 7:1 (2012): 123-44 at 141-42.

recognition of the Genocide as a historical fact. Beyond the Wilsonian Arbitral Award, reparations were rarely mentioned at all, and a comprehensive approach to reparations not part of official platforms of most Armenian organizations, political parties, and so forth. Things have now changed. In a development beginning more than a decade ago, the Armenian Genocide has gone from a controversial case undercut by an aggressive denial campaign, to a central reference case in the field of genocide studies and beyond.¹⁵ It is recognized the world over by responsible scholars, activists, and policy makers, and discussed routinely in comparative histories of genocide. It is now possible to shift the focus away from the secondary phenomenon of denial, and consider the actual Genocide itself and what needs to be done to address it.¹⁶ So long as denial remained central to consideration of the Genocide, reparations were marginalized. Now the focus has shifted, and reparation is on the agenda. This is confirmed by the fact that one of the main points of criticism of the 2009 diplomatic protocols,¹⁷ meant as a step to normalizing Armenia-Turkey relations, was the clause confirming the present border between the two countries as settled¹⁸: if adopted by Armenia, this clause of the protocols would prevent the Armenian government from making territorial reparations claims. The explicit stipulation in the protocols that confirms the existing border between Armenia and Turkey also reveals how central reparations have been in Turkish thinking about the legacy of the Armenian Genocide. The attempt to prevent territorial reparations through the protocols suggests the Turkish government's fear that territorial claims will be seen to have validity.

Following reparations claims in the 1990s against Swiss banks for funds due to Holocaust victims and heirs,¹⁹ the 2000s saw lawsuits against insurance companies and banks for payment of claims and release of abandoned account funds to beneficiaries of victims of the Armenian Genocide.²⁰ These efforts generated attention in the Armenian community and popularized the idea of reparations for the Genocide. The suits focused on individual losses, but they helped open the door for public engagement with the much more comprehensive issue of group reparations,

Official attitudes in the Armenian Republic have recently showed a new openness to the issue of reparations. Although the 2009 protocols supported strongly by President Serzh Sargsyan²¹ contain clauses that appear to give up any territorial claims and present the history of the Genocide as in doubt and in need of further study through a joint Armenian-Turkish "historical sub-commission" of the

15 This is reflected a variety of ways, from the prominence of the Armenian case (comprising about 10 percent of all pages) in the standard reference work, *Encyclopedia of Genocide* (Israel W. Charny [ed.], 2 vols [Santa Barbara, CA, USA: ABC-CLIO, 1999]) and its importance in Samantha Power's Pulitzer Prize-winning *"A Problem from Hell": America and the Age of Genocide* (New York: Basic Books, 2002), to inclusion not just of courses on the Armenian Genocide but a professorial chair on it in Clark University's Strassler Center for Holocaust and Genocide Studies.

16 Henry C. Theriault, "From Unfair to Shared Burden: The Armenian Genocide's Outstanding Damage and the Complexities of Repair," *Armenian Review* 53:1-4 (2012): 121-166 at 125-127.

17 The two protocols are the "Protocol on the Establishment of Diplomatic Relations Between the Republic of Turkey and the Republic of Armenia" and the "Protocol on Development of Relations Between the Republic of Turkey and the Republic of Armenia," http://www.europarl.europa.eu/meetdocs/2009_2014/documents/d-tr/dv/1006_10_/1006_10_en.pdf (accessed September 16, 2012). The clause confirming the "existing border between the two countries" is in the former document.

18 "Poll: Over 90% of Armenian Americans Oppose Protocols," *Asbarez*, October 2, 2009, <http://asbarez.com/71343/poll-over-90-of-armenian-americans-oppose-protocols/> (accessed September 10, 2014).

19 See Michael J. Bazyler, *Holocaust Justice: The Battle for Restitution in America's Courts* (New York, NY, USA: New York University Press, 2003).

20 On these, see Hrayr S. Karagueuzian and Yair Auron, *A Perfect Injustice: Genocide and Theft of Armenian Wealth* (New Brunswick, NJ, USA: Transaction Publishers, 2009); "Heirs of Armenian Genocide Victims Vile Lawsuit against German Banks," *Asbarez*, January 17, 2006, <http://asbarez.com/53109/heirs-of-armenian-genocide-victims-file-lawsuit-against-german-banks/> (accessed September 10, 2014).

21 Emil Sanamyan, "President Sargsyan Promotes Turkey Protocols in Diaspora Meetings," *The Armenian Reporter*, October 6, 2009, <http://www.reporter.am/go/article/2009-10-06-president-sargsyan-promotes-turkey-protocols-in-diaspora-meetings--updated-> (accessed September 10, 2014).

“intergovernmental bilateral commission” to be established through the protocols, statements by the President have shown support for reparations. (1) In defending the protocols against the concern about the existing border confirmation clause, the President stated, “The issue of the existing border between Armenia and Turkey is to be resolved through prevailing norms of the international law. The Protocols do not go beyond that.”²² Even though the statement could be seen as suggesting that the protocol clause is a legal method of determining the border, it acknowledges that the border is still an unsettled issue to be resolved through international legal mechanisms. (2) In a November 11, 2009 response to concerns raised by the president of the International Association of Genocide Scholars regarding the protocols, President Sargsyan stated not only would “the fact of the Genocide itself . . . in no way become a subject of discussion within the agenda of the [bilateral] commission,” but the historical sub-commission’s goal should be “the elimination of the Genocide[’s] consequences,” that is, a process of reparation.²³ (3) A year after this statement, on the 90th anniversary of President Woodrow Wilson’s Arbitral Award giving the first Armenian Republic legal title to extensive territories in what is now eastern Turkey (see Part 5 of this report), the President went considerably further, describing the Arbitral Award as

*one of the most momentous events for our nation in the 20th century which was called up to re-establish historic justice and eliminate consequences of the Armenian Genocide perpetrated in the Ottoman Empire. The Arbitral Award defined and recognized internationally Armenia’s borders within which the Armenian people, who had gone through hell of Mets Eghern [the Armenian Genocide], were to build their statehood.*²⁴

The lands granted to the first Armenian Republic through the Arbitral Award were thus a method of reparation for the Genocide addressing the injuries done by it and that established justice and supported recovery of the Armenian people. The Arbitral Award gave “legal force” to the “the aspiration of the Armenian people for the lost Motherland.”²⁵ The President’s remarks further stressed that the fact that those territories were lost to Armenians was the result of “perfidy and brutal force,”²⁶ not a legal process. In his remarks, the President went still farther, stating that “[s]cientific studies and analysis of that historic ruling are of utmost importance.”²⁷ Not only did this statement suggest that the Arbitral Award has legal relevance today, but that he considers re-examination of it – as provided in the present report – a very high priority. Other officials have also made clear the importance of reparations. For example, the Armenian Prosecutor General, Aghvan Hovsepyan, speaking at the the 2nd Pan-Armenian Forum of Lawyers in Yerevan, emphasized that resolution of the Genocide issue requires going beyond recognition, to include compensation and land claims.²⁸

22 Serzh Sargsyan, “Address of the President of Armenia to the People of the Republic of Armenia and All Armenians,” press release, October 10, 2009, <http://www.president.am/en/press-release/item/2009/10/10/news-751/&> (accessed September 10, 2014).

23 Serzh Sargsyan, “The Letter of the President Serzh Sargsyan to Prof. William Schabas, Ph.D President, International Association of Genocide Scholars,” November 11, 2009, <http://www.president.am/en/press-release/item/2009/11/13/news-824/> (accessed September 14, 2014).

24 Serzh Sargsyan, “Address of President Serzh Sargsyan to the Conference Dedicated to the 90th Anniversary of Woodrow Wilson’s Arbitral Award,” November 22, 2010, <http://president.am/en/press-release/item/2010/11/23/news-1316> (accessed September 10, 2014).

25 *Ibid.*

26 *Ibid.*

27 *Ibid.*

28 Aghvan Hovsepyan, “Recognition of the Armenian Genocide Shall Have a Perfect International-Legal Provision,” speech at the 2nd Pan-Armenian Forum of Lawyers “Ahead of the 100th Anniversary of the Armenian Genocide” conference, Yerevan, Armenia, July 5-6, 2014 on July 5, <http://www.genproc.am/en/169/item/7894/> (accessed September 14, 2014).

Greater public, scholarly, and policy interest in reparations generally and group reparations in particular is reflected in the emergence in recent years, for the first time, of academic symposia, conferences, and panels focusing on Armenian Genocide reparations, rather than historical issues and denial. Important examples include the global reparations conference of 2005,²⁹ which featured a paper on the Armenian Genocide,³⁰ the three 2010 programs held by the AGRSG, and the November 2010 conference devoted to study of President Wilson's Arbitral Award³¹ opened by President Sargsyan's remarks discussed in the previous paragraph. This was followed in December 2010 by the Armenian Ministry of Foreign Affairs' conference in Yerevan, "The Crime of Genocide: Prevention, Condemnation and Elimination of Consequences," which included discussion of reparations.³² Among other programs considering reparations was the October 2011 "Presence of the Past in Legal Dimensions" symposium at the University of California Berkeley.³³ The February 2012 conference in Antelias, Lebanon, on Armenian Genocide reparations convened by the Armenian Apostolic Church Catholicos of the Great House of Cilicia brought together international law experts to consider legal avenues for pursuit of reparations.³⁴ The March 2013 international meeting of scholars hosted in Yerevan by the national Armenian Genocide Museum Institute to help plan 2015 activities emphasized reparations as an important topic.³⁵ The above-mentioned July 2013 2nd Pan-Armenian Forum of Lawyers "Ahead of the 100th Anniversary of the Armenian Genocide" conference resulted in a declaration that the main objective of Armenian lawyers related to the Genocide should be "elimination of consequences," that is, reparations.³⁶

Similarly, in the past five years, there have been a number of publications on reparations for the Armenian Genocide. Hrayr S. Karagueuzian and Yair Auran's *A Perfect Injustice: Genocide and Theft of Armenian Wealth* was published in 2009.³⁷ The book focused on unpaid insurance claims for decedents killed in the Genocide, with attention also on deposits of confiscated Armenian assets in foreign banks. The next two years saw two additional relevant works, Kevork K. Baghdjian's *The Confiscation of Armenian Properties by the Turkish Government said to be abandoned*³⁸ and Uğur Ümit Üngör and Mehmet Polatel's *Confiscation and Destruction: The Young Turk Seizure of Armenian Property*.³⁹ The former is a landmark historical study of the process of confiscation at national and local levels and a detailing of the confiscated

29 See Note 12.

30 Henry C. Theriault, "Land-based Reparations: The Case of the Armenian Genocide and Its Comparison to Native American Land Claims," paper presented at the "Whose Debt? Whose Responsibility?" symposium, Center for the Study of Human Rights, Worcester State University, December 10, 2005.

31 "90th Anniversary of Woodrow Wilson's Arbitral Award" conference, Yerevan State University, November 22, 2010.

32 See Aram Harutyunyan (ed.), *The Crime of Genocide: Prevention, Condemnation and Elimination of Consequences – Proceedings of International Conference, December 14-15, 2010* (Yerevan, Armenia: Ministry of Foreign Affairs of the Republic of Armenia, 2011), http://mfa.am/u_files/file/the_crime_of_genocide.pdf (accessed September 14, 2014).

33 "Presence of the Past in Legal Dimensions" symposium, University of California Berkeley Armenian Studies Program and Organizing Committee of the Congress of Western Armenians, University of California Berkeley, October 2, 2011.

34 "The Armenian Genocide: From Recognition to Reparation" international conference, Armenian Catholicosate of Cilicia, Antelias, Lebanon, February 23-25, 2012.

35 "Armenian Genocide: Challenges on the Eve of the Centenary" international conference, State Commission on Coordination of the Events Dedicated to the 100th Anniversary of the Armenian Genocide, Ani Plaza Hotel Hall, Yerevan, Armenia, March 22-23, 2013.

36 Ministry of Diaspora of the Republic of Armenia, "2nd Pan-Armenian Forum of Lawyers Draws to an End," <http://www.mindiaspora.am/en/News?id=2577> (accessed September 14, 2014).

37 See Note 20.

38 Kevork K. Baghdjian, *The Confiscation of Armenian Properties by the Turkish Government said to be abandoned* (Antelias, Lebanon: Printing House of the Catholicosate of Cilicia, 2010).

39 Uğur Ümit Üngör and Mehmet Polatel, *Confiscation and Destruction: The Young Turk Seizure of Armenian Property* (London, UK: Continuum International Publishing Group, 2011).

properties in two areas, Adana and Diyarbakir. The latter is the updated English translation of Baghdjian’s 1987 French work on this topic,⁴⁰ and provides important estimates of wealth confiscated. Each of these works, especially *Confiscation and Destruction*, provide important historical accounts of expropriations from Armenians. *The Confiscation of Armenian Properties* also offers some argumentation supporting the view that Turkey today has an obligation to return confiscated property. None of these works, however, offers analysis of reparations in a comprehensive manner, including both the range of losses and injuries and legal, political, and ethical perspectives on reparations.

More than one-third of the 2012 special issue on “The New Global Reparations Movement” of the *Armenian Review*⁴¹ was devoted to consideration of the Armenian Genocide through articles by two of the current report’s co-authors.⁴² And, earlier this year, the *International Criminal Law Review* published a special issue on “Armenian Genocide Reparations” based on the papers from the 2012 Catholicosate conference. The articles treated the full range of international law relevant to reparations for the Armenian Genocide, as well as examining the applicability of Turkish domestic law and the possibility of use of domestic cases in other countries.⁴³

These publications have attracted keen interest. This is especially relevant in the case of the *Armenian Review*, because both articles contained material from the 2009 AGRSG draft report that is included in this final report.

On December 14, 2011, the Armenian Genocide reparations issues finally reached the level of international policy, through passage of the U.S. House of Representatives Resolution 306, which called for Turkey to return Christian church properties that had been confiscated, in the Genocide and after.⁴⁴ While this resolution concerned only a portion of expropriated Armenian property and did not call for political transfer of territories, it did focus on communal property, property at the core of Armenian identity and property of an institution that has been historically definitive of Armenian peoplehood. This advocacy for reparations was echoed in the April 24, 2013, public statement by His Holiness Karekin II, Supreme Patriarch and Catholicos of All Armenians, and His Holiness Aram I, Catholicos of the Great House of Cilicia, which called on Turkey to return confiscated church properties, as well as to engage in a broader reparative process.⁴⁵

Even in Turkey there are signs of increased openness to the issue. It is true that statements earlier this year by Turkish Prime Minister Recep Tayyip Erdoğan continue Turkish state resistance to a full and

40 See Note 3.

41 See Note 13.

42 Alfred de Zayas, “The Genocide Against the Armenians 1915-1923 and the Relevance of the 1948 Genocide Convention,” *Armenian Review* 53:1-4 (2012): 85-120; Theriault, “From Unfair to Shared Burden” (see Note 16). One of the other co-authors of the present report, Jermaine McCalpin, also published an article in the special issue, but focused on reparations to African Americans (see Note 13).

43 Special Issue: “Armenian Genocide Reparations,” *International Criminal Law Review* 14:2 (2014).

44 U.S. House, 112th Congress, “Urging the Republic of Turkey to safeguard its Christian heritage and to return confiscated church properties,” December 13, 2011.

45 His Holiness Karekin II and His Holiness Aram I, “We Urge Turkey to Return Confiscated Armenian Churches and Church Estates,” public statement, April 24, 2013, <http://www.armenianchurch.org/index.jsp?sid=3&nid=2358&y=2013&m=3&d=24&lng=en> (accessed September 8, 2014).

honest engagement with the Genocide,⁴⁶ and that governmental and academic denial efforts continue.⁴⁷ The recent “apology campaign” for the suffering of Armenians has been widely criticized as inadequate.⁴⁸ But at the same time, noteworthy steps are being taken. Perhaps the most significant conference event regarding reparations for the Armenian Genocide was not one of those already mentioned, but inclusion of multiple panels on material reparations at the April 2010 conference on the 1915 Genocide held in Ankara, Turkey.⁴⁹ As evidenced by this, the authorship of Polatel,⁵⁰ and public statements,⁵¹ it is clear that some Turkish researchers, journalists, and others have begun to take the reparations issue very seriously.

4. REPORT OVERVIEW

The present report begins with background information on the Armenian Genocide (Part 1). It then provides:

- a schematic description of the harms inflicted on Armenians through the Genocide (Part 2),
- an outline of the different components appropriate to a comprehensive reparations package for a mass human rights violation (Part 3),
- a legal analysis of the Armenian Genocide reparations issue focused on international legal statutes, principles, and precedents (Part 4),
- an analysis of the post-Genocide treaty history as it relates to the issue of material reparations, with a focus on President Wilson’s Arbitral Award (Part 5),
- a philosophical examination of the ethical aspects of reparations, including analysis of various problems that arise in relation to reparations for mass human rights violations generally and/or the Armenian Genocide specifically (Part 6),
- development of a transitional justice reparations process that encourages participation by Turkish individuals and institutions and addresses the complexities of repair beyond material reparations (Part 7),
- a determination of the specific lands that constitute proper repair as well as options on what should actually comprise the land portion of a reparation package (Part 8),
- a calculation of the general monetary restitution due Armenians for the loss of life and suffering in the Genocide (Part 8),
- a framework for calculation of specific movable material wealth expropriated through the Genocide and other economic impacts that require restoration or compensation (Part 8), and
- a detailed breakdown of other elements of a full reparations package (Part 8).

46 “Turkey Offers Condolences to Armenia over WWI Killings,” BBC News Europe, April 23, 2014, <http://www.bbc.com/news/world-europe-27131543> (accessed September 10, 2014).

47 M. Hakan Yavuz of the University of Utah is probably the most active academic denier in the United States. See, for example, M. Hakan Yavuz, “Orientalism, the ‘Terrible Turk’ and Genocide,” *Middle East Critique* 23:2 (2014): 111-126, http://www.academia.edu/7174427/Orientalism_the_Terrible_Turks_and_Genocide (accessed September 10, 2014).

48 Ayda Erbal, presentation, “From Democracy to Justice: Turks, Kurds, and Armenians in the 21st Century” panel, Center for Holocaust and Genocide Studies, Ramapo College of New Jersey, November 11, 2010; Khatchadour Mouradian, lecture, PH 290-01/SO 299-01/UR 430-01 Violence, Peace, and Conflict Resolution, class session, Worcester State University, April 29, 2014.

49 “1915 Within Its Pre- and Post-historical Periods: Denial and Confrontation” symposium, Ankara Freedom to Thought Initiative, Princess Hotel, Ankara, Turkey, April 24-25, 2010.

50 See Note 38.

51 For example, Ragıp Zarakolu, presentation, “The Armenian Genocide: Intersections of Scholarship, Human Rights, and Politics,” Greater Boston Committee to Commemorate the Armenian Genocide, Armenian Cultural and Educational Center, Watertown, MA, USA, April 24, 2007; Temel Demirer, presentation, “The ‘Armenian Issue’: What Is and How It Is to Be Done?” panel, “1915 Within Its Pre- and Post- Historical Periods: Denial and Confrontation” symposium, Ankara, Turkey, April 25, 2010.

5. ASSYRIANS AND GREEKS

Though their demographic distributions in Asia Minor were partly different from that of the Armenians, Assyrians and Greeks were subjected to genocide alongside Armenians, as part of an overarching genocidal process.⁵² Their people were killed, enslaved, and tortured, and their material resources and land stolen. While the trajectories of violence and expropriation employed against each group sometimes differed from the Armenian case, both groups have legitimate reparations claims. At the same time, the focus of the present report is solely on the Armenian case. Because of the AGRSG members' expertise and scholarly or policy-making histories, they have not presumed to analyze or make recommendations regarding the other cases; other scholars and policy analysts with expertise on the extensive specifics of those cases are far better situated for such work. Once such work is done, in conjunction with the AGRSG's report and the further work it will likely generate, it will also become possible to consider the relationships among the potential reparative processes for each of these groups.

6. CHALLENGES

This report was written in a way different from the usual manner of national and international governmental bodies or non-governmental organizations. Typically, reports produced by such entities avoid controversial issues to the extent possible and present a minimally provocative set of findings. The present report directly acknowledges and engages the difficult issues raised by reparations for mass human rights violations and the Armenian Genocide in particular. For instance, the report addresses such questions as, How do the rights of Turkish people on formerly Armenian territory "Turkified" through genocide figure in settlement of land claims? How does the resistance by some Turkish people, including those in positions of governmental and religious leadership,⁵³ to the Genocide affect the responsibility of Turkish individuals as citizens of the Turkish state and members of Turkish society today, especially those descended from the resisters? (See Section 6.2.4.)

Reparation is an aspect of justice but not a simple and easy principle of justice. Arguing that various forms of reparations should be made, as this report does, requires an intricate and nuanced concrete determination of precisely what those reparations should be. It is in the details that complex theoretical tensions emerge. This is due to the very nature of Genocide and other destructive mass human rights violations. The destructiveness of genocide goes far beyond mass killing and even destruction of the social fabric of the victim group's existence. It ruptures the human world itself, at once fundamentally and permanently altering it and creating imbalances, tensions, and deteriorations that persist over time. These impacts become embedded deeply in the social fabric of perpetrator and victim groups. If reparations

52 On these cases, see, for example, Hannibal Travis, *Genocide in the Middle East: The Ottoman Empire, Iraq, and Sudan* (Durham, NC, USA: Carolina Academic Press, 2010), pp. 237-292; David Gaunt, *Massacres, Resistance, Protectors: Muslim-Christian Relations in Eastern Anatolia During World War I* (Piscataway, NJ, USA: Gorgias Press, 2006); Anahit Khosroeva, "The Assyrian Genocide in the Ottoman Empire and Adjacent Territories," in Richard G. Hovannisian (ed.), *The Armenian Genocide: Cultural and Ethical Legacies* (New Brunswick, NJ, USA: Transaction Publishers, 2007), pp. 267-274; George N. Shirinian (ed.), *The Asia Minor Catastrophe and the Ottoman Greek Genocide: Essays on Asia Minor, Pontos, and Eastern Thrace, 1912-1923* (Bloomington, IL, USA: The Asia Minor and Pontos Hellenic Research Center, 2012); Speros Vryonis, Jr., "Greek Labor Battalions in Asia Minor," in Richard G. Hovannisian (ed.), *The Armenian Genocide: Cultural and Ethical Legacies* (New Brunswick, NJ, USA: Transaction Publishers, 2007), pp. 275-290.

53 See, for instance, Racho Donef, "Righteous Muslims during the Genocide of 1915," November 2010, <http://www.atour.com/history/1900/20101105a.html> (accessed September 10, 2014); Raffi Bedrosyan, "The Real Turkish Heroes of 1915," *The Armenian Weekly*, July 29, 2013, <http://www.armenianweekly.com/2013/07/29/the-real-turkish-heroes-of-1915/> (accessed September 10, 2014).

represent the best (and perhaps only) way to mitigate the harms done, they do so in an inherently conflicted and imperfect way. Because of its destructiveness, there is no way to correct for or fix the effects of genocide – the victim group is always permanently harmed. At best, reparations can mitigate the harms, ensure that the victim group will recover as much as possible in the circumstances, and support the long-term viability of the group.

Adding to the difficulty of the situation is that, once a genocide is accomplished and members of the perpetrator population and others are made dependent on its results – for instance, Muslim refugees from persecution in Russia are settled onto lands once inhabited by Armenians killed through the Genocide – then any corrective mitigation will be disruptive. Reparations are inherently disruptive because they upset the post-genocide status quo – an illegitimate status quo that nevertheless has the appearance of legitimacy because it is the state of the world as it is. It is the seemingly reasonable though not morally right resistance to the disruption resulting from repair of harms that is the key force holding these harms in place and denying victims relief through repair.

One element of many post-genocide status quo situations bears special mention because it depends on an important political assumption of the modern world order. Territory incorporated into a state through external conquest and destruction of the subjugated population or expropriated internally through destruction of an internal minority occupying territory within the state is usually soon considered by international political and legal institutions and other states as an integral part of the perpetrator state, through the principle of “territorial integrity.” The principle provides an automatic justification for the current set of state borders, regardless of how they were produced and without regard to the claims of the victim group. Even when their establishment was through egregiously unjust, violent means, the territorial integrity principle protects the borders and thus the perpetrator state. Victim groups pursuing land reparations not only must overcome the greater power of the perpetrator state (a power differential that allowed it to commit genocide and that was then augmented as a consequence of genocide), but one of the most fundamental principles of the modern world political system.⁵⁴

One result of the normalization of post-genocide order is the appeal of many arguments against reparations. Because reparations are disruptive of the status quo and “justice” mistaken as that which does not disrupt the status quo, there are apparently reasonable arguments against disruption. The status quo, however, should not be taken as a default situation, such that it needs no justification, while proposed changes to it require overwhelmingly convincing justification. Both status quo and proposed reparative changes are equally in need of justification. The issue should be decided by balancing these justifications against one another, not by determining whether there are possible reasonable objections to reparations without regard to the potentially greater objections to the status quo. If a proposed set of reparations is more justified than retaining the status quo, and no other set of reparations is yet more supported by evidence and logic, then the proposed reparations should be made. Only by recognizing that the status quo is not inherently legitimate is it possible to give possible reparative measures and the arguments supporting them a fair hearing.

That a set of reparations are justified does not mean that the disruptive consequences of implementing them can be ignored. They should be limited to the extent consistent with justice for the victims. Yet, the burden for this limitation falls predominantly on the group making reparations, as heirs of the direct

⁵⁴ See Section 6.2.10 for a full analysis of and response to the problem posed by unconditional adherence to the principle of territorial integrity in the aftermath of genocide.

perpetrators and the party responsible for addressing the past harms. The messiness of a common post-genocide situation means that any solution will be complex and imperfect. The way to avoid this resulting messiness is not to avoid any attempt at resolution, but to try to address the mess created by genocide. The path of reparations is not from an imperfect world to a perfect one but from a very harmful status quo for victims to a less harmful and degrading situation for them. That the resulting state of affairs will inevitably be imperfect should not be used as an excuse to reject the very possibility of substantive repair, if it results in a better (yet still imperfect) state of affairs.

Recognition of the complexity of the reparations issue regarding the Armenian Genocide has not resulted in the AGRSG shying away from making specific recommendations about what reparations should be made. It has resulted, however, in a decision to treat not just the harms done and the reparations appropriate to them and why, but also to lay out a scheme for a political process that can transform the unjust status quo to a more just state of affairs (Part 7). The political process discussed would function not just as a means to the end of repair, but as a form of repair itself. Just as importantly, it would provide a rehabilitative process for a perpetrator society still mired in denial and in a genocide-produced relation of domination over the progeny of the victims. Advocating an Armenian Genocide Truth and Rectification Commission as the central mechanism of this transformation is risky, in that the recent flurry of truth commissions and truth and reconciliation commissions – even the often-touted South African Truth and Reconciliation Commission – have been criticized for excluding, displacing, or subverting victims’ expectations of justice.⁵⁵ At the same time, as Margaret Urban Walker has pointed out, in certain cases, truth commissions have been important facilitators of a reparations process.⁵⁶ It is crucial not to assume an opposition between truth commissions and justice (reparative or otherwise), but instead to construct a truth commission model that promotes repair.⁵⁷ The AGRSG’s goal has been to reorient the general truth commission model to focus on reparations.

7. POTENTIAL MISREPRESENTATIONS AND MISUSES OF THE REPORT

Despite the emphasis on a comprehensive reparations process and package, there is danger of misuse or subversion of this report by those committed to preventing just resolution of the legacy of the Armenian Genocide. Such subversion is likely to misconstrue the AGRSG’s support for a truth commission as a call for something like the flawed and failed “Turkish-Armenian Reconciliation Commission” (TARC)⁵⁸ or a “joint historical commission” between Turkish and Armenian scholars that was featured in the 2009 diplomatic protocols between the governments of Armenia and Turkey.⁵⁹ Yet, it is worth running that risk to present a new possible path.

55 See Emily H. McCarthy, “Will the Amnesty Process Foster Reconciliation among South Africans,” in Roy L. Brooks (ed.), *When Sorry Isn’t Enough: The Controversy over Apologies and Reparations for Human Injustice*, “Critical America” book series (New York, NY, USA: New York University Press, 1999), pp. 487-491 at 488-490; Eric K. Yamamoto and Susan K. Serrano, “Healing Racial Wounds? The Final Report of South Africa’s Truth and Reconciliation Commission,” in Roy L. Brooks (ed.), *When Sorry Isn’t Enough: The Controversy over Apologies and Reparations for Human Injustice*, “Critical America” book series (New York, NY, USA: New York University Press, 1999), pp. 492-500 at 493-494, 496-497.

56 Margaret Urban Walker, “Restorative Justice and Reparations,” *Journal of Social Philosophy* 37:3 (2006): 377-395 at 384-386, 390.

57 See, for instance, Amy Gutman and Dennis Thompson, “The Moral Foundations of Truth Commissions,” in *Truth v. Justice: The Morality of Truth Commissions* (Princeton: Princeton, 2000): pp. 22-44.

58 See Theriault, “From Unfair to Shared Burden” (see Note 16), pp. 27-47.

59 “Protocol on Development of Relations Between the Republic of Turkey and the Republic of Armenia,” http://www.europarl.europa.eu/meetdocs/2009_2014/documents/d-tr/dv/1006_10_1006_10_en.pdf (accessed September 16, 2012).

Even beyond the truth commission component, there are those who are likely to misrepresent the openness of the report with regard to the complexities of the issue against its spirit, in order to rationalize the least possible reparations package. One approach would be to seize on the least challenging parts of the proposed reparations package and to ignore the more difficult, typically material, elements. The resulting process of repair would then be presented as according with the AGRSG's recommendations, but in fact will be undermining them and rendering even those parts acted on ineffective as genuine reparations. Another approach would be to elide the difference between symbolic and material reparations in a way that produces the appearance but not actuality of substantial reparations. Such a tactic might manipulate the report's complex treatment of the symbolic-material relationship, and in particular the point that symbolic repairs can be in effect function materially as well, to claim that, for example, educational initiatives (see Part 3) satisfy the material requirements of reparations. It might also misrepresent in the other direction, by, for instance, asserting that a cash payment to Armenians is sufficient to satisfy the symbolic requirements of repair.⁶⁰ Some probably will exploit out of context the AGRSG's consideration of contemporary inhabitants of Turkified Armenian land, in order to advance the goal of blocking land reparations. And, some will insinuate that the discussion of measures meant to ensure that corruption does not enter the distribution of reparations on the side of the victim group is evidence of the untrustworthiness of victims and their reparations claims. Although each misrepresentation and exploitation is groundless, such rhetorical manipulation can make achievement of justice for the victims yet more difficult.

Despite the price to be paid for it, without an honest appraisal of all aspects of the reparative process, the likelihood grows that the path laid out in this report – as for any path – will not achieve true repair. Rather than attempting to foreclose such abuse of this study, the AGRSG has opted for a format that will encourage responsible reflection and debate. It is only through an honest examination of every aspect of the reparations issue, including the fallibility of victims, that those concerned about an inherently unsettled issue such as reparations for genocide can hope to construct an approach that can address it meaningfully toward achievement of a just resolution.

8. IS REPAIR FEASIBLE?

The AGRSG recognizes that reparations claims and initiatives are typically met with skepticism by those outside the victim group, including individuals who are sympathetic to the suffering of the victim group. Reparations efforts are often rejected as unrealistic. The Armenian case is typical in this regard. There are those who would object to this report not on the grounds that its analysis is wrong or inadequate, but that the quest for reparations for the Armenian Genocide, especially a return of land, is very unlikely to succeed. This objection does not concern the moral rightness, necessity, or calculability of reparations, but rather the probability of success irrespective of these issues. It correctly recognizes the level of difficulty of any legal or political program toward reparations, given the geopolitical, economic, military, and other forces that support the status quo. Even the suspension of the Wilsonian arbitration decision is a lesson that power politics very often trump what is agreed upon, what is legal, and what is right. That is reality. The line of reasoning goes on: fairness has little role in international politics. Armenians face not just a much larger and more powerful Turkey, but its even more powerful geopolitically- and business-minded supporters. Armenians must work within the constraints of reality, not base political

⁶⁰ An apt example of such a tactic is the establishment of the Asian Women's Fund as a private charity to provide social service funding to former Comfort Women, without official recognition of or adequate apology by the Japanese government for the atrocity committed against these women. See Yoshimi Yoshiaki, *Comfort Women: Sexual Slavery in the Japanese Military During World War II* (New York, NY, USA: Columbia University Press, 2000), pp. 23-25.

programs on groundless expectations of an ideal world. Armenians before the Genocide paid the price of bitter disappointment and vulnerability for holding on to fantasies of European intervention against the oppression they faced.

There is merit to this line of realist thinking. Armenians must recognize what they are facing and decide whether their efforts are better spent on political programs with greater prospects for success. At the same time, the desperation of the Armenian situation, particularly as regards the vulnerability and future viability of the Armenian political state and identity, mean that not pursuing reparations is not an option for Armenians. What is more, the bleak picture (for victim groups) presented as reality by those advocating this “realist” line of thinking might not be accurate, and reality more complicated than this objection assumes. This line of thinking takes account of only the surface of political, economic, and military reality, and reflects what is in fact a limited perspective on that reality characteristic of great powers in the face of challenges by weaker. First, it incorrectly views the current geopolitical and political state of affairs to be static. For instance, as discussed above, it sees international borders as unchanging and unchangeable and so land reparations a nonstarter. Yet, throughout human history, including the 20th Century, borders were frequently altered through legal political processes, such as decolonization, the breakup of the Soviet Union, and other progressive evolutions. Turkish states themselves have had highly fluid borders. In the 1980s, few anticipated or even could have imagined the imminent breakup of the Soviet Union, and yet by 1992 it was accomplished. It is always the case that the status quo appears to be the final and unbreakable reality – right until an historical rupture transforms it dramatically.

Geopolitical adjustments, such as altered lines of international alliance and affinity, changes in the global power hierarchy, and so forth, might also spur financial reparations as well as other aspects, such as apology. It is also possible that internal changes in Turkish politics, society, economics, and culture will play a role. As noted above, recently there have emerged in Turkey scholars and activists committed to material reparations to Armenians. Their reasons are sophisticated and grounded on what appears to be a sincere attempt to address the legacy of the Armenian Genocide. Especially through the political process laid out below, it is possible that they will have an impact on broader Turkish attitudes toward reparations.

Even if potential geopolitical and political changes are excluded from consideration, it is still the case that, if no attempt to achieve a just resolution for the Armenian Genocide is made, then there will be no just resolution. It is precisely when nothing is pursued that nothing happens. Surely full civil rights appeared as distant to many pursuing them in the United States in the 1950s, as racism was embedded in the very fabric of that society. Yet, in the next decade, activists and others achieved major strides forward. If the process was short of the ultimate goal of eliminating racist oppression, its positive effects were impressive. It is important also to keep in mind that those who wish the status quo maintained always tell those who wish to transform it that the changes they advocate are impossible, as those advocating land reparations for the Armenian Genocide face today. If this were really true, however, there would of course be no need to insist so strongly on the point. Quite the reverse is the case: achievable reparations can be prevented if those pursuing that outcome can convince those advocating for reparations that they are impossible and so that it is not worth making the effort. Only through that effort can whether reparations are possible be determined. This report offers a pathway for that effort. The AGRSG operates with the view that, where law and ethics support change, however great, that change is possible.

TERMINOLOGY

The original version of this report has been prepared in English, and clarifications of terminology made within an English language context.

While scholarly use of **“reparations”** and numerous related terms varies, the report attempts to be consistent with generally recognized legal usage of this term and terms related to it. **“Reparation”** and **“repair”** cover actions and payments that address the damages sustained by victims, which can range from material losses to losses of lives and damages to dignity. Repair is not limited to financial or other material compensation or return, and can include symbolic acts that address harms done and inequalities (damages to status) introduced through those harms. This last distinction is important, as genocide does not only impose material losses on victims or end lives; it also forcefully lowers the political and ethical status of its victims. Thus, raising the status of members of the victim group through a push for equality can be a form of reparation.

While this suggests that reparation is a general term, **“redress”** is a broader term denoting the overall means of addressing a harm, which includes but is not necessarily exhausted by reparations for damages.

“Remedy” is a general category of various ways in which specific damages can be addressed in a manner that mitigates the impact of the given harms. It should be noted that only certain harms, such as monetary losses, can be reversed or balanced, but even then the full impact of the harm cannot be completely erased. Compensation for wrongful deaths through genocide is not a remedy for those deaths, but has some other role, such as functioning punitively or as a means of supporting reconstitution of the target group. **“Rectification”** is a specific correction of a harm that nullifies it. Similarly, **“restoration”** means providing to victims that which was lost, which could mean producing the approximate state of affairs that existed before a harm was done, but that in a new context might require something different (hence, restoration of dignity would not necessarily mean returning to a previous state, but rather constructing a new order in which victims are treated in a way that promotes their dignity). To avoid confusion with the fairly broad term **“Restorative Justice,”** however, justice conceived as return to the status quo ante will be referred to as **“Corrective Justice.”**

“Restitution” is the return of property wrongfully seized. **“Compensation”** is a monetary or other payment made to (partially) counterbalance a harm inflicted. **“Usufructus”** is an amount due to victims for the denial of use of property, including lands and cultural sites.

It is important to note that this report treats these terms as elements of an overall notion of “justice” that requires redress of harms. The section offering a general philosophical-ethical grounding for reparations assumes this basic notion of justice for harm and argues that it is common to the mainstream Western ethical systems typically invoked in contemporary legal and political discourse. While some ethical theories and applications might redefine the terms discussed here, including “justice” itself, as part of their philosophical conceptualization process, all sections of this report feature use of the terms in a manner consistent with their legal meanings. **“Justice”** then denotes the concrete outcome of a process of addressing injuries done to victims in a way that supports the various dimensions of their recovery and vindicates them – that is, emphasizes recognition of their human status and their security in it – and that imposes substantive responsibility on the perpetrator group.

“Victim progeny” and “perpetrator progeny” are those members of identity groups – in the present case, the Armenian and Turkish groups – that are successors of the victim and perpetrator generation(s), respectively. They need not be direct descendants, but in the present would (1) be generally viewed to share the group identity of the victims⁶¹ and (2) bear some part of the negative or positive consequences of the Genocide. Obviously, Turkish and Armenian identities and their relationship to the Armenian Genocide are very complex. For instance, many Armenians who ended up on territory controlled by Russia and then the Soviet Union, which is today’s Armenian Republic, were refugees from the Genocide, while many other refugees became part of the Armenian Diaspora outside of the traditional Armenian homeland in the Ottoman Empire and Russia. Still other (Russian) Armenians were not directly affected by the Genocide, but their political fate was determined by the subsequent Ataturk invasion. It is possible to argue that some Armenians in today’s Armenian Republic and pre-existing Diaspora should not be considered as part of the “victim progeny” for purposes of discussing the Armenian Genocide, because they do not trace their lineage to any of these segments of the Armenian community directly targeted in the Genocide. At the same time, the situation of the Republic of Armenia today vis-à-vis Turkey is in part a legacy of the Genocide and impacts many aspects of Armenian international politics as well as domestic life. Thus, it would be difficult to find in the Republic individuals not affected in some way by the legacy of the Genocide. As for Diasporan Armenians whose families predate the Genocide, to the extent they identify with Armenians in relation to the Genocide, they can be said to share that legacy. Yet, even this claim can be contested, given Ataturk’s invasion and destruction of the 1918 Armenian Republic and the contemporary Turkish Republic’s aggressive policies toward the Armenian Republic, including active blockade of its borders since the early 1990s. Despite such complexities and exceptions, it is clear that in general most Armenians around the world have been affected in some substantive way by the Genocide.

Because there has been a long-running Turkish state that promotes a unifying Turkish identity, the situation of Turks is less complex. But, Turkey does have its own growing diaspora, which includes large “guest” communities in Germany and growing immigrant communities in the United States. Given that Turkish migrations have been for the most part post-Genocide, those outside the country still qualify as having Turkish identity in relation to the Genocide. At the same time, because the Turkish state is the main responsible party regarding reparations, it is people within the state boundaries as well as with formal connections to the state who will bear the burden of reparations.

61 In practice, determining the group identity of a person can be quite complex, as explained regarding racial identity in Charles W. Mills, *Blackness Visible: Essays on Philosophy and Race* (Ithaca, NY, USA: Cornell University Press, 1998), pp. 41-66. While usually subjective identification and objective features such as ancestry will coincide, when there is a conflict, the various factors must be weighed in relation to one another to make a determination., though it might be that some exceptional cases allow no unambiguous determination (*ibid.*, pp. 54-66).

ABOUT THE ARMENIAN GENOCIDE REPARATIONS STUDY GROUP

Funded initially by a grant from the Armenian Revolutionary Federation-Dashnaktsutyun to study and report on the issue of reparations for the Armenian Genocide, the Armenian Genocide Reparations Study Group was first convened in 2007. Its members are Alfred de Zayas, Jermaine O. McCalpin, Ara Papian, and Henry C. Theriault (Chair). George Aghjayan has served as a special consultant. The AGRSG released a preliminary draft report in 2009, which was followed by three 2010 programs on the report, featuring members of the AGRSG, at George Mason University in the United States (May 15), at the University of California Los Angeles School of Law (October 23), and in Yerevan, Armenia (December 11).

Inquiries about the AGRSG and its report can be directed to Henry Theriault at htheriault@worchester.edu, +1 (508) 929-8612, or Department of Philosophy, Worcester State University, 486 Chandler Street, Worcester, MA 01602, USA.



Alfred-Maurice de Zayas

Alfred de Zayas received his J.D. from Harvard University and his Dr.phil. in history from Göttingen. He is a member of the New York and Florida bars. He is a retired senior lawyer with the United Nations High Commissioner for Human Rights, Geneva; former Secretary of the UN Human Rights Committee; and former Chief of the Human Rights Petitions Department. Dr. de Zayas was appointed as the first Independent Expert on the Promotion of a Democratic and Equitable International Order by the Human Rights Council, effective May 2012. In this position, Dr. de Zayas has authored multiple reports, testified numerous times, and made frequent public recommendations toward democracy and equity. From

2006 to 2010 and 2013 to the present, he has been President of PEN International, Centre Suisse Romand. He is author of *Nemesis at Potsdam: The Anglo-Americans and the Expulsion of the Germans* (London: Routledge and Kegan Paul, 1977, republished in new editions multiple times), *A Terrible Revenge: The Ethnic Cleansing of the East European Germans, 1944-1950*, 2nd ed. (New York: Palgrave Macmillan, 2006), and *The Genocide against the Armenians and the Relevance of the 1948 Genocide Convention* (Beirut: Haigazian University Press, 2010); co-author with Justice Jakob Möller of *United Nations Human Rights Committee Case-Law* (Kehl: N.P. Engel, 2009); and co-author and co-editor of *International Human Rights Monitoring Mechanisms* (Amsterdam: Kluwer 2001, 2nd revised edition 2009). Dr. de Zayas regularly publishes op-ed articles and essays in European publications, including *the Frankfurter Allgemeine Zeitung*, and has made numerous television appearances, including on CNN and RT. Publications by and more information about Dr. de Zayas can be found at his website, www.alfreddezayas.com. Visit also his blog <http://dezayasalfred.wordpress.com/>.

Dr. de Zayas was lead author of the “Terminology” section, Part 4. and the “Closing Remark.”



Jermaine O. McCalpin

Jermaine McCalpin is currently Associate Director of the Center for Caribbean Thought and Lecturer of Transitional Justice in the Department of Government, University of the West Indies, Mona. He received his B.Sc in Political Science and International Relations and M.Sc from the University of the West Indies, Mona. He earned his M.A. and Ph.D. in Political Science from Brown University. Dr. McCalpin specializes in Africana political philosophy, Caribbean political thought, and transitional justice. His research interests include truth commissions and political accountability, as well as reparations for slavery, Native American extermination, and the Armenian Genocide. McCalpin has written on the South African Truth and Reconciliation Commission and its development of a restorative justice approach to South Africa's transitional justice issues as well as the moral justification for reparations for slavery and the Armenian Genocide. His most recent publications include "Written into Amnesia? The Truth and Reconciliation Commission of Grenada," *Journal of Social and Economic Studies* (62:3-4, 2013); "Reparations and the Politics of Avoidance in America," *Armenian Review* (53:1-4, 2013); and "Truth and Freedom in Haiti: An Examination of the 1995 Haitian Truth Commission," *The Global South* (6:1, 2012). In 2011, he was lead author of a UN Development Programme-sponsored study on governance and truth-telling mechanisms in Jamaica entitled, *No Truth, No Trust: Democracy, Governance and the Prospects for Truth Telling Mechanisms in Jamaica*. He is currently working on a monograph on a comparative assessment of Caribbean truth commission experiments in Haiti and Grenada with South Africa. He is also researching the political participation of the Caribbean Diaspora in the United States and their countries of origin.

Dr. McCalpin was lead author of Part 7.



Ara Papian

Ara Papian is President of the Modus Vivendi Research Center, which focuses on Armenian political issues. From 2000 to 2006, Papian served as Ambassador Extraordinary and Plenipotentiary of the Republic of Armenia to Canada. Prior to this appointment, he was the Spokesman and Head of the Public Affairs Department of the Ministry of Foreign Affairs of the Republic of Armenia. From 1989 to 1991, Papian was Professor of Armenian Language and Literature at the Melkonian Educational Institute in Nicosia, Cyprus, and taught Armenian history and the history of Iran at Yerevan State University from 1987 to 1989 and from 1998 to 2000, respectively. Papian graduated from the Department of Oriental Studies of Yerevan State University (1984) and completed a postgraduate degree course of studies in Armenian History at Yerevan State University (1989). He graduated from the Diplomatic Academy of the Russian Federation (1994, Moscow) and from the NATO Defense College (1998, Rome). He also completed a course of study in Public Diplomacy (1999, Oxford). In 1981 to 1982 and then in 1984 to 1986, Papian served as a military interpreter/translator in Afghanistan. He was decorated seven times with military awards.

Ambassador Papian was lead author of Part 5 and co-author of Part 8.

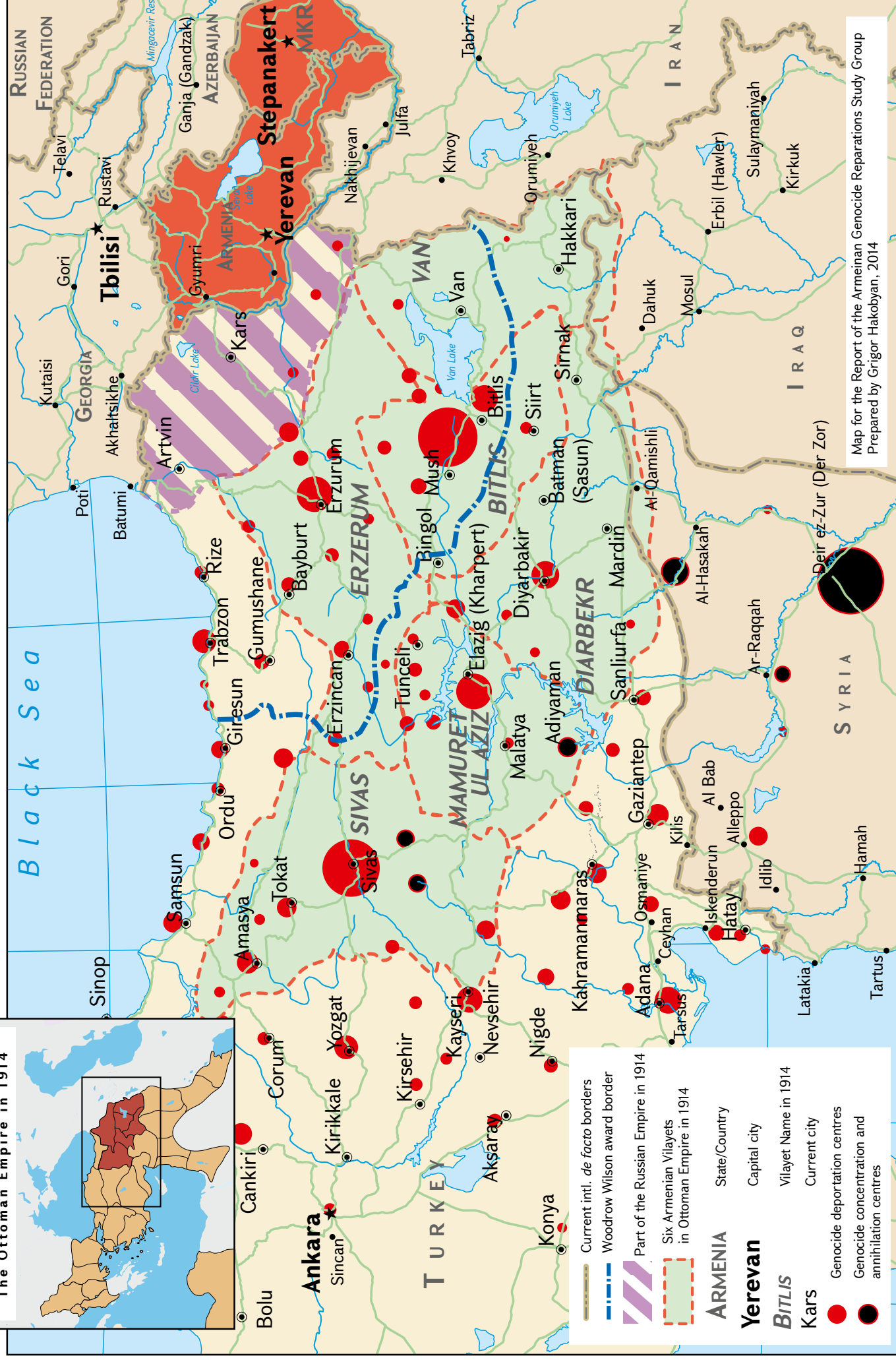
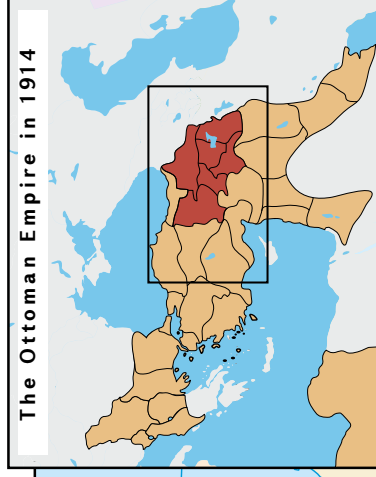


Henry C. Theriault

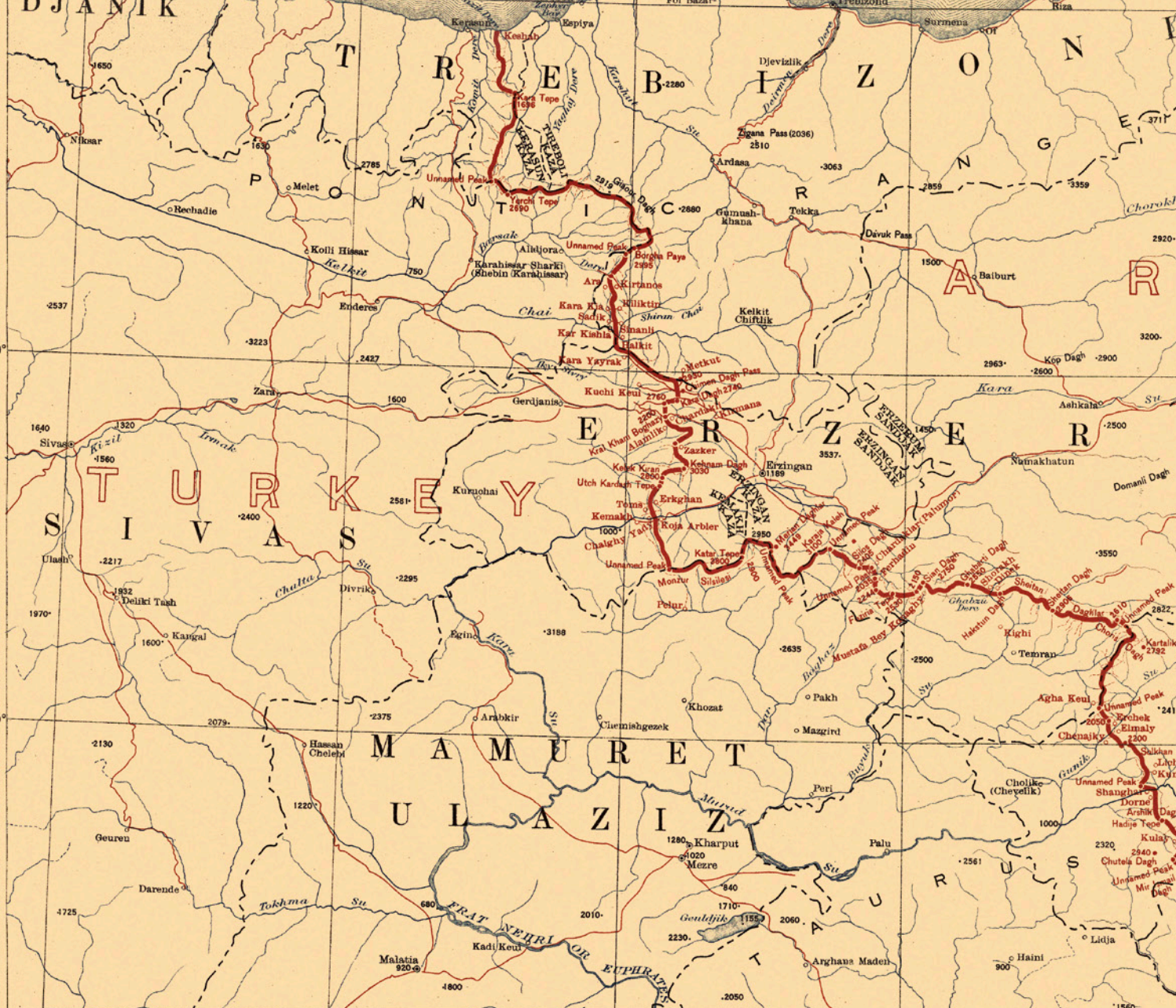
Henry Theriault is currently Professor in and Chair of the Philosophy Department at Worcester State University in the United States, where he has taught since 1998 and from 1999 to 2007 coordinated the University's Center for the Study of Human Rights. He earned his B.A. in English from Princeton University and his Ph.D. in Philosophy from the University of Massachusetts, with a specialization in social and political philosophy. His research focuses on reparations, victim-perpetrator relations, genocide denial, genocide prevention, and mass violence against women and girls. He has published numerous journal articles and chapters in the area of genocide studies, including "Repairing the Irreparable: 'Impossible' Harms and the Complexities of 'Justice,'" in *Prácticas Genocidas y Violencia Estatal: en Perspectiva Transdisciplinar* (2014); "Hell Is for Children: The Impact of Genocide on Young Armenians," in *Genocide: A Critical Bibliographic Review*, Volume 10 (2014); "Reparations for Genocide: Group Harm and the Limits of Liberal Individualism," *International Criminal Law Review* 14:2 (2014); "Yüzyıl Türkiye'si İçin Ermeni Soykırımı Sorunu: Sorumluluk ve Çözümüne Yönelik Tazmin" ("The Challenge of the Armenian Genocide for 21st Century Turkey: Responsibility and Reparation Toward Resolution"), *Öncesi ve Sonrası ile 1915: Inkâr ve Yüzleşme: Inkâr ve Yüzleşme Sempozyumu 24-25 Nisan 2010* (2013); "Shared Burdens and Perpetrator-Victim Group Conciliation," in *Genocide, Risk and Resilience: An Interdisciplinary Approach* (2013); and "Denial of Ongoing Atrocities as a Rationale for Not Attempting to Prevent or Intervene," in *Genocide: A Critical Bibliographic Review*, Volume 9 (2013). He has lectured and given panel papers around the world, including in Armenia, Turkey, the Mountainous Karabakh Republic, Lebanon, Australia, Japan, South Korea, Rwanda, Britain, France, Belgium, Italy, Argentina, and across the United States. He is founding co-editor of the peer-reviewed *Genocide Studies International* and was recently named co-editor of Transaction Publishers *Genocide: A Critical Bibliographic Review*. From 2007 to 2012 he served as co-editor of *Genocide Studies and Prevention*, and was guest editor of the *International Criminal Law Review* special issue on "Armenian Genocide Reparations" (14:2, 2014), and the *Armenian Review* special issue on the "New Global Reparations Movement" (53:1-4, 2012).

Dr. Theriault served as Chair of the AGRSG and was lead author of the introduction and Parts 1-3 and 6, and co-author of Part 8.

Map for the Report of the Armeinan Genocide Reparations Study Group



Map for the Report of the Armeinan Genocide Reparations Study Group
Prepared by Grigor Hakobyan, 2014



- | | |
|-----------------------------------|--|
| Turkish-Armenian boundary | Railways, narrow gauge |
| Other international boundaries | Important highways |
| Unmarked international boundaries | Trails |
| Old Turkish-Russian boundary | Important cities |
| Vilayet boundaries | Other cities and villages |
| Sandjak boundaries | Peaks and passes on Armenian boundary |
| Kaza boundaries | Other peaks |
| Railways, broad gauges | <small>(All elevations approximate, in meters)</small> |