

Testimony by:

DAVID L. PHILLIPS

Senior Fellow, Atlantic Council of the United States

Visiting Scholar, Center for the Study of Human Rights at Columbia University

to:

U.S. House Foreign Affairs Committee, Subcommittee on Europe

May 14, 2009

Mr. Chairman, thank you for inviting me to appear before the House Foreign Affairs Committee, Subcommittee on Europe.

It is a testament to the importance of US-Turkish relations that President Barack Obama chose to visit Turkey just 77 days after his election as President of the United States. The visit was a truly an historic opportunity to enhance the US-Turkey strategic partnership that has benefited both nations for more than five decades.

Turkey is one of America's strongest and most reliable allies. Straddling Europe and Asia, it played a critical role containing the Soviet Union during the Cold War. As a secular Muslim democracy, Turkey serves as a model to other Muslim-majority countries. After 9/11, Turkey was a critical staging area for operations in Afghanistan. Two times it led the International Stabilization Force for Afghanistan and remains today critical to NATO's activities in Afghanistan. Turkey is a pivotal partner in the fight against al-Qaeda, despite attacks by radical Islamists at home. Turkey's cooperation is also critical to other U.S. strategic interests: redeploying troops from Iraq, constraining Iran's nuclear development, enhancing energy security through the development of sources in the Caspian and via transport in the

Caucasus. Turkey is a leader of the G-20 with a vital role to play in the global economic recovery.

As a Senior Adviser to the State Department's European Bureau, I have worked on Cyprus, Turkish-Greek relations, Turkey's relations with Iraqi Kurds, and on human rights in Turkey. Between 2001 and 2004, I also served as Chairman of the Turkish-Armenian Reconciliation Commission (TARC). Its work is recounted in *Unsilencing the Past: Track Two Diplomacy and Turkish-Armenian Reconciliation*. (Note: TARC information available at <http://www1.american.edu/cgp/track2/home.htm>).

As requested, my statement will focus on Turkish-Armenian issues, which have a significant bearing on US-Turkish relations. Reconciliation is extremely difficult and sensitive. Difficulties are exacerbated by taboos and divergent historical narratives.

Despite obstacles, Turkish-Armenian reconciliation is very important work. Both Turkey and Armenia are allies of the United States; both contribute to our efforts countering global extremism; Armenia has uniquely good relations with both the United States and Russia. The important Armenian-American community ensures that U.S.-Armenia ties are permanent. Just as ties to Turkey are pivotal, Secretary Clinton affirms: "The Obama Administration is committed to broadening [U.S.-Armenian relations], deepening it, and working with Armenia to assist them in their continued development and aspirations."

I welcome the "framework agreement" and "roadmap" for normalizing relations between Turkey and Armenia announced on April 23. It is potentially an historic breakthrough. However, progress will be measured by actions not words.

With the help of U.S. mediation and the Swiss authorities, a finalized text was initialed by Turkish and Armenian officials on April 2. Reportedly the text has two protocols: one on recognition and the other on normalization. A third document establishes a bi-national commission, a series of sub-commissions, and specifies a timetable for implementation once the agreement is signed.

The full text has not yet been released at the request of Turkey and Armenia. This has heightened speculation and galvanized opposition. Getting from initials to signatures, and from signatures to implementation, will be a torturous process. There is no schedule to seal the deal. The longer it takes, the harder it gets.

Does anyone believe that the AKP government will go forward without progress on Nagorno-Karabakh? On Friday last week, President Abdullah Gul said that normalization would proceed “without preconditions.” During an interview with TRT Turk the next day, Prime Minister Tayyip Erdogan said that Turkey “could open its border if Armenia lifts its occupation of Nagorno-Karabakh.” Turkish officials told President Obama that resolution of Nagorno-Karabakh’s status was not a formal precondition when they met in Istanbul on April 7. As a practical matter, however, it is a deal-breaker.

Azerbaijan strongly opposes normalization of Turkish-Armenian relations. President Ilham Aliyev raised the stakes by threatening to hike the price of gas it sells to Turkey and canceling its support for the Nabucco pipeline. President Aliyev also went to Moscow to discuss arrangements shifting the balance of power in the strategically important South Caucasus. He subsequently backed off his threatened reprisals and agreed with Armenia’s President Serge Sarkissian on

“basic ideas” for resolving NK’s status, but a lot of work is still needed before the parties sign the draft accord that has been on the table since November 2007.

Turkey’s national interests cannot be held hostage by Azerbaijan. Progress on one makes possible progress on the other, but the United States should reaffirm President Obama’s understanding: there is no linkage between normalizing Turkish-Armenian relations and the Minsk Group process, which has been underway for 17 years.

If the normalization agreement is signed, what are the chances that the Turkish parliament will ratify it especially if Nagorno-Karabakh’s status is still unresolved? Turkey’s large Azeri minority opposes normalization. Also opposed are the Republican People’s Party (CHP), which holds 98 seats in the Turkish parliament and the National Action Party (MHP) with 69 seats. Though the AKP holds 338 seats, we recall that it has failed to muster support for important votes in the past.

Why did it take so long to announce the agreement if it was initialed on April 2? Critics maintain that announcing the agreement just 24 hours before Armenian Genocide Remembrance Day was a cynical attempt to dissuade President Obama from characterizing the Events of 1915-1923 as “Genocide.”

The timing raises questions about Turkey’s resolve and self-confidence. It has rallied opposition among Armenians. The Armenian Revolutionary Federation (Dashnaktsutyun) pulled out of Armenia’s coalition government last week to protest the deal. Opposition leader and former President Levon Ter-Petrosian called it a “sell-out.” Just as there should be no linkage between normalization and the status of Nagorno-Karabakh, there must be no linkage between normalization and genocide recognition.

Normalization is inherently a forward looking process. However, reconciliation cannot occur without an honest rendering of what happened to the Armenians of Anatolia between 1915 and 1923. I do not believe that the proposed historical commission will foster consensus.

TARC concluded that historians would bring to the table stacks of documents validating their existing positions. Instead it sought a legal analysis from independent counsel on “The applicability of the United Nations Convention on the Prevention and Punishment of Genocide to events that occurred in the early twentieth century.”

The analysis determined that: “International law prohibits the retroactive application of treaties. In fact, the Genocide Convention was intended to impose prospective obligations on State signatories. Therefore, no legal or financial claim arising out of the events could successfully be made against any individual or State under the Convention.” The analysis did not address rights established elsewhere in international law.

The analysis also found that the crime of genocide has four elements: (i) the perpetrator killed one or more persons; (ii) such person or persons belonged to a particular national, racial or religious group; (iii) the perpetrator intended to destroy in whole or in part that group, as such; and, (iv) the conduct took place in the context of a manifest pattern of similar conduct directed against the group. Of the criteria, “intent” is the only one disputed when it comes to the Events. The analysis concluded that “At least some of the Ottoman figures who ordered the deportation of ethnic Armenians knew that the consequence of their actions would be the destruction in whole or in part of the Armenians of eastern Anatolia, as

such, or acted purposefully towards this goal, and therefore possessed the requisite genocidal intent.”

The analysis emphasized the benefits of open discussion between Turks and Armenians. It is by no means definitive, but it did give something to both peoples that can help advance the goal of reconciliation.

TARC broke the ice and catalyzed a myriad of collaborative activities. Contact, communication and cooperation are critical to fostering reconciliation between Turkish and Armenian civil society representatives. Track two creates a context for civil society to develop mutual understanding with the goal of transferring their insights to decision-makers and shaping public opinion. Track two can propel progress in the event of an official agreement. It also serves as a safety net in case negotiations flounder.

TARC was years ahead of the curve. Its final recommendations called for:

- Accelerating diplomatic contacts, devising new frameworks for consultation, and consolidating relations through additional treaty arrangements.
- Opening of the Turkish-Armenian border to enable unhampered transportation and trade aimed at improving the economic condition of people living on both sides of the border.
- Enhancing security/anti-terrorism and confidence building measures between Turkey and Armenia.
- Issuing official statements supporting civil society programs focused on education, science, culture, and tourism.
- Establishing standing mechanisms for cooperation on humanitarian disaster assistance and health care.

- Fostering religious understanding via the restoration of religious sites and supporting the rights and functioning of religious foundations.
- Taking steps to show the Turkish and Armenian people that their governments are working to surmount difficulties related to the past.

Progress on normalization requires the United States to stay engaged.

Implementing the agreement will require skilled and focused diplomacy. A “Coordinator for Turkish-Armenian Normalization” could usefully help raise the profile of issues and streamline the inter-agency process. Alternatively, the State Department’s European Bureau needs to appoint someone to work on it full-time.

One way to honor the memory of Hrant Dink, the ethnic Armenian editor of *Agos* who was assassinated for his views, would be to expand his work in support of track two activities. It would be useful to convene leading Turkish and Armenian groups to discuss lessons learned and the way forward. Congress should capitalize a special projects fund to which Turkish and Armenian groups could jointly apply for project financing. The fund should be administered by a U.S. organization to ensure transparency and objectivity. (Note: American University’s Center for Global Peace, which was previously involved, and/or the Atlantic Council would be suitable coordinators).

There is cause for optimism. Turks and Armenians are trading, interacting, and exchanging views about their shared history. I am convinced that the proponents of reconciliation are on the right side of history.

Mr. Chairman, I would also like to raise Turkey’s relations with Iraq and Iraqi Kurdistan and its affect on U.S.-Turkish relations. “Responsible redeployment” from Iraq will require an end-state that is stable, able to govern itself, and at peace

with its neighbors. Despite the positive trend established via recent contact between Turkish officials and the Kurdistan Regional Government (KRG), Iraqi Kurdistan is potentially volatile. Kirkuk's status and disputed internal boundaries are flashpoints. Turkey's concern about the emergence of an independent Iraqi Kurdistan is exacerbated by the PKK's presence in northern Iraq. Conflict escalation within Iraq or between Iraq and its neighbors would be a serious setback to both regional and U.S. interests. I would also be pleased to discuss this topic during the question period.

Thank you.