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Shaping the Conscience of Mankind
The Politics of Memory and the Commemoration of Atrocity Crimes at the
United Nations

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Abstract

In recent decades, an informal hierarchy of gravity appears to have emerged between the different categories of atrocity crime, with genocide now widely perceived as the “crime of crimes”. While this view may seem intuitively appealing, it has been increasingly been challenged on the grounds that it may diminish the perceived gravity of war crimes and crimes against humanity. That said, there is at present a lack of empirical evidence demonstrating that such a hierarchy shapes international political discourse. This project addresses this gap by exploring the representation of atrocity crimes in the commemoration practices of the United Nations. Situated within the conceptual framework of “the politics of memory”, I adopted a mixed-methods research design combining quantitative content analysis and Norman Fairclough’s dialectical-relational approach to critical discourse analysis. My findings suggest that a hierarchy of gravity may indeed emerge as between the categories of atrocity from the UN’s commemoration practices, with genocide both represented far more frequently across the analysed set of commemorative observances than war crimes or crimes against humanity, but also discursively constructed as being of superior gravity. While these findings should be interpreted cautiously, it may nonetheless be suggested that such practices may (re)construct a problematic dissonance between political opinion and legal authority, undermining the communicative force of the legal concepts of war crimes and crimes against humanity exacerbating pre-existing social conflicts.

Key Words: Atrocity crimes, commemoration, United Nations, genocide, war crimes, crimes against humanity, critical discourse analysis.

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List of Abbreviations

CDA	Critical Discourse Analysis
ICC	International Criminal Court
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the Former Yugoslavia
IMT	International Military Tribunal
IHL	International Humanitarian Law
QCA	Quantitative Content Analysis
UN	United Nations
UN GA	United Nations General Assembly
UN SG	United Nations Secretary General

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“Genocide is a very different term. Normal countries commit war crimes. Genocidal countries are something else. They are rendered illegitimate, and they are rendered illegitimate permanently”

- Holocaust Historian Norman J.W. Goda, quoted in Isaac Chotiner, 2025¹

“The struggle of [wo]man against power is the struggle of memory against forgetting”

- Milan Kundera

¹ Isaac Chotiner, ‘The Holocaust Historian Defending Israel Against Charges of Genocide’ [2025] *The New Yorker* <<https://www.newyorker.com/news/q-and-a/the-holocaust-historian-defending-israel-against-charges-of-genocide>> accessed 24 February 2026.

Chapter 1: Introduction and Research Rationale

1.1 Historical Background and Research Objective

*“It is apparent that, to a considerable extent, the Convention amounts to a registration of protest against past misdeeds of individual or collective savagery rather than to an effective instrument of their prevention or repression”*². So wrote Hersch Lauterpacht, a pioneering figure in the development of the modern human rights system, on the subject of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (hereafter the “Genocide Convention”), some few years after the treaty’s entry into force in January 1951. As has come to be well known, the Genocide Convention came into existence largely as a result of the long-term advocacy efforts of one Raphael Lemkin³, architect of the concept and term “genocide”, who lobbied ceaselessly in the period surrounding the 1945 International Military Tribunal (IMT) at Nuremberg and in the following years to have his construction enshrined in international law⁴. Much excellent work has already been published on the conflicting opinions of Lauterpacht and Lemkin on whether or not to introduce the genocide concept into the international legal order⁵, a debate which has typically been framed in terms of opposing perspectives regarding the appropriate entity to be afforded protection under the emerging legal regime. For Lemkin, it was the desire of the German Nazi party during the Second World War to destroy entire social groups, be they racial, religious, or national in character, which he sought to capture and protect against through his concept of genocide⁶. In contrast, Lauterpacht strongly believed that the safeguarding of individuals afforded by the provisions of the Charter of the IMT, a set of principles that had been reaffirmed by the General Assembly of the United Nations (UN GA), was an approach of far greater scope and quality⁷. He was of the opinion that legal protection against many of the constituent acts of genocide was already provided within these provisions through a similarly novel category of international crime, the notion of “Crimes Against Humanity”, which had been developed for

² Lassa Oppenheim, *International Law A Treatise* (Hersch Lauterpacht ed, 8th edn, Longman 1955) 751 <<http://archive.org/details/in.ernet.dli.2015.459764>> accessed 21 April 2026.

³ In a 2001 speech, UN Secretary General Kofi Annan charged that Lemkin had “almost single-handedly drafted an international multilateral treaty declaring genocide an international crime, and then turned to the United Nations in its earliest days and implored Member States to adopt it”; UN News, ‘Annan Honours Legacy of Raphael Lemkin, Key Advocate of Anti-Genocide Pact’ (13 June 2001) <<https://news.un.org/en/story/2001/06/5822>> accessed 21 April 2026.

⁴ See, e.g., J Cooper, *Raphael Lemkin and the Struggle for the Genocide Convention* (Springer 2008).

⁵ See, e.g., Ana Filipa Vrdoljak, ‘Human Rights and Genocide: The Work of Lauterpacht and Lemkin in Modern International Law’ (2009) 20 Eur J Int Law 1163 <<https://doi.org/10.1093/ejil/chp090>>; Philippe Sands, *East West Street: On the Origins of ‘Genocide’ and ‘Crimes Against Humanity’* (Orion Publishing Group LTD 2017).

⁶ See, e.g., Lemkin’s paper entitled “The Necessity to Develop the Concept of Genocide in the Proceedings” which was sent to Dr. Robert Kempner, a member of the US prosecution team, as recounted in Sands (n 4) 335; also Raphael Lemkin, ‘Genocide as a Crime under International Law’ (1947) 41 The American Journal of International Law 145.

⁷ Oppenheim (n 2) 752.

use in the Nuremberg Trials. But most fundamentally, and in hindsight perhaps rather presciently, Lauterpacht worried that “if one emphasises too much that it is a crime to kill a whole people, it may weaken the conviction that it is a crime to kill one person”⁸.

Although this framing of the conceptual debate on genocide and its relationship with the other crimes of international law continues to be relevant today, it may be worth shifting the analysis to a different perspective, given the magnitude of developments which have taken place since the time of Lauterpacht and Lemkin. Over time, the legal definitions of the current batch of international crimes, specifically the ‘core’ crimes of aggression, war crimes, crimes against humanity and genocide, have been developed and refined, now differing in varying degrees from their original conceptions⁹. These latter three offences are now often referred to as “atrocities crimes”¹⁰, a phrase which has been widely adopted by international bodies such as the UN Office on Genocide Prevention and the Responsibility to Protect¹¹. As these changes have taken place, so too have shifts in understanding of the conceptual relationship between the classes of atrocity crime; some directly related to the evolution of the legal definitions of these categories, and some unrelated, a consequence more of international politics than of the conceptual development of these crimes. Of these, it is worth drawing attention to one development in particular which may not necessarily have been foreseen by either Lauterpacht or Lemkin¹²; namely, the extent to which an informal hierarchy of gravity appears to have emerged amongst the various categories of atrocity crime, in which genocide is generally understood as occupying superordinate status as the now infamous “crime of crimes”.

Although there is at present no explicit empirical evidence demonstrating the popular perception of such a hierarchy, various pronouncements as to genocide’s position at the apex of criminality which have

⁸ Letter Schwelb to Humphrey, 19 June 1946, PAG-3/1.3, Box 26, United Nations War Crimes Commission 1943–1949, Predecessor Archives Group, United Nations Archives, New York (UNWCC Archives; cited in Vrdoljak (n 5)).

⁹ With the exception of genocide, whose legal definition underwent revision primarily during negotiation of the Genocide Convention and has since remained unchanged. In this case, it is rather the conceptual parameters of this definition which have been clarified over time.

¹⁰ See, e.g., David Scheffer, ‘Genocide and Atrocity Crimes’ (2006) 1 *Genocide Studies and Prevention* 229 <<https://doi.org/10.3138/E832-0314-6712-60H3>>.

¹¹ United Nations Office on Genocide Prevention and the Responsibility to Protect, ‘Framework of Analysis for Atrocity Crimes’ (United Nations 2014) <https://www.un.org/en/genocideprevention/documents/about-us/Doc.3_Framework%20of%20Analysis%20for%20Atrocity%20Crimes_EN.pdf> accessed 3 December 2026.

¹² Although that in an article published in the UN Bulletin in January 1948, Lemkin does indeed claim that “genocide must be treated as the most heinous of all crimes” and that it “is the crime of crimes”. See, Rafael Lemkin, ‘Genocide as a Crime under International Law’ (1948) 4 *United Nations Bulletin* 70 <http://archive.org/details/sim_united-nations-bulletin_1948-01-15_4_2> accessed 14 May 2026.

historically appeared amongst academic works¹³, trial judgements¹⁴, and media publications¹⁵, tend to support to the proposition that some form of normative order is understood to exist. That said, the relative positions of war crimes and crimes against humanity within this abstract hierarchy remain unclear, and it is also worth noting that judicial opinion is by no means unanimous in deeming genocide to be categorically more serious than war crimes or crimes against humanity¹⁶, with the characterisation of genocide as necessarily the most heinous crime also being increasingly questioned in academic spheres¹⁷.

While the idea of a hierarchical ordering of the classes of atrocity crime may appear as common-sense to some, the positioning of genocide as “the crime of crimes” was recently challenged by genocide scholar A. Dirk Moses. In his 2021 book “The Problems of Genocide: Permanent Security and the Language of Transgression”, Dirk Moses argues that this characterisation exacerbates a somewhat dubious distinction between political violence and racial/ethnic violence that has emerged following the incorporation of genocide into the international legal order¹⁸. Owing to the mental intent element of genocide, which is explicitly defined as an intent targeting of a set of particular types of social group, Moses claims that a sharp division has been fashioned between the motives with which armed conflict may be pursued; one driven by supposedly legitimate, rational goals such as military victory and the preservation of national security, the other motivated by an irrational hatred of the identity of the other – the targeting of particular individuals or groups simply because they are different. For Moses, the effect of this has been to trivialise professedly political forms of violence, both through normalising and legitimising the killing of civilians using conventional methods of warfare, but also by diminishing the perceived gravity of war crimes and crimes against humanity. Granting that this may not be the only factor which has contributed to the latter phenomenon, it nonetheless appears that while the label of genocide serves at present as “a line that when

¹³ Janine Natalya Clark, ‘The “Crime of Crimes”: Genocide, Criminal Trials and Reconciliation’ (2012) 14 *Journal of Genocide Research* 55 <<https://doi.org/10.1080/14623528.2012.649895>>; Nicole Rafter, *The Crime of All Crimes: Toward a Criminology of Genocide* (NYU Press 2016); William A Schabas, *Genocide in International Law: The Crime of Crimes* (2nd edn, Cambridge University Press 2009) <<https://doi.org/10.1017/CBO9780511575556>> accessed 16 February 2026.

¹⁴ E.g., *Prosecutor v Radislav Krstic* [2004] Appeals Chamber IT-98-33-A [95]; *Prosecutor v Jean Kambanda (Sentence)* [1998] Trial Chamber ICTR-97-23-S [16].

¹⁵ E.g., The Economist, ‘The Uses and Abuses of the G-Word’ [2011] *The Economist* <<https://www.economist.com/international/2011/06/02/the-uses-and-abuses-of-the-g-word>> accessed 24 April 2026.

¹⁶ See, e.g., Payam Akhavan, *Reducing Genocide to Law: Definition, Meaning, and the Ultimate Crime* (Cambridge University Press 2012) <<https://doi.org/10.1017/CBO9781139028943>> accessed 9 February 2026.

¹⁷ See, e.g., A Dirk Moses, *The Problems of Genocide: Permanent Security and the Language of Transgression* (Cambridge University Press 2021) <<https://doi.org/10.1017/9781316217306>> accessed 9 February 2026; William A Schabas, *Genocide in International Law: The Crime of Crimes* (3rd edn, Cambridge University Press 2025) 801 <<https://www.cambridge.org/core/books/abs/genocide-in-international-law/genocide-in-international-law/C49DCCFD21632BE3BFD8A231C337D6C0>> accessed 26 February 2026.

¹⁸ Moses (n 17).

crossed turns the banal perpetrator into the ultimate pariah”¹⁹, these other two categories have come to be perceived as anodyne in comparison, failing politically to “shock the conscience of mankind” quite as the concept of genocide does²⁰.

The purpose of this project is to explore whether it can be demonstrated empirically that a hierarchy of gravity between war crimes, crimes against humanity, and genocide can be said to emerge from the analysis of international political discourse, and if so, how each concept is represented within this hierarchy. In order to do so, I have chosen to focus on the commemoration practices of the UN and to critically analyse the representation of each of these classes of atrocity within those practices. My rationale for focusing on this particular intergovernmental organisation, and on the political project of commemoration within this institution is manifold. To begin with, the process of political commemoration is itself a method of communicating significance; a selection is made within an institutional environment as to which pasts - or which elements of a past - merit being chosen for remembrance and reflection, and thus, to a certain extent, the examination of which forms of atrocity crime are commemorated is also an analysis of which forms are being communicated as worthy of being remembered. Moreover, the commemorative genre of political discourse often reflects and reproduces the “tone” of the wider political environment at any given moment in time, and therefore constitutes a useful and convenient site of analysis, particularly given the operational constraints of this project.

The selection of the UN as the appropriate political site of analysis, then, is related to the intimate association of the genocide concept with memory of the Holocaust, and the harmonising function played by Holocaust memory at this intergovernmental institution. As will be discussed in greater detail in chapter 2, there is a large body of scholarship to suggest that memory of the Holocaust became increasingly institutionalised around the term of the millennium, extracted from its specific historical context to be “universalised” as a moral abomination around which the expanding international liberal order could find common ground and unite²¹. Given the UN’s position at the core of this “cosmopolitan” memory project, and that the Holocaust simultaneously tends to be considered the archetypal example of a genocide²², it

¹⁹ William A Schabas, ‘Genocide and Ukraine: Do Words Mean What We Choose Them to Mean? Current Events’ (2022) 20 J Int’l Crim Just 843, 854.

²⁰ Leila Nadya Sadat, ‘The Long Arc of Justice: Forging a Convention for Crimes Against Humanity’ (2026) 25 Washington University Global Studies Law Review 306, n 11
<<https://journals.library.wustl.edu/globalstudies/article/id/9195/>> accessed 18 April 2026.

²¹ Ulrich Beck, Daniel Levy and Natan Sznaider, ‘Cosmopolitanization of Memory: The Politics of Forgiveness and Restitution’ in Maria Rovisco and Magdalena Nowicka (eds), *Cosmopolitanism in Practice* (Routledge 2016)
<<https://doi.org/10.4324/9781315574424-7>>; Daniel Levy and Natan Sznaider, *The Holocaust and Memory in the Global Age* (Temple University Press 2006).

²² Take, for example, the well-known journal “*Holocaust and Genocide Studies*”, which proclaims as its mission statement to “study of how insights into the Holocaust apply to other genocides”, thereby positioning the Holocaust as the paradigmatic case of genocide. See; Holocaust and Genocide Studies, ‘About This Journal’: (*Project Muse*:

would not be surprising, then, if the crime of genocide was given particular emphasis relative to other atrocity crimes in the activities of this political institution. However, such preferential treatment of genocide may also have the effect of (re)producing a perception of there being a difference in the gravity between the different classes of crime, communicating this both to those immediately involved in the international community, but also those who look to this intergovernmental institution as an authority on such matters. The purpose of this project is therefore not merely to conduct an empirical analysis, but to also consider some problematic consequences which may flow from a hierarchical ordering of atrocity crimes with genocide at the top.

1.2 Conceptual Framework and Methodological Approach

Given that commemorative practices constitute the object of investigation, this analysis will be located within the theoretical framework of memory politics, or more precisely, “the politics of memory”²³. Defined here as “the discourses and practices of using the past by various social and political actors for the purposes relevant in the present”²⁴, the conceptual lens of memory politics takes as its starting point the assumption that memory is “constructed and constructive, dynamic and multifarious, multi-sided and multi-sited”²⁵, playing a key role in the constitution of identity at both at the level of the individual and the collective²⁶. This function of memory as integral to the identity of groups is understood through the Halbwachsian concept of “collective memory”²⁷, which refers to the set of socially-available representations and interpretations of the past that are drawn upon when groups actively remember together²⁸. Understood as a process which takes place within particular social spaces and evolves over time, collective memory is socially constructed through the perpetual contestation and instrumentalization of history, as different members of a mnemonic community seek to mobilize their own particular versions of the past and legitimize their political interests²⁹.

Holocaust and Genocide Studies) <https://muse.jhu.edu/journal/220?utm_source=copilot.com> accessed 4 May 2026.

²³ Maria Mälksoo, ‘Politics of Memory: A Conceptual Introduction’ in Maria Mälksoo (ed), *Handbook on the Politics of Memory* (Edward Elgar Publishing 2023).

²⁴ *ibid* 2.

²⁵ Aline Sierp, ‘The Politics of Memory: Between History, Identity and Conflict’ (2025) 60 *Government and Opposition* 1464, 1464 <<https://doi.org/10.1017/gov.2025.10011>>.

²⁶ Felix Berensköter, ‘Memory, Identity and Its Politics’ in Maria Mälksoo (ed), *Handbook on the Politics of Memory* (Edward Elgar Publishing 2023).

²⁷ As elaborated in; Maurice Halbwachs, *La Mémoire Collective* (Presses universitaires de France 1997); Maurice Halbwachs, *Les Cadres Sociaux de La Mémoire* (Librairie Félix Alcan 1925).

²⁸ Mälksoo (n 23) 1.

²⁹ Mälksoo (n 23).

Within this conceptual framework, commemoration serves as one vehicle by which the shared pool of historical meanings that constitute collective memory is formed and fashioned; it functions as a “ritual that transforms ‘historical knowledge’ into ‘collective memory’”³⁰. In its capacity to transmit to members of a group a set of interpretative frameworks through which the meaning of past events can be understood and incorporated into the group identity, while also necessarily condensing the complexity of history into a more homogenous form, commemoration is therefore best conceived as a highly political process. Accordingly, it is often a zone of conflict and controversy, with disputes arising between members of a particular mnemonic community over the appropriate objects and content of commemoration - tensions that may be especially heightened in the case of difficult pasts³¹. Thus understood, the public remembrance practices of the UN may consequently be recognised as a potentially focal point of political contestation, where a diversity of mnemonic agents representing a wide variety of domestic interests compete to construct a collective memory that best serves their political goals. In sum, by adopting this conceptual framework, I will here be conceptualising the commemoration practices of UN as a deeply political phenomenon, rather than as merely a neutral and uninvolved project of reflecting on the past.

This thesis, undertaken to explore whether any normative hierarchy can be said to emerge from how each class of atrocity crime is represented in these commemorative practices, will involve a mixed-methods research design combining quantitative content analysis (QCA) and Norman Fairclough’s dialectical-relational approach to critical discourse analysis (CDA)³². In the initial quantitative phase of analysis, I will first be concerned primarily with investigating *which* of the annual UN commemorative events are descriptively framed as involving atrocity crimes. This will involve analysing the frequency with which each class of atrocity crime is referenced in the descriptive summaries of commemoration days sourced from the UN’s list of ‘*International Days and Weeks*’, a set of annual observances hosted by the UN to “educate the public on issues of concern, to mobilize political will and resources to address global problems, and to celebrate and reinforce achievements of humanity”³³. In doing so, my aim is to first identify whether it can be demonstrated that pasts associated with any particular class of atrocity crime are preferentially selected for commemoration, and whether any hierarchical pattern can be identified from the UN’s annual observances, thus examining whether some forms of atrocity crime are communicated as being more worthy of remembrance than others.

³⁰ Hiro Saito, ‘The Changing Culture and Politics of Commemoration’ *Routledge Handbook of Cultural Sociology* (2nd edn, Routledge 2018) 648.

³¹ See, e.g., Hiro Saito, *The History Problem: The Politics of War Commemoration in East Asia* (University of Hawai’i Press 2016) <https://doi.org/10.26530/oapen_625901> accessed 18 April 2026.

³² See generally, Norman Fairclough, ‘CDA as Dialectical Reasoning’ *The Routledge Handbook of Critical Discourse Studies* (Routledge 2017).

³³ United Nations, ‘Observances’ (*United Nations*) <<https://www.un.org/en/observances>> accessed 3 June 2026.

Following this, in the subsequent qualitative phase of analysis, I will be concerned with *how* the different categories of atrocity crime are constructed and characterised through the commemorative discourse of the UN. In order to do so, the decision was made to focus on a smaller sample of annual days of remembrance, each of which has an associated educational outreach program and together constitute the subject of a discussion series called “*Beyond the Long Shadow*” that is organised by the UN Department of Global Communications³⁴; three relating to the crime of genocide, one to the that of crimes against humanity. Through adopting Fairclough’s critical approach to discourse analysis, the goal of this portion of analysis is to compare and contrast the weight of meaning which is communicated regarding these two classes of atrocity crime by examining a recent set of high-level commemorative events which took place on these days of remembrance. Having adopted a broad notion of “discourse” as referring to any system of meaningful representations - including, but not limited to the semiotic modality of language³⁵ - I will focus primarily on how the concepts of genocide and crimes against humanity are represented in narrative reproductions of the pasts being commemorated, locating this meaning in the social context of its production in order to both compare the overall sense of gravity which is produced, but also to consider the political purposes these particular representations may serve.

1.3 Structure of Thesis

In Chapter 2, I will present the results of a literature review on the subject areas relevant to the investigation. To begin with, I will provide a brief overview of the term “atrocity crimes”, after which each individual crime – war crimes, crimes against humanity, and genocide – will be introduced and clearly defined. This will be followed by an discussion of whether any hierarchy of severity is recognised at present from a strictly legal perspective, before progressing onto a brief consideration of the historical, social and political factors which may have given rise to the widely-held perceptions of differences in severity between the classes of atrocity crime. In particular, the relationship between genocide and memory of the Holocaust will be analysed as a major determinant in the positioning of genocide as the ‘crime of crimes’, whereby the evolution of Holocaust memory and its function in international political commemoration will subsequently be examined in greater depth. This will be followed in Chapter 3 by a comprehensive overview of the conceptual framework of the “politics of memory” within which I will frame the present investigation. Key concepts such as “collective memory” and “commemoration” will be elaborated,

³⁴ See, United Nations, ‘Beyond the Long Shadow: Engaging with Difficult Histories’ (*United Nations*) <<https://www.un.org/en/engaging-with-difficult-histories>> accessed 2 June 2026.

³⁵ Norman Fairclough, ‘Critical Discourse Analysis’ in Michael Handford and James Paul Gee (eds), *The Routledge Handbook of Discourse Analysis* (Second, Taylor & Francis 2023).

highlighting their political dimensions and considering the centrality of agency in shaping these processes. In Chapter 4, I will outline the methodological approach being adopted and describe the analytical process. This will involve a brief theoretical overview of the relevant methodologies, namely QCA and Fairclough's dialectical-relational approach to CDA, as well as a description of the process by which text samples were collected for analysis. In Chapter 5, then, I will present the findings of my analyses. This will involve describing the frequency with which each class of atrocity crime is represented in a UN day of commemoration, while the discourse analyses for the events involving genocide and crimes against humanity will be presented separately so as to facilitate comparison.

Finally, the paper will conclude with Chapter 6, in which I will synthesise the results of both phases of the qualitative analysis and situate my findings relative to the identified research problem and the wider body of existing literature. Having noted some of the limitations of the present research project, I will then draw tentative conclusions on the matter and - in the spirit of critical discourse studies - outline some recommendations for action going forward.

Chapter 2: Literature Review

2.1 Introduction

In this chapter, an overview of the relevant literature will be introduced for discussion. For the sake of definitional clarity, I will begin by introducing and defining the parameters of some of the core concepts of this study: “atrocities crimes”, “war crimes”, “crimes against humanity”, and “genocide”. Having done so, I will move on to the issue of there being perceptions of a hierarchy of severity amongst these latter three crimes, first considering whether any form of abstract ordering is understood to emerge from a strictly legal perspective. Drawing upon a range a range of sources, I will show how dominant opinion on the matter has changed over time, introducing the currently prevailing viewpoint so that any political hierarchy identified during analysis can be compared with the presently-authoritative legal interpretation. Finally, then, after a brief consideration of various factors which may have contributed to the characterisation of genocide as the “crime of crimes”, I will focus on the historical linkage between Holocaust memory and the genocide concept, considering the implications of this in regards to the commemoration of atrocities crimes at the UN, and how this could hypothetically result in the preferential remembrance of pasts involving genocide. Although a large portion of this chapter is thus predominantly legal in character, this was deemed necessary for a couple of reasons. First, given both that the legal definitions of the relevant concepts have evolved over time, and that they encapsulate within them a broad range of criminal acts, it is important to be absolutely clear on what is meant by these terms when they are used throughout this paper. Furthermore, while my object of analysis in this project is the commemorative genre of political discourse, my reason for doing so is to understand how the meaning and perceived severity of concepts of international criminal law are shaped through this discourse, and consequently a slight legal bias is not necessarily inappropriate.

2.2 Atrocity Crimes

Somewhat pertinently, the very notion of “atrocities crimes” itself arose out of concerns regarding the implications of genocide’s perceived hierarchical superiority as the most heinous of international crimes. “Atrocities crimes”, a concept generally attributed to David Scheffer and his 2006 article “*Genocide and Atrocity Crimes*”³⁶, is an umbrella term that encapsulates those three formally defined international crimes which tend to be understood as “the most serious crimes against humankind”³⁷: war crimes, crimes

³⁶ Scheffer (n 10).

³⁷ United Nations Office on Genocide Prevention and the Responsibility to Protect (n 11) 1.

against humanity, and genocide³⁸. It was introduced by Scheffer directly in response to his witnessing a burgeoning tendency to formulate all instances of serious, large-scale violence in terms of genocide, whereby the subsequent debates over the appropriateness of this characterisation all too often resulted only in a counterproductive political stalemate. With the “atrocities crimes” label, Scheffer hoped to “enable public and academic discourse to describe genocide, crimes against humanity (including ethnic cleansing), and war crimes with a single term that is easily understood by the public and accurately reflects the magnitude and character of the crimes”³⁹, thus facilitating timely intervention by liberating political discussion from legal technicalities while still conveying a strong message of moral condemnation. Although opinion was initially divided on the usefulness of the concept⁴⁰, the term “atrocities crimes” has since come to be relatively widely used in policy circles, as reflected in its adoption by the UN Special Advisers to the United Nations Secretary-General on the Prevention of Genocide and on the Responsibility to Protect⁴¹ and the publication in 2022 of the *Oxford Handbook of Atrocity Crimes*⁴².

Despite there existing various other descriptive terms with which large-scale violence can be discursively constructed (e.g., ethnic cleansing, ecocide, etc.), “atrocities crimes” will here be interpreted as referring strictly to concepts which are formally recognised as crimes under international law. Thus, when engaging with the debate on the hierarchy of severity amongst forms of mass violence, these alternative non-legal characterisations will be omitted from consideration⁴³. While necessarily exclusionary, this decision to focus exclusively on legally defined concepts is grounded in the following logic; not only are legal concepts such as “war crimes”, “crimes against humanity”, and “genocide” socially constructive insofar as they provide a descriptive scheme of interpretation from which meaning can be derived from real-world events, but their essence as legal norms confers an additional juridical meaning to the events which they are applied to. More specifically, these events are normatively characterised as “illegal”⁴⁴. Owing to the purported objectivity of the rule of law upon which the international order posits itself as based, these concepts consequently provide a particularly powerful medium through which events of large-scale violence can be discursively framed, going beyond merely depicting certain violent acts as morally

³⁸ Although the categories of atrocity crime were expanded to include “ethnic cleansing” in the UN’s 2005 “Responsibility to Protect” declaration, here the concept will be strictly limited to crimes defined formally under international law.

³⁹ Scheffer (n 10) 230.

⁴⁰ See, e.g., Herb Hirsch, ‘Editor’s Introduction’ (2007) 2 *Genocide Studies and Prevention* 1 <<https://doi.org/10.3138/70JH-1760-2575-5800>>.

⁴¹ United Nations Office on Genocide Prevention and the Responsibility to Protect (n 11).

⁴² Barbora Holá and others, *The Oxford Handbook on Atrocity Crimes* (Oxford University Press 2022).

⁴³ Granting that events characterised using non-legal descriptive terms (e.g., ethnic cleansing) can typically be reformulated in terms of one of these categories of atrocity crime, usually as a crime against humanity.

⁴⁴ Hans Kelsen, *Pure Theory of Law* (1st edn, University of California Press 1967) 4 <<https://doi.org/10.2307/jj.13167921>> accessed 12 May 2026.

wrong but characterising them as formally illegitimate⁴⁵. As such, it was considered appropriate to restrict analysis to concepts which shared this normative legal quality.

2.2.1 War Crimes

The term “war crimes” refers to acts which constitute serious violations of the laws and customs applicable in armed conflict - otherwise known as international humanitarian law (IHL) - and that consequently give rise to individual criminal responsibility⁴⁶. As such, the label is strictly applicable to forms of violence which take place in the context of and are associated with an armed conflict⁴⁷. Owing to its intimate connection with IHL, it is worth briefly clarifying the parameters of this latter field in order to properly conceptualise the nature of the “war crimes” concept.

IHL is triggered following the onset of an armed conflict and endeavours to regulate how this conflict is conducted. Conceptually distinct from the body of law which determines when a state may lawfully resort to armed force (otherwise known as *jus ad bellum*), IHL sets out a far-reaching set of standards which governments and non-state parties to a conflict are expected to adhere in hope of limiting the human suffering resulting from hostilities⁴⁸. Norms of IHL are typically sourced from a set of widely-ratified international conventions⁴⁹ and customary international law⁵⁰. They are primarily concerned with two areas; the protection of those who are not, or are no longer, taking part in combat, and the restriction of particular means and methods of warfare⁵¹. Furthermore, and of particular relevance for the purposes of establishing which violations amount to war crimes, it is important to note that IHL classifies armed conflicts into two distinct categories; international armed conflicts and non-international armed conflicts, which are governed by distinct (albeit increasingly similar) sets of norms.

⁴⁵ Martti Koskeniemi, ‘The Laws That Rule Us’ [2025] *New Left Rev* 15, 19–22.

⁴⁶ Darryl Robinson and others (eds), ‘12. War Crimes’ *An Introduction to International Criminal Law and Procedure* (4th edn, CUP 2024) 259.

⁴⁷ As described in International Criminal Court (ICC), ‘Elements of Crimes’ art 8 (2)(a).

⁴⁸ International Committee of the Red Cross (ICRC), ‘What Is International Humanitarian Law?’ <https://www.icrc.org/sites/default/files/document/file_list/what-is-ihl-factsheet.pdf> accessed 5 December 2026.

⁴⁹ Most notably: the 1907 Hague Regulations concerning the Laws and Customs of War on Land; the four 1949 Geneva Conventions, dealing with the sick and wounded in the field (Geneva Convention I), the wounded, sick, and shipwrecked at sea (Geneva Convention II), prisoners-of-war (Geneva Convention III), and civilians (Geneva Convention IV); and the two 1977 additional protocols to the Geneva Conventions, concerning with international armed conflicts (Additional Protocol I) and non-international armed conflicts (Additional Protocol II).

⁵⁰ International Committee of the Red Cross (ICRC), ‘Customary IHL Database’ (*International Humanitarian Law Databases*) <<https://ihl-databases.icrc.org/en/customary-ihl>> accessed 2 July 2026.

⁵¹ International Committee of the Red Cross (ICRC) (n 48).

Of this broader legal regime of IHL, then, the legal category of “war crimes”, refers to a smaller subset of norms which constitute a criminal offence when violated⁵². As this smaller grouping of norms is dependent on the primary rules governing behaviour in armed conflict, the overarching concept of war crimes is itself dynamic, and the forms of acts which are recognised as war crimes will continue to evolve alongside novel developments in IHL⁵³. Nonetheless, it is useful to attempt to specify which norms of IHL give rise to individual criminal liability when violated to illustrate the forms of acts being referred to when the term “war crime” is invoked. To this end, significant effort has been made in the post-Nuremberg period to clearly and comprehensively define which acts may be punished as war crimes, running from the “grave breaches” provisions of the Geneva Conventions to the statutes of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), and ultimately culminating in the Rome Statute of the International Criminal Court (ICC). At the time of writing, the ICC statute contains the most extensive catalogue of war crimes of any international tribunal to date, describing a list of fifty offences drawn from a range of treaty and customary sources. These can be separated into provisions (i) protecting non-combatants (ii) governing distinction in military attacks (iii) governing proportionality in military attacks (iii) prohibiting attacks on property (iv) prohibiting the use of certain weapons (v) prohibiting the use of particular methods of warfare (vi) concerning the transfer of population into occupied territory (vii) concerning the use of child soldiers. As such, the interpretation of “war crimes” adopted here should not be understood as referring only to the acts depicted in the Rome Statute, but also expanded to those recognised in customary international law

2.2.2 Crimes Against Humanity

Although it was only with the IMTs at Nuremberg and Tokyo that the concept of “crimes against humanity” was formalised in positive international law, the term in fact has a much longer history. Typically described as originating in the joint declaration by Great Britain, France, and Russia denouncing the massacre of Armenians by the Ottoman Empire⁵⁴, the earliest usages of the phrase in a legal context have more recently been traced to the 19th century where it was applied in reference to the slave trade⁵⁵ and

⁵² Michael Bothe, ‘War Crimes’ in Antonio Cassese, Paola Gaeta and John RWD Jones (eds), *The Rome Statute of the International Criminal Court: A Commentary* (Oxford University Press 2002) 387

<<https://doi.org/10.1093/law/9780199243129.003.0020>> accessed 12 May 2026.

⁵³ *ibid* 381.

⁵⁴ Darryl Robinson and others (eds), ‘11. Crimes Against Humanity’ *An Introduction to International Criminal Law and Procedure* (5th edn, CUP 2024) 215; Antonio Cassese, *Cassese’s International Criminal Law* (OUP Oxford 2013) 84.

⁵⁵ It was used by US jurist Henry Wheaton in his 1842 treatise “*Enquiry into the Validity of the British Claim to a Right of Visitation and Search*”; cited in Jenny S Martinez, *The Slave Trade and the Origins of International Human*

atrocities being committed under King Leopold in the Belgian Congo⁵⁶. Nonetheless, even after all this time, it is chiefly in the last thirty years that the parameters of this concept have been more clearly delineated, primarily through the statutes of the ad-hoc international tribunals for Yugoslavia and Rwanda and the Rome Statute of the ICC⁵⁷.

Philosophical debate abounds regarding the epistemic meaning of this label; opinion has been historically divided as to whether “crimes against humanity” ought to be conceived as acts running contrary to some fundamental aspect of human nature⁵⁸, human behaviours of such egregious nature as to harm all of humankind⁵⁹, crimes which violate humanness and humanity⁶⁰, or as acts simply too inhumane to bear ordinary names⁶¹. In its current legal form, “crimes against humanity” refers to the commission of certain inhumane acts as part of a widespread or systematic attack directed against a civilian population, pursuant to a state or organisational policy⁶². This contextual element differs significantly from the original formulation of the crime introduced through the Nuremberg Charter, at which time there was also the requirement of a nexus with war crimes or the crime of aggression⁶³.

As with the development of this contextual backdrop, the list of prohibited acts has also gradually evolved and expanded since the time of the Nuremberg Trials. At present, the most authoritative list is that which is defined in the ICC Statute and International Law Commission’s 2019 draft articles for an international convention on crimes against humanity⁶⁴. It comprises ten specific forms of acts, ranging from murder and extermination, to rape and an array of forms of sexual violence, to the crime of apartheid. Furthermore, these lists end with a general residual clause criminalising “other inhumane acts of a similar character”, which can be considered applicable provided it can be demonstrated that such acts are universally recognised as impermissible under international law so as to avoid contravening the criminal

Rights Law (Oxford University Press USA - OSO 2012) 103

<<http://ebookcentral.proquest.com/lib/ummt/detail.action?docID=829474>> accessed 13 May 2026.

⁵⁶ Adam Hochschild, *King Leopold’s Ghost: A Story of Greed, Terror, and Heroism in Colonial Africa* (Houghton Mifflin 1999) 112.

⁵⁷ For a brief history, see, Robinson and others, ‘11. Crimes Against Humanity’ (n 54) 217.

⁵⁸ As was supposedly the interpretation of the Allies when introducing the concept into the charges at Nuremberg, see, Antonio Cassese, *International Law* (2nd ed., Oxford UP 2005) 440.

⁵⁹ E.g., Larry May, *Crimes Against Humanity: A Normative Account* (Cambridge University Press 2005) 6.

⁶⁰ E.g., David Luban, ‘A Theory of Crimes against Humanity’ (2004) 29 *Yale J Int’l L* 85.

⁶¹ Sadat (n 20) 314.

⁶² Note that opinion is somewhat split on whether this policy element is a necessary component of crimes against humanity; for a discussion see Robinson and others, ‘11. Crimes Against Humanity’ (n 54) 222–227.

⁶³ *ibid* 216.

⁶⁴ For a brief analysis of these draft articles, see Leila Nadya Sadat and others, ‘Why a New Treaty on Crimes Against Humanity?: An Analysis of the International Law Commission’s 2019 Draft Articles’ (Washington University School of Law 2024) <<https://bpb-us-e2.wpmucdn.com/sites.wustl.edu/dist/b/2004/files/2024/09/Final-CAH-Fact-Sheet.pdf>> accessed 24 March 2026.

law principle of “*nullum crimen sine lege*”. All legal definitions of crimes against humanity close with this residual clause, included as a precautionary measure to avoid gaps in protection⁶⁵.

As may be inferred from the above definition, the modern concept of “crimes against humanity” is not wholly distinct from the other categories of atrocity crime. To begin with, whilst “crimes against humanity” differs from “war crimes” in certain key respects – for example, the former may occur either during armed conflict or peacetime, and in applying to all civilians regardless of affiliation, “crimes against humanity” offers protection against acts perpetrated against a state’s own civilians – there is nonetheless substantial overlap between the two categories. To take the example described by Daryl Robinson as an illustration⁶⁶, in theory, a mass killing of civilians during an armed conflict could equally be characterised or prosecuted as a war crime or a crime against humanity. Moreover, there would appear to be even greater similarities between crimes against humanity and genocide. In this case, stemming from the expansion of the notion of crimes against humanity in recent decades, the point has been reached where the two categories are essentially only distinguished by genocide’s *dolus specialis* – the intent to destroy the whole or part of a group⁶⁷.

2.2.3 Genocide

Although predated by a similar concept known as “Völkermord” which was coined to describe the murder of a people⁶⁸, the term “genocide” was developed by the Polish scholar and jurist Raphael Lemkin in direct response to the destructive practices of the Nazi party across Europe in the years of 1933-1945⁶⁹. In its original form, Lemkin’s notion of this crime depicted “a co-ordinated plan of different actors aimed at the destruction of essential foundations of the life of national groups, with the aim of annihilating the group themselves”⁷⁰. He conceptualised genocide as a process, the objectives of which were the “disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even

⁶⁵ Robinson and others, ‘11. Crimes Against Humanity’ (n 54) 245.

⁶⁶ *ibid* 218.

⁶⁷ As stated in *Prosecutor v Clément Kayishema and Obed Ruzindana* [1999] Trial Chamber ICTR-95-1-T [89]; Darryl Robinson and others (eds), ‘10. Genocide’ *An Introduction to International Criminal Law and Procedure* (4th edn, CUP 2024); William Schabas, ‘Atrocity Crimes (Genocide, Crimes Against Humanity, and War Crimes)’ in William Schabas (ed), *The Cambridge Companion to International Criminal Law* (Cambridge University Press 2016) 208.

⁶⁸ Kurt Jonassohn and Karin Solveig Björnson, *Genocide and Gross Human Rights Violations: In Comparative Perspective* (Transaction Publishers 1998) 140.

⁶⁹ Lemkin, ‘Genocide as a Crime under International Law’ (n 6) 147.

⁷⁰ Raphael Lemkin, *Axis Rule in Occupied Europe; Laws of Occupation, Analysis of Government, Proposals for Redress* (Carnegie Endowment for International Peace, Division of International Law 1944) 79.

the lives of the individuals belonging to such groups”⁷¹. By the time genocide came to be codified as crime under international law with the adoption of the Genocide Convention in 1948, however, the concept constituted only a skeleton of Lemkin’s original formulation. Defined under Article II as any of a list of five acts “committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such”, the framing of genocide expressed in the Genocide Convention has served as the definitive template for the legal concept and has been replicated verbatim in the constitutional documents governing all international, *ad hoc*, and hybrid tribunals of the post-World War II era⁷². Granting that a variety of alternative definitions have since been constructed by scholars⁷³ and in colloquial usage the term is often employed in a broader sense - more as “a moral term designed to convey that something terrible is happening”⁷⁴ than an juridical term - it is through this legal definition that the term “genocide” will here be interpreted.

Although the formal definition of genocide has remained largely unchanged, over time, tribunal jurisprudence has elaborated significantly on how each of its constituent elements ought to be interpreted. In order to explore more precisely the contours of this concept, the current state of this interpretation merits attention. As a crime, genocide can best be understood by separating its material and mental elements. Regarding the former, it is only the five acts listed in Article II which, if committed with the requisite intent, amount to the *actus reus* of genocide⁷⁵. Moreover, it is sufficient to demonstrate that the act was perpetrated with the intent to destroy the group, not that it necessarily succeeded in achieving this task⁷⁶. A further material element is found in the ICC’s “Elements of Crimes” which requires that a prohibited act took place

⁷¹ *ibid.*

⁷² David Scheffer, ‘Genocide and the Courts: A Brief Review of Jurisprudence on the Crime of Genocide from Nuremberg to Today’ (Simon-Skjodt Centre for the Prevention of Genocide 2026) 12.

⁷³ A 2020 review identified 33 non-repeating scholarly definitions of genocide. See Jeffrey S Bachman, ‘Cases Studied in Genocide Studies and Prevention and Journal of Genocide Research and Implications for the Field of Genocide Studies’ (2020) 14 *Genocide Studies and Prevention* 2 <<https://doi.org/https://doi.org/10.5038/1911-9933.14.1>>.

⁷⁴ Scott Strauss, *Fundamentals of Genocide and Mass Atrocity Prevention* (United States Holocaust Memorial Museum 2016) 29. Even when invoked by state representatives, it is often unclear whether officials are referring to the crime as defined legally or employing it in a broader sense. See, Elizabeth Whatcott, ‘Compilation of Countries’ Statements Calling Russian Actions in Ukraine “Genocide”’ (*Just Security*, 20 May 2022) <<https://www.justsecurity.org/81564/compilation-of-countries-statements-calling-russian-actions-in-ukraine-genocide/>> accessed 24 February 2026.

⁷⁵ These are (a) Killing members of the group ; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group;

⁷⁶ See *Partial Dissenting Opinion of Judge Shahabuddeen in Prosecutor v. Radislav Krstic* (n 14) paras 45–54.

“in the context of a manifest pattern of similar conduct directed against that group or was conduct that could itself effect such a destruction”⁷⁷ in order to prevent isolated hate crimes from falling within the definition.

Interpreting the mental element of genocide is slightly more complex, as it includes both the intention to commit the underlying act and the *dolus specialis* ‘to destroy in whole or in part a national, ethnical, racial or religious group, as such’. While this specific intent is notoriously difficult to prove, it is specifically this subjective *mens rea* which makes genocide of such grave concern. As such, certain key facets of this portion of the definition are worth highlighting. First, not all human groups are included in this definition of genocide, with exclusively national, ethnic, racial, and religious groups benefitting from protection; This component, and its exclusion of other forms of political and social groups, has been criticised for being excessively circumscribed since the very inception of the Genocide Convention⁷⁸. Second, the intent “to destroy” refers strictly to physical and biological destruction, albeit, as mentioned previously, this intention need not necessarily be accompanied by acts that are immediately eliminatory⁷⁹. Third, the destruction of a group involves demarcating a clear geographical area within which the group is understood to exist⁸⁰, while a “part” of a group is interpreted as a “substantial part”, defined both in terms of the quantity of persons affected and their relative social status within the group⁸¹. Finally, as direct evidence of genocidal intent is difficult to come by, courts have been willing to admit the inference of intent from a range of factors and circumstances. As it stands, for a court to infer this *dolus specialis* from a pattern of behaviour, the current evidentiary standard expounded by the ICJ is that “such intent must be the only reasonable inference which can be drawn from the said pattern of conduct”⁸².

Understood as such, there is clear conceptual overlap between genocide and the other two categories of atrocity crime. Historically speaking, although many genocides have taken place within the context of colonial conquest, it is also often the case that this crime has been conducted against the backdrop of an armed conflict⁸³, and as such perpetrators are likely to allege that their actions were taken in pursuance

⁷⁷ International Criminal Court (ICC) (n 47) 2.

⁷⁸ Perhaps the most famous example of the non-applicability of genocide in this regard relates to the perishing of two million people in Cambodia under the Pol Pot regime of 1975-1979. While most of those killed were of Cambodian nationality, the majority were killed due to their political associations or social status. In this case, it was found that genocide had occurred only in regards to two minority populations; the Muslic Cham and the Vietnamese. See, Scheffer (n 72) 40.

⁷⁹ See *Partial Dissenting Opinion of Judge Shahabuddeen in Prosecutor v. Radislav Krstic* (n 14) 54.

⁸⁰ *Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro)* (International Court of Justice) 198.

⁸¹ *Prosecutor v. Radislav Krstic* (n 14) para 12.

⁸² International Court of Justice, ‘Trial Judgement Summary for Croatia v Serbia’ (2015) 2015/1 17 <<https://www.icj-cij.org/sites/default/files/case-related/118/18450.pdf>> accessed 13 February 2026.

⁸³ Schabas, *Genocide in International Law* (n 17) 1.

of a supposedly legitimate military objective rather than make explicit their genocidal intent⁸⁴. Furthermore, as the perpetration of any of the five underlying acts of genocide could in almost all cases be appropriately characterised as a crime against humanity, it is essentially only the “specific intent” portion of genocide which distinguishes it as a concept at present. Given this striking similarity, it is worth repeating that the present definitions differ from those of the time of Lauterpacht and Lemkin, where crimes against humanity initially required a connection with aggressive war and thus was more conceptually distinct from genocide, which also offered limited protection for crimes committed during peacetime.

2.3 A Hierarchy of Severity

Although genocide is now widely characterised as “the crime of crimes”, it is interesting to note that this was by no means always the case. At the time of the Nuremberg trials, it was the crime of aggression which for many held superordinate status as the “supreme” crime. The waging of an aggressive war is described in the trial judgement as containing “within itself the accumulated evil of the whole”⁸⁵, a view that Dirk Moses notes was shared unequivocally by the chief of the US prosecution team Robert L. Jackson⁸⁶. When developing the concept of crimes against humanity, Hersch Lauterpacht had considered the acts encapsulated within the offence to be those of “the gravest character against the life and liberty of the individual”⁸⁷, constructing the term itself so as to communicate that they were of such a horrific nature that “their commission was not just an assault on the victims involved but an offence against all of humanity”⁸⁸. Nonetheless, as stated in the introduction, at present it would appear that popular opinion tends to hold genocide as the ultimate crime, with many arguing that the term has been endowed with such rhetorical force as to render the other categories of atrocity crime as being of lesser importance⁸⁹. Before analysing how this may have come to be the case, however, it will first be examined whether any particular class of international crimes is held to be intrinsically more severe than the others in a strictly legal sense.

⁸⁴ As acknowledged by Judge Cançado Trindade in his dissenting opinion in *Croatia v. Serbia and Montenegro (Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide)*; International Court of Justice (ICJ), ‘Dissenting Opinion of Judge Cançado Trindade [Re Judgment of 3 February 2015]’ para 144 <<https://www.legal-tools.org/doc/6ff19b/>> accessed 2 July 2026.

⁸⁵ See, Jonathan A Bush, ‘The Supreme Crime and Its Origins: The Lost Legislative History of the Crime of Aggressive War Essay’ (2002) 102 Colum L Rev 2324.

⁸⁶ Cited in A Dirk Moses, ‘Introduction: Gaza and the Problems of Genocide Studies’ (2025) 0 Journal of Genocide Research 1, 7 <<https://doi.org/10.1080/14623528.2025.2558401>>.

⁸⁷ Oppenheim (n 2) 752.

⁸⁸ Patricia M Wald, ‘Genocide and Crimes against Humanity Symposium - Judgment at Nuremberg’ (2007) 6 Wash U Global Stud L Rev 621.

⁸⁹ E.g., Sadat (n 20) 306; Sands (n 5) 380.

In his 2012 book “*Reducing Genocide to Law*”⁹⁰, Payam Akhavan deals with precisely this issue, primarily through an analysis of the extensive body of relevant international jurisprudence and commentary which emerged from the *ad hoc* tribunals for Rwanda and the Former Yugoslavia. He locates the first explicit deliberations on the ordering of international crimes within the case law of the ICTY, where for the first time the Appeals Chamber in the case of *Prosecutor v Drazen Erdemovic*⁹¹ raised the issue whether crimes against humanity were categorically more serious than war crimes. Opening the floodgates to debate on whether these most heinous of crimes were on equal footing, Akhavan describes what followed as a “complex, conflicted, and at times confused debate as to the existence and character of a normative hierarchy”⁹², something he attributes in part to the significant overlap between the types of crime.

It would appear that during the formative years of the *ad hoc* tribunals, there was an initial acceptance of an implicit hierarchy amongst the categories of atrocity crime and of genocide’s status as the pinnacle of criminality. In a joint separate opinion in the previously described *Erdemovic* case, Judges McDonald and Vorah held that “all things being equal, a punishable offence, if charged and proven as a crime against humanity, is more serious and should ordinarily entail a heavier penalty than if it were proceeded upon on the basis that it were a war crime”⁹³. This was followed in 1998 by the decision of the ICTR Trial Chamber in *Prosecutor v Jean Kambanda*, which held that there was “no doubt” as to war crimes being of a lesser gravity to crimes against humanity and genocide. Furthermore, the Chamber went on to pronounce genocide as “the crime of crimes”⁹⁴, a formulation which soon made its way into the jurisprudence of the ICTY⁹⁵. More generally, however, the hierarchical ranking expounded in *Kambanda* was subsequently taken up in a number of ICTR sentencing judgements⁹⁶, leading the ICTY Trial Chamber in *Prosecutor v Blaškić* to surmise that the following hierarchy of crimes had emerged from the case-law of the ICTR:

1. “The crime of crimes”: genocide
2. Crimes of an extreme serious: crimes against humanity
3. Crimes of a lesser seriousness: war crimes⁹⁷

⁹⁰ Akhavan (n 16).

⁹¹ *Prosecutor v Drazen Erdemovic* [1997] Appeals Chamber IT-96-22-A.

⁹² Akhavan (n 16) 65.

⁹³ *ibid* - The matter was discussed in paragraphs 20-27 of this dissenting opinion, but adopted in paragraph 20 of the Appeals Chamber judgement.

⁹⁴ *Prosecutor v Jean Kambanda (Sentence)* (n 14) para 16.

⁹⁵ E.g., *Prosecutor v Radislav Krstic* [2001] Trial Chamber IT-98-33-T [699–700].

⁹⁶ E.g., *Prosecutor v Jean-Paul Akayesu (Sentence)* [1998] Trial Chamber ICTR-96-4-T [3–11]; *Prosecutor v Clément Kayishema and Obed Ruzindana (Sentence)* [1999] Trial Chamber ICTR-95-1-T [9].

⁹⁷ While also noting that no such hierarchy had been established at the ICTY. *Prosecutor v Tihomir Blaskic* [2000] Trial Chamber IT-95-14-T [800–802].

Nonetheless, the *ad hoc* tribunals soon began to equivocate on the matter, and it shortly became the prevailing opinion that each class of atrocity crime were of equal gravity. First, the Appeals Chamber in *Prosecutor v Tadic* reversed the decision in *Erdemovic* by rejecting the notion of a hierarchy on which war crimes and crimes against humanity were positioned⁹⁸. Not only did the Court find no basis for a distinction between the severity of a crime against humanity and a war crime in the statute or rules of the tribunal, but in a separate opinion to the judgement, Judge Cassese further asserted that “one cannot say that a certain class of international crimes encompasses facts that are more serious than those prohibited under a different criminal provision. *In abstracto* all international crimes are serious offences and no hierarchy of gravity may *a priori* be established between them”⁹⁹. Perhaps influenced by the ICTY jurisprudence, the ICTR soon followed suit, with the Appeals Chamber’s in *Kayishema* emphasising that there was no hierarchy of crimes under the ICTR’s statute and that the Trial Chamber’s description of genocide as the crime of crimes was, rather, “at the level of general appreciation”¹⁰⁰.

Thus, the perspective that each category of atrocity crime were of equal gravity and it was only by looking at the specifics of particular cases that distinctions could be made began to emerge as the prevailing opinion of the Tribunals¹⁰¹. Based on his analysis, Akhavan consequently reaches the conclusion that from a legal viewpoint, despite its conception is the ultimate crime, genocide is not deemed to be categorically more serious than war crimes or crimes against humanity and that “at best, sentencing practice indicates that, where the facts are exactly the same, genocide results in higher punishment than other crimes”¹⁰². This conclusion mirrors the absence of any formal hierarchy in the Rome Statute of the ICC, while the International Commission on Darfur similarly declared in their 2005 report that genocide was “not necessarily the most serious international crime”, and that “[d]epending upon the circumstances, *such international offences as crimes against humanity or large scale war crimes may be no less serious and heinous than genocide*”¹⁰³.

As such, if the authoritative legal interpretation at present is that it cannot be *a priori* presumed that one class of atrocity crime is categorically of a superior gravity than the others, one may wonder how it is that genocide has come to acquire such powerful normative authority. To that end, a diversity of factors

⁹⁸ *Prosecutor v Dusko Tadic (Judgement in Sentencing Appeals)* [2000] Appeals Chamber IT-94-1-A and IT-94-1-Abis [69].

⁹⁹ *Prosecutor v Dusko Tadic (Judgement in Sentencing Appeals)* Separate Opinion of Cassese (n 13) paras 6-7.

¹⁰⁰ *Prosecutor v Clément Kayishema and Obed Ruzindana* [2001] Appeals Chamber ICTR-95-1-A [367].

¹⁰¹ William A Schabas (ed), ‘Genocide in International Law’ *Genocide in International Law: The Crime of Crimes* (3rd edn, Cambridge University Press 2025) 800 <<https://www.cambridge.org/core/books/genocide-in-international-law/genocide-in-international-law/C49DCCFD21632BE3BFD8A231C337D6C0>> accessed 15 May 2026.

¹⁰² Akhavan (n 16) 65.

¹⁰³ Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General 2005 (UN Doc No S/2005/60) para 522. (emphasis in original)

have been posited as relevant, ranging from the superior etymological quality of the “genocide” label¹⁰⁴ to its unique focus on groups¹⁰⁵, from the historical mobilisation of the Genocide Convention by political activists as a means of advocacy¹⁰⁶ to the rigorous policing of the outer limits of the genocide concept by courts¹⁰⁷. Nonetheless, scholarly opinion would appear to be relatively unanimous in attributing distinctive significance to one aspect in particular; the intimate relationship between the genocide concept and memory of the Holocaust¹⁰⁸. As such, it is worth briefly tracing the spread of knowledge of the Holocaust over time, and examining more closely the nature of its relationship with the crime of genocide.

2.4 Genocide and Holocaust Memory

Although knowledge of the Holocaust was initially somewhat subsumed within a broader global interpretation of World War II as one of many examples of atrocities committed by the Nazi party, it has been suggested that it was only following the major Holocaust trials of the 1960s and the widespread dissemination of knowledge through popular media in the 1980s that a distinctive narrative of the Holocaust as a uniquely catastrophic event began to concretize in Western public consciousness¹⁰⁹. This understanding attained global reach during the post-Cold War period of the 1990s, as remembrance of the Holocaust became intertwined with the expanding global human rights movement and was *ex post facto* recognised as having been a foundational event in the modern international justice system¹¹⁰. It has been suggested that the Holocaust memory thereby began to acquire a “cosmopolitan” character at the beginning of the 20th

¹⁰⁴ Philippe Sands proposes that the “war crimes” and “crimes against humanity” labels are vague and excessively legalistic, while the quality of the “genocide” term is such as to evoke a different reaction. See Imperial War Museums, *IWM Institute Annual Lecture 2024: Philippe Sands on War, Genocide and Other Crimes* (2024) <<https://www.youtube.com/watch?v=eBVk7nBOWHg&t=2562s>> accessed 16 May 2026.

¹⁰⁵ E.g., Todd Buchwald F and Adam Keith, “‘By Any Other Name’: How, When, and Why the US Government Has Made Genocide Determinations” (Simon-Skodjt Centre for the Prevention of Genocide 2019) 15.

¹⁰⁶ E.g., Samantha Power, *“A Problem from Hell”: America and the Age of Genocide* (Basic Books 2002).

¹⁰⁷ E.g., Schabas, ‘Genocide and Ukraine’ (n 19) 856.

¹⁰⁸ According to genocide scholar Alexandar Hinton, the Holocaust has historically been “both in the foreground and in the background” of the bulk of scholarship in the field of Genocide Studies. Alexander L Hinton, ‘Critical Genocide Studies’ *Genocide Matters* (Routledge 2013) 46. More generally, see Buchwald and Keith (n 105) 15; Benjamin Meiches, *The Politics of Annihilation: A Genealogy of Genocide* (University of Minnesota Press 2019); Moses (n 17).

¹⁰⁹ Daniel Levy and Natan Sznaider, ‘The Institutionalization of Cosmopolitan Morality: The Holocaust and Human Rights’ (2004) 3 *Journal of Human Rights* 143 <<https://doi.org/10.1080/1475483042000210685>>; Daniel Levy and Natan Sznaider, ‘Memory Unbound: The Holocaust and the Formation of Cosmopolitan Memory’ (2002) 5 *European Journal of Social Theory* 87 <<https://doi.org/10.1177/1368431002005001002>>; Jelena Subotić, ‘Holocaust and Global Politics of Memory’ in Maria Mäklsoo (ed), *Handbook on the Politics of Memory* (Edward Elgar Publishing 2023).

¹¹⁰ Subotić (n 109).

century¹¹¹, consolidating its transformation from “a specific and situated historical event” into “a generalized symbol of human suffering and moral evil”¹¹².

Through its development into a universalised representation of absolute moral debasement – albeit one with distinctively Western foundations¹¹³ - memory of the violence of the Holocaust thus emerged as a touchstone opposite which an increasingly interconnected international community could position its organisation and co-operation. From the turn of the millennium, Holocaust memory thus became increasingly embedded within the institutional culture of a number of intergovernmental bodies, particularly those of a European constitution or Western influence, where it could be used to create an overarching political identity amongst a diverse range of actors with oftentimes contrasting values and worldviews. Evidence of this can be seen in the efforts of the European Union to reformulate the Holocaust as a founding myth of the organisation following the collapse of the Soviet bloc¹¹⁴, while attention has also been drawn to how Holocaust remembrance has been instrumentalised at the UN GA in an effort to forge consensus amongst its member states¹¹⁵. As such, it would appear that memory of the Holocaust may serve a number of functions in the international sphere. Explicitly, its remembrance is typically positioned as fulfilling a pedagogical purpose geared towards moral instruction and the prevention of future atrocity¹¹⁶. However, considering that memory of the Holocaust has come to play an increasing role in the cosmopolitan identity of the contemporary international political order, its commemoration and remembrance likely also functions as a means of reaffirming that identity and preserving the political legitimacy of this normative framework.

As alluded to in the introductory chapter, if Holocaust memory has therefore come to play this key role in the constitution of the liberal identity, serving as the antithesis of the “civilized” values of modernity, it can reasonably be inferred that the crime of genocide more generally may then be of particular relevance to political entities founded on such values. Although evidence supporting this claim is relatively sparse, there is some limited scholarship to suggest that this may indeed be the case. In her analysis of national memorialisation practices in post-genocide societies, Sarah Kenyon Lischer suggests that the funding and

¹¹¹ Levy and Sznajder, ‘Memory Unbound’ (n 109).

¹¹² Jeffrey C Alexander, ‘On the Social Construction of Moral Universals: The ‘Holocaust’ from War Crime to Trauma Drama’ (2002) 5 *European Journal of Social Theory* 5, 6 <<https://doi.org/10.1177/1368431002005001001>>.

¹¹³ Subotić (n 109) 323.

¹¹⁴ It is important to emphasise that what is here being referred to as “myth” is not the Holocaust as a historical event but rather the narratives which frame the EU as an international institution which emerged directly as a response to this specific historical event. For a discussion of this reconstructed narrative, see, Aline Sierp, ‘Europeanising Memory: The European Union’s Politics of Memory’ in Maria Mälksoo (ed), *Handbook on the Politics of Memory* (Edward Elgar Publishing 2023).

¹¹⁵ Tracey Skillington, ‘UN Genocide Commemoration, Transnational Scenes of Mourning and the Global Project of Learning from Atrocity’ (2013) 64 *The British Journal of Sociology* 501 <<https://doi.org/10.1111/1468-4446.12029>>.

¹¹⁶ For example, the stated purpose of the ‘*UN International Day of Commemoration in Memory of Victims of the Holocaust*’ is “to remember, reflect and take action to ensure such atrocities never happen again”.

consultation provided by Western organisations tends to encourage a “homogenised atrocity narrative that reflects the values of the global human rights regime [...] rather than privileging the local particularities of the atrocity experience”¹¹⁷, while Peter Uvin and Charles Mironko argue in their analysis of transitional justice following the 1994 Rwandan genocide that the primary function of the ICTR was widely perceived in Rwanda as being a reaffirmation of the international community’s own morality¹¹⁸. That being said, there is a general dearth of scholarship investigating the commemoration of genocides in international forums of political activity, let alone that of war crimes or crimes against humanity.

One exception to this trend can be found in Tracey Skillington’s analysis of annual UN Holocaust and Rwandan genocide commemorations, where it was indeed concluded that the function of genocide remembrance went beyond mere moral didactics to a re-assertion of institutional legitimacy¹¹⁹. During commemorative performances given at the General Assembly, Skillington argues that speakers would instrumentalise genocide remembrance in order to caution against some innate barbarism lying dormant in human nature, consequently discursively positioning the assembly and its community of member states as those agents upon which the responsibility to protect against this fact of life has been bestowed¹²⁰. On this interpretation, it may not solely be the magnitude of harm and suffering experienced by the victims of genocide which prompts states to come together and reflect on these pasts of atrocity, but also the supposedly inconceivable malevolence of the intent which lies behind its perpetration, against which this international political organisation seeks to construct itself as dialectically opposed. While it would therefore appear that the commemoration of genocide indeed serves a legitimizing function at this political institution, theoretically, there is little apparent reason why this task could not also be fulfilled by the remembrance of pasts involving the gross perpetration of war crimes and crimes against humanity; after all, these too are amongst “the most serious crimes of international concern”¹²¹. At present, however, no studies have yet analysed comparatively the representation of these different classes of atrocity crime in the commemoration practices of the UN, an institution whose organisations lie the heart of this cosmopolitan project of moral remembrance¹²².

¹¹⁷ Sarah Kenyon Lischer, ‘Narrating Atrocity: Genocide Memorials, Dark Tourism, and the Politics of Memory’ (2019) 45 *Review of International Studies* 805, 825–826 <<https://doi.org/10.1017/S0260210519000226>>.

¹¹⁸ Peter Uvin and Charles Mironko, ‘Western and Local Approaches to Justice in Rwanda’ (2003) 9 *Global Governance* 219, 220.

¹¹⁹ Skillington (n 115).

¹²⁰ *ibid.*

¹²¹ Rome Statute of the International Criminal Court 1998 art 1.

¹²² Saito (n 31) 7–8.

2.5 Conclusion

Despite the stark contrast in gravitas between the crime of genocide and those of war crimes and crimes against humanity, in this review I have demonstrated that there is in fact considerable overlap in the material acts captured by these legal concepts. Furthermore, although legal opinion on the matter has evolved over time, it would also appear that the prevailing viewpoint at present is that it cannot be categorically stated that one class of atrocity crime contains within it a set of facts which are more serious than those encapsulated by the others, and thus it cannot be *a priori* assumed that an incident represented discursively as constituting a “genocide” is necessarily more severe than another characterised as involving “war crimes” and “crimes against humanity” without taking into account the specific circumstances of each situation. Nonetheless, at least anecdotally, it would appear that this legal interpretation diverges notably from popular perception of the normative ordering of the categories of atrocity crime, where the term “genocide” holds far superior moral authority in comparison than the other two categories. Finally, despite the large body of scholarship demonstrating the role of memory of the Holocaust in the moral cosmopolitanism of the contemporary rules-based international order, there is a general lack of research investigating the potential role played more generally by the crime of genocide in this memory project. Given the UN’s position at the forefront of this mnemonic initiative, I seek in this thesis to fill this literature gap, while also going one further in exploring comparatively the role played by each class of atrocity in this organisation’s remembrance projects, considering the implications of this in regards to the weight of meaning and sense of gravity which comes to be associated with these concepts.

Chapter 3: Conceptual Framework

3.1 Introduction

In this chapter, I will outline the conceptual framework within which the present analysis is being framed. As mentioned earlier, as it is the public commemoration practices of the UN which here constitute the object of investigation, I will situate my analysis within the conceptual framework of “the politics of memory”. This chapter will therefore be structured as follows. To begin with, I will briefly introduce the theoretical discipline of memory politics, as well as provide a conceptual overview of the concept of “collective memory”; a notion central to understanding the relationship between memory and politics. Having done so, I will discuss the political relevance of collective memory, characterising international political actors as particularly influential mnemonic agents. Finally, I turn to the process of commemoration, identifying the features that make it a focal point of political tension and highlighting a number of elements that are of particular relevance for those analysing practices of international political commemoration.

3.2 The Politics of Memory

Over the last number of decades, there has been a recent surge in interest in the concept of “memory”, accompanied in parallel by a mounting body of scholarship across a range of disciplinary fields¹²³. Within the humanities and social sciences, where engagement with “memory” is most concentrated, the concept is generally understood as the subjective ability to retain information and representations of past experience across periods of time – “the means by which a conscious sense of the past, as something meaningfully connected to the present, is sustained and developed within human individuals and human cultures”¹²⁴. It is both constructed and constructive¹²⁵, fashioned within available socio-cultural frameworks and functioning to produce identities and redefine social relations. As highlighted by international relations scholar Felix Berenskötter, for memory to be political it must have a collective dimension, and it is precisely this capacity of memory to construct identities, specifically its role in producing a shared, intersubjective sense of “being in time”, from which it derives its political

¹²³ See e.g., Jay Winter, ‘Notes on the Memory Boom’ in Duncan Bell (ed), *Memory, Trauma and World Politics: Reflections on the Relationship Between Past and Present* (Palgrave Macmillan UK 2006) <https://doi.org/10.1057/9780230627482_3> accessed 20 April 2026; David W Blight, ‘The Memory Boom: Why and Why Now?’ in James V Wertsch and Pascal Boyer (eds), *Memory in Mind and Culture* (Cambridge University Press 2009) <<https://doi.org/10.1017/CBO9780511626999.014>> accessed 23 March 2026.

¹²⁴ Geoffrey Cubitt, *History and Memory* (Manchester University Press 2007) 9

<<http://ebookcentral.proquest.com/lib/ummt/detail.action?docID=1069482>> accessed 20 May 2026.

¹²⁵ Sierp (n 25) 1464.

character¹²⁶. Memory - as the medium through which the substance of specific historical events, represented in a particular form, serves to shape individual and collective personhood - keeps the past alive, and therefore constitutes a valuable resource for political actors to shape and draw upon for the realisation of goals desired in the present¹²⁷.

The study of the politics of memory, then, takes these social dimensions of memory as its theoretical starting point. On the one hand, that memory is subject to contestation and instrumentalisation by social and political actors makes it intrinsically worthy of investigation, while the fact that the past is considered politically useful underscores the relevance of examining the discourses and representations that make it so¹²⁸. Recognising this, scholarship in this academic field assumes as its primary focus the analysis of “how and by whom, as well as through which means, with which intention and which effect past experiences are brought up and become politically relevant”¹²⁹. Although a variety of sensitizing concepts have been developed in order to conceptualise particular genres of social memory which are of relevance to politics - the “cultural memory” of Aleida and Jan Assmann¹³⁰, for example – each typically draw upon the notion of “collective memory” developed by French sociologist Maurice Halbwachs as a theoretical starting point. A complex and somewhat controversial concept, one which has been accused of being “under-theorized and yet grossly over-employed”¹³¹, it is worth briefly introducing “collective memory” in order to clarify the relationship of the mnemonic with that of the political.

3.3 Collective Memory and Political Agency

Granting that the history of theorising on the social dimensions of memory is far richer and more comprehensive than often acknowledged, it is typically to the work of the aforementioned sociologist

¹²⁶ Berenskötter (n 26) 18.

¹²⁷ Jelena Subotić and Brent Steele, ‘History and Memory: Narratives, Micropolitics, and Crises’ in Benjamin de Carvalho, Julia Costa Lopez and Halvard Leira (eds), *Routledge Handbook of Historical International Relations* (Taylor & Francis Group 2020) <<http://ebookcentral.proquest.com/lib/ummt/detail.action?docID=6624637>> accessed 20 May 2026.

¹²⁸ Sierp (n 25) 1465.

¹²⁹ Erik Meyer, ‘Memory and Politics’ in Astrid Erll and others (eds), *A Companion to Cultural Memory Studies: An International and Interdisciplinary Handbook* (De Gruyter, Inc 2008) 176 <<http://ebookcentral.proquest.com/lib/ummt/detail.action?docID=364668>> accessed 2 May 2026.

¹³⁰ E.g., Aleida Assmann, ‘Memory, Individual and Collective’ in Robert Goodin and Charles Tilly (eds), *The Oxford Handbook of Contextual Political Analysis* (Oxford University Press 2006) <<https://doi.org/10.1093/oxfordhb/9780199270439.003.0011>> accessed 21 May 2026; Jan Assmann, ‘Communicative and Cultural Memory’ in Peter Meusburger, Michael Heffernan and Edgar Wunder (eds), *Cultural Memories: The Geographical Point of View* (Springer Netherlands 2011) <https://doi.org/10.1007/978-90-481-8945-8_2> accessed 21 May 2026.

¹³¹ Duncan SA Bell, ‘Mythscapes: Memory, Mythology, and National Identity’ (2003) 54 *The British Journal of Sociology* 63, 74 <<https://doi.org/10.1080/0007131032000045905>>.

Maurice Halbwachs which contemporary theorists on collective memory tend to attribute their intellectual debt. In his seminal 1925 work “*Les cadres sociaux de la memoire (Social Frameworks of Memory)*”¹³², and the posthumously published “*La memoire collective (The Collective Memory)*”¹³³, Halbwachs claimed that memories, far from being an individual or subjective process, were rather a product of social interaction¹³⁴. More specifically, he held that individual memories, emerging through acts of recollection or remembering, could only gain meaning through the set of social frameworks within which the person remembering was located. These social frameworks were those resulting from the various groups to which the individual belonged, such as their family, religion, or social class. As such, Halbwachs claimed that even when done alone, individual remembering is done in reference to one’s social identity, articulated through languages and systems of meaning which were fundamentally collective.

Since the popularisation of Halbwachs’s work, the term “collective memory” has steadily grown in prominence, and the term is now typically articulated as referring to the set of socially-available representations and interpretations of the past that are drawn upon by group members and bring them together¹³⁵. Furthermore, a useful and necessary elaboration on the concept was provided by sociologist Jeffrey Olick, having recognised a misguided tendency to speak of collective memory as something “tangible, monolithic, recognizable, permanent”¹³⁶. Instead, Olick characterises collective memory as dynamic and fluid; as an ongoing process of evolving relations between the past and present, unfolding amongst a group of inter-subjective beings. By highlighting the concept’s processual and relational nature, Olick seeks to ensure heed is paid to its historicity and complexity; collective memory is necessarily multiple and in flux, structured through and by distinct yet interrelated fields of activity, mediums, genres, and profiles¹³⁷, and constantly developing over time.

Armed with such a conceptualisation, it becomes easier to clearly locate the political dimensions and relevance of collective memory. First, in giving shared meaning to the past and configuring the identity of particular mnemonic groups, collective memory can be understood as intrinsically political; it lies at the core of these communities’ desire for ontological security, constructing the social and political worlds within them and shaping their relations with others. As such, academics interested in the political content

¹³² Halbwachs, *Les Cadres Sociaux de La Memoire* (n 27).

¹³³ Halbwachs, *La Memoire Collective* (n 27).

¹³⁴ Much of the description of Halbwach’s ideas are summarised from the following two texts; Jeffrey K Olick, Vered Vinitzky-Seroussi and Daniel Levy, *The Collective Memory Reader* (Oxford University Press 2011); Jeffrey K Olick, *The Politics of Regret: On Collective Memory and Historical Responsibility* (Routledge 2007).

¹³⁵ See Olick (n 134) 86; Mäklsoo (n 23) 1; ‘Collective Memory in Social and Cultural Contexts’, *Nature Index* (Springer) <https://www.nature.com/nature-index/topics/14/collective-memory-in-social-and-cultural-contexts?utm_source=copilot.com#summary> accessed 21 May 2026.

¹³⁶ Olick (n 134) 89.

¹³⁷ *ibid* 116.

of collective memory often analyse the form and substance of particular representations of the historical past, or pay close attention to “silences”, looking for what is not said or considered relevant, and how this silence is maintained¹³⁸. Furthermore, the processes relating to collective memory - the manner in which it is constructed and mobilised, contested and weaponised – can also therefore be recognised as deeply political, functioning as sites of struggle to secure the political legitimacy and power afforded by favourable interpretations of the past.

While collective memory therefore constitutes a valuable resource for actors in pursuit of political goals in the presence, the question then arises as to who these agents of memory are; i.e., who is it that has the power to create or prevent changes in collective memory¹³⁹. This issue is particularly relevant given the fact that those holding political power possess a heightened capacity to shape collective memory relative to others in the same mnemonic group, capable of defining official narratives and setting parameters to the interpretation of the past¹⁴⁰. At the domestic level, it is in government that this power is typically vested, and around which the contestations of various actors – politicians, historians, activists, etc. – revolve. At the international level, however, there is potential for even greater conflict where national histories interact with one another, with a far broader range of actors involved in the on-going struggle for political legitimacy. As such, in this sphere of mnemonic activity, intergovernmental organisations such as the UN come to play a central role. Not only do they often serve as key arbiters in inter-state disputes over the appropriate interpretation of history, but such organisations themselves seek to mobilize particular versions of the pasts in order to fulfil institutional goals, as demonstrated by the memory practices of the EU and UN described in chapter 2. With such organisations thus having been recognised as important sites of struggle in the evolving process of collective memory, scholars have increasingly engaged various spaces and sources in their efforts to analyse the activities of these institutions. Of these, it is the practice of public commemoration which I will here be concerned.

3.4 Commemoration and its Politics

Remaining within the conceptual framework of memory politics, then, it is useful to clarify the relationship between commemoration and collective memory for the sake of analytical clarity. If *collective memory* is understood as the perpetually evolving pool of shared social meanings available to the members of a particular mnemonic group with which they make sense of their past, *commemoration* then represents

¹³⁸ Berenskötter (n 26) 21–24.

¹³⁹ Jenny Wüstenberg, ‘Introduction’ in Jenny Wüstenberg and Aline Sierp, *Agency in Transnational Memory Politics* (Berghahn Books 2020) 4.

¹⁴⁰ Olick (n 134) 93; Saito (n 31) 10.

one vehicle by which these meanings are constructed, transmitted and maintained. Understood broadly as the act of remembering and honouring a person, group, or historical event, commemoration exists in a variety of forms - anniversary observances or memorial ceremonies, for example - but at its most fundamental level it can be characterised as a “ritual that transforms ‘historical knowledge’ into ‘collective memory’”¹⁴¹. It transmits to members of a group a set of interpretative frameworks through which the meaning of past events can be understood and subsequently incorporated into the overarching identity of the group.

Through this process of condensing the polyphonic streams of history into a more homogenous form, commemoration practices oversimplify the past and obscure its pluralistic nature. While this may be somewhat necessary for the purely pragmatic purpose of rendering a complex past comprehensible to the members of a collective, it is precisely owing to this capacity to fashion the form and content of collective memory which commemoration becomes political. On the one hand, this kind of mechanism can be productive insofar as it is conducive to developing a sense of solidarity amongst particular members of the group, but it is important to recognise that the act of silencing certain voices or narratives may also be a source of considerable tension. To this end, conflict and controversy often arises between members of the same mnemonic community - over the appropriate objects and content of commemoration - or between different mnemonic groups - due to disparities in the representations of the past being commemorated¹⁴². In particular, tensions can be especially pronounced and highly emotionally-charged in the case of difficult or “morally ambiguous pasts”, such as those characterised by conflict, war, or mass atrocities, when the impact of commemoration would be to solidify one version of events as the official version of the “truth”, or to legitimise or delegitimise antagonistic social collectives¹⁴³.

Although analyses of commemorative practices (and of collective memory more generally) have historically been located in the context of domestic politics¹⁴⁴, scholars have become increasingly attentive in recent years to commemorations occurring above the level of the nation-state¹⁴⁵. While this may be simply in part a response to the surging incidence of public commemorations in this sphere of political activity, it is also typically attributed to an increasing awareness of the institutionalisation of cosmopolitanism as “a new logic of feeling, thinking, and acting that takes humanity, rather than nationality, as a primary frame of reference”¹⁴⁶. As alluded to in chapter 2, public commemoration practices in the

¹⁴¹ Saito (n 30) 648.

¹⁴² Saito (n 31) 5.

¹⁴³ Saito (n 30).

¹⁴⁴ To quote Levy and Sznajder, “The conventional concept of ‘collective memory’ is firmly embedded within the ‘Container of the Nation-State’”; Levy and Sznajder, ‘Memory Unbound’ (n 109) 88.

¹⁴⁵ See, e.g., Ljiljana Radonić, ‘The Politics of Commemoration and Memorialization’ *Handbook on the Politics of Memory* (Edward Elgar Publishing 2023); Saito (n 31).

¹⁴⁶ Saito (n 30) 653.

transnational sphere are thought primarily to serve a dual role within this cosmopolitan project: one of moral pedagogy, where citizens are directed to gaze beyond the national border and recognise the humanity in the “other”¹⁴⁷, and another of political identity-making, where a set of mnemonic agents compete to construct a collective memory which best serves their vision of the future.

At the supra- or international level, this agenda of cosmopolitan commemoration has been promoted most comprehensively by the organisations of the UN¹⁴⁸, where annual observances have been “embraced as a powerful advocacy tool” for the purposes of education, the mobilisation of political will and the celebration of “the achievements of humanity”¹⁴⁹. Within this broader constellation of mnemonic practices, one particularly relevant field of activity lies in the UN’s normative project of “learning from atrocity”, where events of past atrocity are selected from the historical record and transformed into objects of remembrance and global instruction¹⁵⁰. While, from a normative perspective, there may appear to be some value in encouraging some form of global moral-political self-reflection, it is also important to recall the political heterogeneity of the states making up the body of the UN GA’s and the diversity of national interests which are represented. In such a context, there emerges a contradiction between the cosmopolitan logic of the remembrance project and the foreign policy goals of the state representatives responsible for fashioning its content. While such forms of institutional contradiction invariably serve as a focal point for political struggles over commemoration¹⁵¹, given the traumatic quality and inherent complexity of historical events of atrocity, it thus logically follows that such contestation would be particularly acute in this process of translating difficult pasts into moral universals, even if cloaked in the cosmopolitan language of common values and shared goals.

In consideration of the above, it will be tentatively argued that five key components emerge as particularly salient to the analysis of intergovernmental commemoration practices; (i) the institutional environment in which the commemoration takes place, (ii) the role of key mnemonic agents in shaping the commemorative process, (iii) a consideration of which events are chosen for remembrance, (iv) the form and substance of the commemorative observances, and (v) the discourses which are produced during the course of carrying out these commemorations. Notwithstanding the general lack of analytical frameworks available to potential scholars of memory politics¹⁵², these factors build on the recently developed “SANE”

¹⁴⁷ As described in Ulrich Beck, *Power in the Global Age: A New Global Political Economy* (Polity 2005) 43.

¹⁴⁸ Saito (n 31) 7.

¹⁴⁹ United Nations, ‘Observances’ (n 33).

¹⁵⁰ Skillington (n 115).

¹⁵¹ Saito (n 30) 654.

¹⁵² Sierp (n 25) 1478.

framework proposed by Annika Björkdahl and her colleagues¹⁵³ which emphasises the four conceptual points of “site”, “agency”, “narrative”, and “event” as central analytic components. Although, as will be elaborated on in the following chapter, my methodological approach will briefly touch on each of these points, given the primary focus on the representation of atrocity crimes in the UN’s commemorative practices, particular attention will be paid to factors (iv) and (v); an exploration of which atrocity crimes are chosen for commemoration and the manner in which they are represented in the commemorative discourse of this political institution.

3.5 Conclusion

In this chapter, I have demonstrated the applicability of the conceptual framework of memory politics for analysing the UN’s commemorative practices. By emphasising the social dimensions of memory and providing an overview of the concept of collective memory, I have highlighted the inherently political nature of memory production and reproduction. Conceptualising intergovernmental organisations as influential mnemonic agents, I have introduced commemoration as a key mechanism by which such actors act to shape collective memory. Given the political heterogeneity of the states involved in UN commemorative activities, alongside the traumatic and contested nature of past atrocity events, the commemoration of atrocity crimes can thus be understood as a potentially focal point of political contestation. Building on this discussion, I have identified several factors relevant to the analysis of intergovernmental commemorations, two of which are of particular importance for the present study. The methodological approach through which these factors will be examined will be discussed in the following chapter.

¹⁵³ Annika Björkdahl and others, ‘Memory Politics, Cultural Heritage and Peace: Introducing an Analytical Framework to Study Mnemonic Formations’ (Social Science Research Network, 1 October 2017) <<https://doi.org/10.2139/ssrn.3206571>> accessed 20 April 2026.

Chapter 4: Methodological Approach

4.1 Introduction

In this chapter, I aim to set out the methodological approach which will be adopted to analyse the nature of the categories of atrocity crime and the relationship amongst them, as they represented-in and produced-through the commemoration practices of the UN. As highlighted in the previous chapter, this investigation will primarily be concerned with two central aspects of the UN's commemoration practices; *which* pasts framed as involving a form of atrocity crime are selected for remembrance and *how* these categories of atrocity crime are represented discursively through the observance of these days of commemoration. In exploring these two features, my goal is to compare the sense of gravity which is communicated regarding each class of crime, and to infer from this whether any normative hierarchy emerges from how they are represented.

In order to answer these questions, a mixed-methods research design combining Quantitative Content Analysis (QCA) and Norman Fairclough's dialectical-relational approach to Critical Discourse Analysis (CDA)¹⁵⁴ will be adopted, a design which facilitates a richer analysis of the topic than employing either methodological approach in isolation. To begin with, the quantitative phase will determine how often commemorations involve pasts that are discursively framed using atrocity crime terminology. By analysing the frequency with which reference is made to each category of crime, and the number of days of commemoration dedicated to the different classes, it will be tentatively inferred whether any hierarchical pattern emerges in the forms of historical atrocity which are preferentially selected for commemoration. The decision to use a QCA to identify the classification of the days of commemoration rather than rely on external sources (e.g., judicial decisions) was based on a number of factors. First, my concern is primarily on whether the commemorated pasts are represented using atrocity crime terminology by the UN in a *descriptive* sense, regardless of whether such terms are considered appropriate by other authorities on the matter, and without passing *normative* judgement on whether the pasts ought to be constructed using these labels. Furthermore, only a small minority of commemorated pasts are directly linked to a set of judicial proceedings, and consequently relying entirely on such external sources is somewhat unfeasible. As such, although not without its own limitations, the use of a QCA was deemed the most appropriate methodology for analysing the classification of commemoration days.

Nonetheless, this relatively superficial analysis will then be supplemented by the qualitative phase, which will provide a greater depth to these findings. Through the dialectical-relational approach to CDA, I

¹⁵⁴ Fairclough, 'CDA as Dialectical Reasoning' (n 32).

seek to analyse the how the atrocity crime concepts are represented within the context of a smaller set of high-level commemorative events. This will involve focusing on the narrative reproduction of the pasts events being commemorated, locating this meaning in the social context of its production in order to interrogate the sense of gravity which is communicated regarding each class of crime. By comparing how these different concepts are characterised and constructed discursively within the context of particular forms of commemorative events, my aim is to build on the findings of the first portion of analysis and further explore whether a greater weight of meaning is attributed to one class over another, considering these pasts are being communicated in such a way so as to construct a normative hierarchy amongst the class of atrocity crime.

As such, this section will be structured as follows. First, I will provide an overview of the QCA methodological approach, beginning with a description of the process of sample construction, before moving on to an outline of the coding and analytic procedures. Thereafter, the dialectical-relational approach to CDA will be introduced, similarly followed by an outline of the process of gathering a sample of text as well as the analytical framework and procedure. In the final section, then, I will specify some methodological limitations of this piece of research for reasons of transparency.

4.2 Quantitative Content Analysis

4.2.1 Methodological Overview

Defined broadly, content analysis can be understood as “a research technique for making replicable and valid inferences from texts (or other meaningful matter) to the contexts of their use”¹⁵⁵. Characterised by this emphasis on replicability and validity in data collection and analytical procedures, content analysis can be applied in both qualitative and quantitative forms¹⁵⁶, but it is in its quantitative that it will here be applied. Flowing from the positivist tradition of scientific research, QCA is a deductive approach to the analysis of qualitative data which seeks to systematically collect, measure and quantify the content of text samples according to an *a priori* developed coding frame¹⁵⁷. This coding frame is constructed from a series of mutually-exclusive operational concepts of demonstrable validity, devised in advance so as to capture some features of the corpus of text that are relevant for answering the research question. By applying this

¹⁵⁵ Klaus Krippendorff, ‘Conceptual Foundation’ *Content Analysis: An Introduction to Its Methodology* (SAGE Publications, Inc 2019) 24 <<https://doi.org/10.4135/9781071878781>> accessed 2 June 2026.

¹⁵⁶ Marilyn Domas White and Emily E Marsh, ‘Content Analysis: A Flexible Methodology’ [2006] *Library Trends* <<https://doi.org/10.1353/lib.2006.0053>> accessed 4 June 2026.

¹⁵⁷ *ibid*; Kimberly A Neuendorf, *The Content Analysis Guidebook* (SAGE Publications, Inc 2017) <<https://doi.org/10.4135/9781071802878>> accessed 2 June 2026.

coding frame to the data sample, the frequency and patterns with which codes appear can be extracted from the manifest content of the text, i.e., the literal, superficial elements of meaning. Having done so, these findings are presented for interpretation, using appropriate statistical approaches or tests so as to cast some new light on the original research question.

In the present investigation, the research question for this phase of analysis can be broadly be defined as “*With what frequency are pasts involving each category of atrocity crime represented in the days of commemoration of the UN?*”. Insofar as the analytical purpose of this segment of the project is solely to establish the frequency with which events characterised as a particular form of atrocity crime are represented in the commemoration days of the UN, as opposed to an effort to interpret latent meaning or locate the analysed texts in their context of use, such a positivistic approach founded in the tradition of the scientific method can be considered appropriate. As such, an overview of the QCA process will be provided below.

4.2.2 Data Selection and Sample Construction

The UN describes its ‘*International Days and Weeks*’ as occasions which are specifically designated “to mark particular events or topics in order to promote, through awareness and action, the objectives of the organisation”¹⁵⁸. They are annual observances, typically established by resolutions of the UN GA, linked in some capacity to the main fields of activity of the UN: “the maintenance of international peace and security, the promotion of sustainable development, the protection of human rights, and the guarantee of international law and humanitarian action”¹⁵⁹. Many of these events come to be observed outside of the UN organisation, celebrated worldwide by governments, private and public sectors, and civil society. For the year of 2026, the UN has scheduled 224 of these observances, and it is from this list of ‘*International Days and Weeks*’ which the sample of commemorations will be drawn¹⁶⁰.

Although each of these events is observed annually, it would appear that not all of them constitute a “commemoration” in the strict sense of the word, with the vast majority of ‘*International Days and Weeks*’ dedicated more broadly to the celebrating or raising awareness of particular topics¹⁶¹. Consequently, a criterion was developed in order to clearly distinguish which of these were to be classified as

¹⁵⁸ United Nations, ‘International Days and Weeks’ (*United Nations*)
<<https://www.un.org/en/observances/international-days-and-weeks>> accessed 3 June 2026.

¹⁵⁹ United Nations, ‘Observances’ (n 33).

¹⁶⁰ United Nations, ‘List of International Days and Weeks’ (*United Nations*)
<<https://www.un.org/en/observances/list-days-weeks>> accessed 3 June 2026.

¹⁶¹ Take December’s ‘International Mountain Day’, or ‘World Basketball Day’, for example.

commemorations for the purpose of the present investigation. Based on the previously-described interpretation of commemoration as “the act of remembering and honouring a person, group, or historical event”, it was determined that only observances which explicitly served a remembrance function were to be included for analysis. This was to be inferred from the title of the observance, with terms such as “Commemoration”, “Reflection”, “Remembrance”, “In Memory” and “Tribute” considered as having fulfilled this criterion. Following the application of this threshold to the full list of *‘International Days and Weeks’*, thirteen observances were classified as ‘commemoration’ and thus considered as relevant for analysis¹⁶², each of which are described in table 1.

Recalling that the primary objective of this phase of analysis is to identify the frequency with which the different classes of atrocity crime are represented in these commemorations, it is clear that this list of titles alone provides insufficient information in this regard. Consequently, it was deemed necessary to collect a more substantial sample of text from which the content of the observance could be more adequately understood. To that end, each commemoration day has a website dedicated to that specific occasion, it was from these web pages that the relevant descriptive content was sourced for the QCA. Granting that these websites tend to be formatted inconsistently, and it is often unclear when their content was last updated, the summary descriptions derived from these web pages can nonetheless be confidently interpreted as representing the dominant institutional framing of these events presented by the UN. Thus, in total, a sample composed of thirteen texts was gathered for the purposes of the QCA; one sample unit associated with each day of commemoration. Acknowledging that these descriptions may not always be explicit in their classification of events as atrocity crimes, the decision was made to construct a set of pre-defined coding criteria with which implicit inferences to these concepts could be identified, although this will be discussed in greater detail in the following section.

Table 1. List of UN Days of Commemoration

Date	International Day
27/01	International Day of Commemoration in Memory of the Victims of the Holocaust
25/03	International Day of Remembrance for the Victims of Slavery and the Transatlantic Slave Trade
07/04	International Day of Reflection on the 1994 Genocide against the Tutsi in Rwanda
26/04	International Chernobyl Disaster Remembrance Day;
29/04	International Day in Memory of the Victims of Earthquakes
08-09/05	Time of Remembrance and Reconciliation for Those Who Lost Their Lives During the Second World War
11/07	International Day of Reflection and Commemoration of the 1995 Genocide in Srebrenica
21/08	International Day of Remembrance and Tribute to the Victims of Terrorism
22/08	International Day Commemorating the Victims of Acts of Violence Based on Religion or Belief
23/08	International Day for the Remembrance of the Slave Trade and Its Abolition ¹⁶³
15/11	World Day of Remembrance for Road Traffic Victims
30/11	Day of Remembrance for all Victims of Chemical Warfare
09/12	International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of this Crime

4.2.3 Coding Scheme Development

In QCA approaches, the coding scheme can be conceived as the “backbone” of the methodological process, transforming data into meaningful units of information (codes/categories) and thus facilitating the interpretive process¹⁶⁴. The purpose of the coding scheme is to operationalise concepts which may be inherently ambiguous, producing distinct categories of analysis that are both relevant and valid to the research aims¹⁶⁵. For present purposes, these categories – hereafter referred to as “codes” - were developed using a deductive approach grounded in the definitions of each class of atrocity crime provided in the

¹⁶³ Note that this day was designated and is commemorated by UNESCO as opposed to the UN organisation as a whole. For the broader institution, this historical event is marked by a separate observance on the 25th of March.

¹⁶⁴ Ali Fuad Selvi, ‘Qualitative Content Analysis’ *The Routledge Handbook of Research Methods in Applied Linguistics* (Routledge 2019) 444.

¹⁶⁵ White and Marsh (n 156) 31.

“Literature Review” chapter. One primary code was developed per category of atrocity crime, as was considered most appropriate in regards to the research question. An operational definition was developed for each code, capturing a range of concrete, observable linguistic features that were to be accepted as signalling the presence that atrocity crime.

These indicators include (i) explicit references to the crime (e.g., ‘genocide), (ii) implicit legal-discursive markers making reference to elements of the crime (e.g., intent to destroy). As there is considerable overlap in the material acts of the different classes of atrocity crime, clearly-defined decision rules were developed in order to ensure that only acts which could be definitively attributed to a particular crime were coded. For purposes of reliability and validity, a coding manual was created listing all codes, operational definitions, accepted indicators, and the decision rules which were to be applied in ambiguous cases. This manual can be found in appendix 1.

4.2.4 Analytical Procedure

Although coding was conducted at the level of the sentence, each summary description of commemoration day was treated as a distinct analytical case. In this way, codes could be aggregated to produce a representative profile for each statement, allowing for the precise identification of atrocity-crime framings and comparison across the descriptive summaries. Having finalised the coding framework and compiled the indicators into the coding manual, this scheme was applied uniformly to the sample of texts. In applying this scheme, the coding process followed several rules:

- (i) If no indicators were present, the sentence was coded as **0**.
- (ii) If an explicit indicator was present, the sentence was coded as **1**.
- (iii) If an implicit indicator was present, the decision rules provided in the coding manual were applied to determine whether the sentence ought to be coded as **0** or **1**.
- (iv) A sentence could receive multiple codes if it contained indicators for more than one atrocity-crime category.
- (v) If a full text received multiple codes, the code which appeared most frequently was interpreted as representing the dominant framing of the commemoration.
- (vi) Notes were to be recorded for any sentences requiring justification

Once this procedure was complete, the coded dataset was exported for quantitative analysis and the presentation of findings. Frequency counts were calculated for each class of atrocity crime across the sample of texts, from which any emergent patterns could be identified and the nature of any hierarchy inferred.

4.3 Dialectical-Relational Approach to Critical Discourse Analysis

4.3.1 Methodological Overview

Critical Discourse Analysis, otherwise known as Critical Discourse Studies, refers to an interdisciplinary approach to analysing discourse in its social context of use that aims to develop a critical understanding of the nature of discourse and its relations with social processes, structures, and change¹⁶⁶. Conceptualising discourse as a form of social practice, CDA starts from the theoretical assumption that discourse must be located in its social context of use in order to be understood¹⁶⁷. In this context, “discourse” is typically employed to refer to language use in general¹⁶⁸, although at a greater level of abstraction it can be understood more broadly as referring to a system of meaningful representations, according to which it may be realised and examined through an array of semiotic modalities other than language¹⁶⁹. That being said, it is primarily through the medium of language which this meaning is manifested and so it is primarily with language that I will here be concerned.

Given the heterogeneity of the theoretical and methodological approaches which inform research in this field, it will be useful to briefly elaborate more specifically on the theoretical perspective of CDA scholar Norman Fairclough, whose dialectical-relational approach will guide the present analysis. For Fairclough, the primary objective of CDA is to illuminate how discourse is related to other key elements of the social world (power, ideologies, etc.), and thus to use the critique of discourse as a gateway into the wider critique of social reality¹⁷⁰. Such critique, moreover, is not to be merely negative or frivolous, but grounded in pursuit of transforming society for the better. In this sense, CDA follows in the long tradition of critical theory in being objectively focused on ameliorating social ‘wrongs’, i.e., matters which could be corrected or adjusted under the proper social circumstances¹⁷¹. Thus, by taking discourse as a point of entry into social reality, CDA “combines a *critique* of discourse and *explanation* of how discourse figures in existing social reality as a basis for *action* that changes reality”¹⁷². According to Fairclough, it is precisely this process of reasoning along critique, explanation, and political action which constitutes the very “essence” of CDA¹⁷³, without which the liberating objective of the research paradigm cannot be achieved.

¹⁶⁶ John Flowerdew and John E Richardson, ‘Introduction’ *The Routledge Handbook of Critical Discourse Studies* (Routledge 2017) 1.

¹⁶⁷ See, e.g., Norman Fairclough, *Language and Power* (Longman 1989); Ruth Wodak and Michael Meyer, *Methods of Critical Discourse Studies* (SAGE 2015).

¹⁶⁸ Flowerdew and Richardson (n 166) 2; Wodak and Meyer (n 167) 6.

¹⁶⁹ Other examples include visual images or body language.

¹⁷⁰ Fairclough, ‘CDA as Dialectical Reasoning’ (n 32) 13.

¹⁷¹ Norman Fairclough, *Critical Discourse Analysis: The Critical Study of Language* (Routledge 2013) 226.

¹⁷² Fairclough, ‘CDA as Dialectical Reasoning’ (n 32) 13.

¹⁷³ *ibid.*

Guiding the dialectical-relational methodological approach, then, is a particular conceptualisation of discourse and its relationship with social reality. For Fairclough, discourse constitutes a form of social practice which makes up one element of the social process - understood as the ongoing interplay between social structures, practices, and events¹⁷⁴. Functioning as a partial mediator of social reality, discourse is both socially constitutive and socially conditioned: it exists within the constraints imposed by structures such as ideology and power relations, but it also gives meaning to the events, identities, and relationships that constitute the social world within which it exists¹⁷⁵. Thus, the relationship of discourse with these other elements of social reality is viewed as inherently dialectical in nature – each internalises the other without being reducible to it¹⁷⁶. Accordingly, the analysis of discourse necessarily involves situating it in its social context, for which Fairclough proposes a three-level framework that brings together the analyses of text, the processes of text production, and the wider social environment¹⁷⁷. As will be elaborated in greater detail below, it is this methodology which will guide the present investigation.

Fairclough's approach to CDA can be considered appropriate for the current research project in several key respects. To begin with, recalling the definition of "collective memory" as the set of socially-available representations and interpretations of the past, and recognising public commemoration as a vehicle through which these representations are constructed and circulated, a critical approach to the discourse analysis of UN commemorative discourse on atrocity crimes provides insight into both the meaning that is attached to these concepts and the ways in which they are reproduced and embedded within the collective memory of the international community and beyond. Moreover, the dialectical conceptualisation of the relationship between discourse and social reality offers a useful lens for analysing the form of meaning attributed to each class of atrocity crime, where the manner in which these concepts are discursively represented can be appropriately understood as constrained by the social context, but also acting to redefine both the meaning of the terms themselves and the shape the social reality within which they are embedded. Thus understood, the sense of gravity which is communicated regarding the crimes of "genocide" and "crimes against humanity" can be interpreted as an interweaving of discourse and the social environment, with meaning produced through both the textual content of the commemorative events and a range of other signifiers embedded within the social context of commemoration, but also limited by the specific characteristics of this context itself.

¹⁷⁴ Norman Fairclough and Lilie Chouliaraki, *Discourse in Late Modernity: Rethinking Critical Discourse Analysis* (Edinburgh University Press 1999); Fairclough, 'Critical Discourse Analysis' (n 35).

¹⁷⁵ Ruth Wodak and N Fairclough, 'Critical Discourse Analysis.' in TA van Dijk (ed), *Discourse as Social Interaction* (Sage 1997) 258.

¹⁷⁶ Fairclough, *Critical Discourse Analysis* (n 171) 231.

¹⁷⁷ Norman Fairclough, *Discourse and Social Change* (Wiley 1992) 73.

4.3.2 Data Selection and Sample Construction

Having identified the frequency with which classes of atrocity crimes are represented in the UN's annual days of commemoration during the first portion of analysis, this second phase will be concerned with interrogating *how* these concepts are constructed and characterised through the acts of public commemoration which take place on these days. Recognising that the form and substance of the activities involved in the UN's celebrations of its annual observances varies both between days of commemoration and from one year to the next, it was decided to focus attention on a smaller subset of observances which appear to be of particular institutional relevance to the UN; namely (i) the "*International Day of Commemoration in Memory of the Victims of the Holocaust*" (hereafter "Holocaust Commemoration"), (ii) the "*International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade*" (hereafter 'Commemoration of Transatlantic Slave Trade'), (iii) the "*International Day of Reflection on the 1994 Genocide against the Tutsi in Rwanda*" (hereafter "Commemoration of the Rwandan Genocide"), and (iv) the "*International Day of Reflection and Commemoration of the 1995 Genocide in Srebrenica*" (hereafter "Commemoration of the Srebrenica Genocide"). As mentioned in the introduction, it is only these historical pasts which constitute the subject of the '*Beyond the Long Shadow*' discussion series organised by the UN Department of Global Communications¹⁷⁸, in which the goal is "to develop a deeper understanding of the legacies of these painful histories" and to "consider how best to build a world that is just, where all can live in dignity and peace" in doing so¹⁷⁹. Moreover, each of these commemoration days has a designated educational outreach programme associated with it, disseminating knowledge on these historical events through global partner network and using a wide range of initiatives¹⁸⁰. As such, given this increased salience, it can be reasonably inferred that these pasts may be of heightened relevance to the UN organisation, and therefore constitute a particularly rich source of data for analysis.

Due to time and resource constraints, analysis was restricted to only the most recent edition of the public high-level commemorative events which take place on these days. Each of these took place in the UN GA headquarters in New York in the United States. The content was gathered from the recordings of

¹⁷⁸ See, United Nations, 'Beyond the Long Shadow: Engaging with Difficult Histories' (n 34).

¹⁷⁹ United Nations, 'Outreach Programme on the Rwanda Genocide and the United Nations' <<https://www.un.org/en/preventgenocide/rwanda/commemorations-2020.shtml>> accessed 7 July 2026.

¹⁸⁰ *ibid*; United Nations, 'The Holocaust and the United Nations Outreach Programme' (*United Nations*) <<https://www.un.org/en/holocaustremembrance>> accessed 7 July 2026; United Nations, 'Outreach Programme on the Transatlantic Slave Trade and Slavery' (*United Nations*) <<https://www.un.org/en/rememberslavery>> accessed 7 July 2026; United Nations, 'International Day of Reflection and Commemoration of the 1995 Genocide in Srebrenica' (*United Nations*) <<https://www.un.org/en/observances/srebrenica-genocide-commemoration-day>> accessed 7 July 2026.

these events which are available on UN TV¹⁸¹. First, the automated transcripts generated by UN TV software were downloaded for use. This textual data was then cross-referenced with the audiovisual footage of the ceremony in order to ensure accuracy and consistency, with the text amended where necessary to best match the intonation of the speakers. Furthermore, relevant contextual elements and non-linguistic signifiers were added to the transcript, with this finalized version then used for analysis. Although this is a relatively small sample of texts, each individual corpus contains within it a wealth of information, and thus can be considered sufficient for present purposes.

Now, it is also recognised that of the days included in this portfolio, three are associated with the concept of genocide and one with that of crimes against humanity, and only the crime against humanity of slavery at that¹⁸². Therefore, although the analysis of UN commemorative discourse on the transatlantic slave trade will be used as an entry point into understanding political discourse on the legal concept of crimes against humanity, it will be acknowledged that these findings may not be wholly generalisable to the category as a whole. Moreover, it is also noted that a consequence of this decision is to preclude the analysis of commemorations which are primarily characterised as involving war crimes, as no pasts framed categorically in this manner are included in this portfolio of commemorations. Notwithstanding the possibility that no commemorations associated with this class of atrocity crime are observed by the UN, it is nonetheless telling that the institutionally-salient collection of “difficult histories” omits examples of historical pasts which are represented discursively as constituting war crimes. Considered from the perspective of the politics of memory, such an omission can be interpreted akin to an overt form of silence¹⁸³, or a “meaningful” absence¹⁸⁴. It cannot feasibly be argued that no such pasts exist, and thus far from being politically irrelevant, this overt silence perhaps ought to be conceived as part of the structure of collective memory of this political community. In a somewhat similar vein, then, this portfolio has the

¹⁸¹ United Nations, ‘Home | UN Web TV’ <<https://webtv.un.org/en>> accessed 4 June 2026. Note that this is with the exception of the event held on 25/07/2025 for the commemoration of the 1995 genocide in Srebrenica, for which no automated transcript is available. This was sourced instead from the YouTube posting of the ceremony; See United Nations, *Commemoration of the 1995 Genocide in Srebrenica* (2025) <https://www.youtube.com/watch?v=cT_ekBPi_uU> accessed 4 June 2026.

¹⁸² Noting that a resolution was recently passed by the UN GA declaring the transatlantic slave trade as “the gravest crime against humanity”; see, Resolution adopted by the General Assembly on 25 March 2026: Declaration of the Trafficking of Enslaved Africans and Racialized Chattel Enslavement of Africans as the Gravest Crime against Humanity 2026 (A/RES/80/250).

¹⁸³ For a discussion of “overt” vs “covert” silences in collective memory, see Vered Vinitzky-Seroussi and Chana Teeger, ‘Unpacking the Unspoken: Silence in Collective Memory and Forgetting’ (2010) 88 Soc Forces 1103 <<https://doi.org/10.1353/sof.0.0290>>.

¹⁸⁴ See, e.g., Melani Schröter and Charlotte Taylor, ‘Introduction’ in Melani Schröter and Charlotte Taylor (eds), *Exploring Silence and Absence in Discourse: Empirical Approaches* (Springer International Publishing 2018) <https://doi.org/10.1007/978-3-319-64580-3_1> accessed 5 July 2026.

further benefit of highlighting that three of these four major observances are centred around the crime of genocide.

4.3.3 Analytical Framework and Procedure

As mentioned in section 4.4.1, this portion of the analysis shall be guided by Fairclough's tripartite model of discourse in analysis¹⁸⁵. Following the summary description of this approach provided in a 2017 paper by scholar John Flowerdew¹⁸⁶, this analytic process oscillates between the following three interacting levels of analysis:

- (i) The analysis of text
- (ii) The immediate context of the discursive event: how it is framed in time and place, produced by a particular social actors in a specific form of communicative event
- (iii) The wider socio-historical context, as it relates to the discursive event under investigation.

Reflecting the dialectical relationship between discourse and the social process, this framework provides for the possibility of shifting seamlessly between the micro-, meso-, and macro-levels of analysis, where linguistic features of the text can be located within the context of discursive practices such as production, distribution, and consumption, which can then be contextualised within the socio-historical context of the discursive event, and so on and so forth. Consequently, although the analysis of text is integral to discourse analysis, it in fact forms only part of a broader methodology which considers "texts, processes, and social conditions, both the immediate conditions of the situational context and the more remote conditions of institutions and social structures"¹⁸⁷.

At this point it will be recalled that the function of this phase of analysis is primarily to examine *how* the different classes of atrocity crime are semiotically represented during the public commemorative ceremonies taking place at the UN. As the purpose of this is to facilitate comparison, this framework will be applied separately to the commemoration associated with the category of "crimes against humanity" and those representing that of "genocide". At the level of the text, particular attention will be paid to the narrative reconstruction of the historical atrocities being commemorated, as well as elements of rhetoric and argumentation, each of which are considered of particular relevance when analysing representations of the past in the political discourses of the present¹⁸⁸. Through this critical analysis and comparison of the

¹⁸⁵ See generally, Fairclough, *Discourse and Social Change* (n 177).

¹⁸⁶ John Flowerdew, 'Understanding the Hong Kong Umbrella Movement: A Critical Discourse Historiographical Approach' (2017) 28 *Discourse & Society* 453.

¹⁸⁷ Fairclough, *Language and Power* (n 167) 26.

¹⁸⁸ See, Mariana Achugar, 'Critical Discourse Analysis and History' *The Routledge Handbook of Critical Discourse Studies* (Routledge 2017).

commemorative discourse on genocide and a crime against humanity, the aim is to understand the impression of gravity which is communicated and identify whether or not it would appear that a greater meaning of severity is attributed to one class of crime over the other. From this, it will be inferred whether it can be said that a normative hierarchy emerges in how each class of atrocity crime is commemorated by the UN.

Before moving on to the results stage of the project, however, it is important to delineate just how the analysis of commemorative discourse on this selection of past events can be used to understand the meaning which is attributed to the different categories of atrocity crimes. When a segment of the past (e.g., the mass violence committed by the Hutus against the Tutsis in Rwanda in 1994) is represented discursively using a legal concept (e.g., genocide) in these commemorative ceremonies, the two come to be semantically-related; “genocide” is employed as a semantic category into which this past is placed so that it can be meaningfully understood. Consequently, when a particular set of discursive resources are subsequently deployed to characterise these historical events (e.g., rhetorically proclaiming that this was an evil that must “never again” be allowed to occur) or when particular elements of these events are foregrounded (e.g., the murder of one million people in 100 days), the meanings which are communicated may come to be associated not just with the past being commemorated but with the very framing label itself. As a result, when these legal concepts come to be deployed in relation to events in the present, the memory reserve which is drawn upon contains not just an association with particular historical moments, but a specific discursive representation of these past events.

In this sense, the meaning of the past being remembered and the meaning of the atrocity-crime terms used to represent it can also be understood as dialectically related: as the discursive construction of the past shifts, the social meaning of the legal concept shifts with it; as the understanding of the legal concept evolves, so too does the meaning of the past change. Therefore, although the discursive construction of these pasts should not be understood as synonymous with discourse about the class of atrocity-crime itself, they nonetheless provides a valuable entry point for understanding the cultural meaning these legal concepts come to hold. As such, while the corpus of text under analysis constitutes political discourse about the past, it is important to bear in mind that what is being investigated is not only *what* the representation of the past is, and *why* the past is represented in this way, but *how* this characterisation may shape the meaning of the legal term that is used to frame it.

4.4 Methodological Limitations

Despite this relatively comprehensive description of the methodological approach, attention must also be drawn to certain limitations of the research project which may not be immediately apparent.

Beginning with the QCA phase of analysis, it is worth highlighting that the list of “*International Days and Weeks*” was drawn only from one calendar year, despite the fact that the quantity of annual observances has been increasingly somewhat haphazardly since the UN first declared in 1947 that the 24th of October was to be celebrated as “*United Nations Day*”¹⁸⁹. Given these days are observed annually, it is possible that the frequency count which emerges from this analysis may misrepresent the historical pattern of commemorations, insofar as certain observances have been introduced more recently than others. Consequently, adopting a more longitudinal perspective may provide a more representative picture of the frequencies with which the categories of atrocity crime have been commemorated, however such an analysis is beyond the time and resource constraints available here.

Somewhat similarly, the qualitative portion of analysis also concentrates on commemorative discourse at only one particular historical moment, rather than looking at how these discourses have evolved over time. Temporality is an important feature of commemoration, where the discursive content of these events represents not just the past being remembered, but an “accumulated succession of commemorations”¹⁹⁰; consequently, a more historical approach involving analysis of the evolution of discourse on these difficult pasts would facilitate stronger inferences to be drawn as to the relationship between the meaning given to these pasts and the meaning attributed to the legal categories of atrocity crime.

4.5 Conclusion

In this chapter, I have sketched out the methodological approach which will be taken to analyse the representation of atrocity crimes in the current commemoration practices of the UN. First introducing an overview of the QCA process, I began a theoretical introduction to the QCA method, before describing the process of data collection, the development of the coding scheme, and finally the analytic procedure. This was followed by a similarly structured outline of the second, qualitative phase of analysis, where I aim provide a thorough overview of CDA and Fairclough’s dialectical-relational approach. Having sketched out the process of constructing the corpus and the analytic framework involved, I then sought to illuminate some limitations of the current methodology, against which the findings of the analysis can be contextualised.

¹⁸⁹ UN News, ‘Counting down the Days: UN’s 218 International Days Explained’ (1 June 2024) <<https://news.un.org/en/story/2024/06/1150531>> accessed 8 June 2026.

¹⁹⁰ Olick (n 134) 107.

Chapter 5: Findings and Analysis

5.1 Introduction

In this chapter, I will introduce and discuss the findings of the mixed-methods analysis. This will begin with a description of the results of the QCA, where I will describe the overall frequency with which each category of atrocity crime was referenced across the total corpus of texts, as well as how often it was represented as the dominant framing of the commemoration day. I will then move on to discussing the findings of the CDA phase of analysis. First, I will analyse in detail the representation of genocide in the three aforementioned selection of commemorative ceremonies, focusing on how speakers narratively reconstruct the commemorated past and elements of the social environment to consider the meaning which comes to be communicated about genocide through this ceremony. Moving then on to my exploration of the representation of crimes against humanity in the commemorative discourse of the UN - analysed through the commemoration event for the transatlantic slave trade – the presentation of my findings will follow a similar structure and emphasis in order that they can be interpreted relative to the commemorative events for genocide. Finally, I will complete the chapter by synthesising these three streams of analysis; quantitative and qualitative; “crimes against humanity” and “genocide”, cautiously drawing conclusions regarding the sense of gravity which is both attributed-to and communicated-about each class of atrocity crime, and whether it can thus be inferred that a hierarchy of gravity can be said to be present in how these legal concepts are understood.

5.2 Findings of the Quantitative Content Analysis

As described in the previous chapter, the dataset upon which the QCA was conducted consisted of a corpus of thirteen purposively-selected texts. Each of these comprised a descriptive summary of a relevant UN day of commemoration, sourced from the web-pages on the UN website dedicated specifically to the cause. For the purposes of analysis, each individual text was treated as a distinct unit and coded at the level of the sentence for the presence of atrocity crime indicators. Frequency counts were calculated for each category of atrocity crime within these text units, with the total quantity of codes identified across the entire corpus collated for examination. The total frequency counts of each category are displayed in table 2. A total of 46 codes were identified across the corpus of texts. Out of these, the crime of genocide was by far the most referenced class of atrocity crime, representing 87% of the total codes (40/46). In contrast, crimes against humanity (3/46) and war crimes (3/46), which were equally represented across the descriptive summaries, each constituted only 6.5% of the total number of identified codes.

Table 2. Frequency Count of Identified Codes

Coding Category	Number of Codes Identified
War Crimes (Explicit)	2
War Crimes (Implicit)	1
Crimes Against Humanity (Explicit)	2
Crimes Against Humanity (Implicit)	1
Genocide (Explicit)	39
Genocide (Implicit)	1
Total	46

It is worth noting, however, that of the thirteen texts under analysis, atrocity crime indicators were identified in only six of these units. This indicates that the object of commemoration is represented as involving a form of atrocity crime in just under half (47%) of the included UN observances. Within these six texts - the list of which is provided in table 3 - the category of “genocide” received the highest quantity of codes on four occasions, while “crimes against humanity” and “war crimes” received the greatest number of codes on just one occasion each. Interpreting the category which receives the most codes as representing the dominant subject matter of the observance, this result consequently suggests that considerably more days of remembrance are allocated to events involving the crime of genocide than to either of the other two classes of atrocity crime. It is also worth briefly noting that even within the units were the coding categories of “war crimes” or “crimes against humanity” received the highest quantity of codes – and only one code each at that - these constituted implicit references which were inferred from the text, as opposed to explicit references to these classes of atrocity crime. In fact, the only explicit use of these terms can be found in the descriptive summary of the “*International Day of Commemoration and Dignity of the Victims of the Crime of Genocide*”, where they are portrayed as of secondary importance relative to the primary concern of genocide.

Table 3. UN Days of Commemoration Involving Atrocity Crimes

Date	International Day	Predominant Category	Codes Identified
27/01	International Day of Commemoration in Memory of the Victims of the Holocaust	Genocide	1
25/03	International Day of Remembrance for the Victims of Slavery and the Transatlantic Slave Trade	Crimes Against Humanity	1
07/04	International Day of Reflection on the 1994 Genocide against the Tutsi in Rwanda	Genocide	8
11/07	International Day of Reflection and Commemoration of the 1995 Genocide in Srebrenica	Genocide	9
30/11	Day of Remembrance for all Victims of Chemical Warfare	War Crimes	1
09/12	International Day of Commemoration and Dignity of Victims of the Victims of the Crime of Genocide	Genocide	22

Based on these results, it would indeed appear that the crime of genocide is indeed privileged in the commemoration practices of the UN. Not only is a greater quantity of observances dedicated specifically to the commemoration of past events involving genocide, but the term itself would also appear to be referenced far more frequently within commemorations dedicated to that theme. This pattern of frequencies is thus indicative of a hierarchy amongst atrocity crimes, suggesting that events associated with genocide may be interpreted as more worthy of remembrance than those involving crimes against humanity or war crimes. In contrast, it seems that few inferences can necessarily be drawn from this analysis as to the perceived hierarchical relationship as between war crimes and crimes against humanity. But given the low quantity of references to these two concepts, one point does emerge - both are considered to be worthy of only minor reference in the fashioning of the cosmopolitan collective memory.

These findings have a number of implications. To begin with, regardless of the *cause* of this pattern of commemorations, its practical *effect* is that incidents represented as involving genocide are signalled as being of greater significance and more worthy of commemoration. That being said, it may be erroneous to assume that the preferential selection of genocide for commemoration is necessarily correlated with a universal perception amongst those involved in the selection process as to it being the most serious international crime; this pattern could also hypothetically be a consequence of a perception that these events materially constitute the most grave incidents of atrocity and are thus the most deserving of commemoration, as opposed to a reflection of the view that at the level of the abstract, genocide constitutes

the gravest form of international crime. Or perhaps it may simply be that the “unthinkability”¹⁹¹ of genocide’s *dolus specialis* places it outside of the limits of political debate in a way that war crimes and crimes against humanity are not. Thus, even if these latter two classes are perceived to be of similar severity to genocide, the absence of a judicial determination of intent leaves the historical interpretation of events involving these crimes more open to contestation, thus making it more difficult for proposals to commemorate such past events to pass through the delicate political terrain of the UN GA. That being said, such considerations are beyond the scope of the present analysis, although they may well be worth exploring elsewhere.

Moving on, the very fact that there is a superior quantity of commemorations and references associated with genocide means that a platform has been constructed from which a greater quantity of meaning can be communicated regarding this crime relative to war crimes and crimes against humanity. Even acknowledging that commemorative discourse is not the only genre of political discourse through which the cultural meaning of these concepts comes to be shaped, UN commemorative occasions nonetheless constitute a powerful channel of political communication. Those speaking are afforded the opportunity to foreground particular moments in history over others, and to reconstruct and transmit the meaning of these past, thus making the crime of genocide particularly salient in the collective memory of the international community. This is even more relevant given the annual reoccurrence of these events. As noted by Olick, the periodicity of commemorations are an important element of their temporality¹⁹², with round-number anniversaries like these “*International Days*” ensuring that the objects of commemoration continue to remain politically relevant over time. Given that each of these four commemorations are observed annually, the consequences of the increased salience of genocide would accumulate over time, both within the UN, as a greater number of people come to be directly involved with the celebration of these events, and more broadly, as public awareness grows, with regional and domestic entities often following the example of the UN and incorporating these commemorations into their own calendars and educational outreach activities. As such, it is possible that this phenomenon may contribute to the ever-growing prominence and infamy of genocide, leaving local or popular awareness of the concepts of war crimes and crimes against humanity to fall by the wayside. This claim is perhaps merely speculative without further research but does warrant further investigation.

¹⁹¹ Martti Koskeniemi, ‘8. Faith, Identity, and the Killing of the Innocent: International Lawyers and Nuclear Weapons’ *The Politics of International Law*, vol 10 (Bloomsbury Publishing 2011) 214
<<https://doi.org/10.1017/S0922156597000149>> accessed 24 February 2026.

¹⁹² Olick (n 134) 105.

5.3 Findings of the Discourse Analysis

5.3.1 UN Commemorative Events Involving Genocide

In this portion of the analysis, the discursive representation of genocide in a set of texts derived from the most recent observances for the Holocaust Commemoration, the Commemoration of the Rwandan Genocide, and the Commemoration of the Srebrenica Genocide was analysed to a greater depth. Each of these events comprised a high-level memorial ceremony that took place in the General Assembly hall at the UN headquarters in New York. The event programs tended to follow a similar structure, ranging from 65 minutes to 140 minutes in length and involving a mixture of public speeches, musical performances, and pre-recorded audiovisual pieces. These observances were also characterised by a number of ritual customs common to this type of memorial event, such as the lighting of candles and moments of silence; activities which lend a further impression of solemnity to the occasion. Communicating meaning through different combinations of modes (e.g., monologic oral speeches, recitation of prayers, musical performances) and mediums (e.g., transient speech, video), these ceremonial events are perhaps best understood as a form of multi-modal discourse. Nonetheless, particular attention will be paid to the textual content of the written speeches as these constitute the most prominent form of address.

During each of the analysed observances, between 11-12 individuals were afforded the opportunity to present a pre-written speech to the audience. Those persons accorded speaking rights included high-level UN officials, political representatives with some affiliation to the past being commemorated, guests with direct experience or an indirect link to the historical events, and relevant civil society actors, all addressing an audience consisting primarily of state representatives to the UN. Although the content of the speeches delivered at these ceremonies consisted of a blend of rhetorical, narrative and descriptive genres, recalling the explicitly didactic function of these commemorative events (i.e., “to learn from atrocity”), it is useful to conceptualise these individual monologues as fundamentally constituting a form of practical argumentation, where each speaker narrates a particular reconstruction of the historical event and its temporal links to the present moment in order to persuade on *which* lessons ought to be derived from this tragic past and what *actions* are required of the international community in response to these lessons. For Norman and Isabella Fairclough, there has historically been a misguided tendency in the analysis of political text to prioritise the analysis of the representation of particular concepts or discourses without giving due regard to the genre of discourse within which these representations are located, making it difficult to subsequently critique the relations between the two¹⁹³. The benefit of this present approach, therefore, is

¹⁹³ Norman Fairclough and Isabella Fairclough, ‘Textual Analysis’ *Routledge Handbook of Interpretive Political Science* (Routledge 2015).

that the discursive representation of genocide in these speeches can itself be understood as a form of political action – located within the course of producing an argument, its characteristics can further be analysed in terms of how they allocate legitimacy to particular authorities or justify taking certain actions.

Although – naturally - the specific content of these speeches varied across speakers, they nonetheless tended to follow a similar structure, each beginning with a narrative reconstruction of the past being commemorated. Within a political context like the UN, the function of narrative – defined minimally as “communicative-discursive representations of events with temporal sequence and/or causal relations in the form of a *plot*, carried by *characterization* of roles, and drawing on socially relevant *topoi* and motifs”¹⁹⁴ – in commemorative speeches is both ideational and interpersonal: It is ideational, insofar as a speakers weave together a specific selection of facts and represent them in a particular form so as to condense complex social realities into an “intelligible whole”¹⁹⁵ that can be communicated. It is interpersonal, in that this narrative account redefines the relationships (i) amongst the elements (actors, places, events) represented in the narrated account, (ii) amongst those present at the ceremony, and (iii) between those present and the those represented the narrated account¹⁹⁶. Accordingly, speakers often reconstructed the commemorated past in different ways, foregrounding or obscuring particular features depending on their own subjective interpretation of the topic and the courses of action they sought to advocate for. At the same time, however, various patterns of meaning were also recurrent in the accounts of the past produced across speakers, suggesting that certain beliefs regarding the nature of genocide may be universally held, or at the very least, that they are customarily understood to be politically useful to highlight.

Beginning with this subject of the representation of genocide in the narrative reconstructions of past events, it will be useful to reproduce a segment of text which contains many of the characteristic features of genocide which are routinely described by speakers. In this example, Annalena Baerbock, the president of the General Assembly sitting at the time, recounts a particular episode of violence as part of her speech during the memorial ceremony for the Commemoration of the Rwanda Genocide;

Your excellency, 32 years ago, on this very day, thousands of Tutsis fled their homes and sought refuge at the Nyarubuye Church outside Kigali as violence spread across the country.

Over 35,000 people, women and men, children and grandparents crowded into that church, hoping for safety in a house of God.

¹⁹⁴ Katja Freistein, Frank Gadinger and Stefan Groth, ‘Studying Narratives in International Relations’ [2024] Int Stud Perspect ekae019, 439 <<https://doi.org/10.1093/isp/ekae019>> (emphasis in original).

¹⁹⁵ Paul Ricoeur, ‘Life in Quest of Narrative’ *On Paul Ricoeur* (Routledge 1991) 21.

¹⁹⁶ This formulation is adapted from Gunther Kress’s and Theo van Leeuwen’s conception of the social relationships established by the viewing of images; see Gunther Kress and Theo van Leeuwen, ‘Representation and Interaction: Designing the Position of the Viewer’ in Adam Jaworski and Nikolas Coupland (eds), *The Discourse Reader* (Routledge 1999).

Within a week, militias arrived armed with guns, machetes and clubs with one shared chilling purpose, to literally butcher their neighbours, their friends, their compatriots.

They killed relentlessly, day and night, leaving only 18 people alive.

In the first sentence of the account the speaker foregrounds and identifies a particular social group through use of the active voice, introducing them to the audience as the victims (“fled...and sought refuge”). The familial identities of these actors (“women and men, children and grandparents”) is emphasised in order to humanise them, creating a sense of intimacy and familiarity between those present and this represented group. Spatially anchoring the story in the physical space of a church - a symbol of sanctity and community - the narrative then shifts these “neighbours”, “friends”, “compatriots” into the grammatical subject position, where they are subsequently characterised as the passive objects of the actions of another group.

In this example – and perhaps as ought to be the case - speeches at these commemorative observances are laden with explicit and frequent references to the social groups which were subjected to the genocidal violence. Typically, only one group or one aspect of group identity is represented (e.g., the Tutsi, Bosnian Muslims, Jews), and even in the limited examples of instances where this is not the case, addressors generally formulate their sentences using a contrastive structure which nonetheless highlights this focal group. One example of this can be seen in the account of Courtenay Ratray, Chef de Cabinet to the UN Secretary-General (UN SG), when he asserts that “In just 100 days, more than 1 million people were murdered, *primarily* Tutsi, *but also* Hutu and others who opposed the genocide”. While it may make intuitive sense to focus only on the social group which was most affected, it is worth considering how this may shape understanding of these difficult pasts if violence is constructed as directed against only one group instead of many. Noting, for example, that in 2018 the UN GA adopted a draft resolution submitted by the Rwandan delegation to change the title of the observance for the Commemoration of the Rwandan Genocide from the “International Day of Reflection on the Genocide in Rwanda” to the “International Day of Reflection on the Genocide *Against the Tutsi* in Rwanda”¹⁹⁷, it is possible that this tendency may inadvertently serve current political agendas, potentially exacerbating long-term social conflict rather than facilitating a transition to peace and justice.

The characterisation of these groups - their qualities and the nature of their actions – also tend to be repeated consistently, with many of these attributed characteristics captured in Baerbock’s use of the metaphor “hoping for safety in a house of God” to reconstruct the flight of those implicated in her account. Baerbock’s use of the metaphor “hoping for safety in a house of God” is particularly illustrative. Here, the material environment of the church is explicitly reformulated as a site of divine refuge, activating shared

¹⁹⁷ Rwanda: Draft Decision International Day of Reflection on the 1994 Genocide against the Tutsi in Rwanda 2017 (A/72/L31) (emphasis added).

schemas of sacredness to construct a morally-charged space. In doing so, the represented victims acquire many of the qualities associated with this symbol - innocence, faith, and goodness; features which then come to be attributed more broadly to the social group as a whole. This technique of recontextualizing religious discourse into political commemoration is a recurrent theme across the memorial ceremonies, although nowhere else is it used to quite such powerful effect. It can be seen most frequently during the ceremonial observance for the Holocaust, where religious meaning is communicated through a variety of signifying modes, ranging from a live musical performance of Ernst Bloch's "Supplication"¹⁹⁸ to the subtle intertextual reference to Genesis 3:19 of the bible contained in UN SG Antonio Guterres's comment on the bodies of the Nazi leaders having "turned to dust". Through this intermingling of discourse genres, memory of the commemorated genocides is infused with a sense of theological significance, subtly acquiring an almost spiritual quality.

And if one of the functions of Baerbock's "house of god" metaphor is to formulate the victim group in her account as worthy of divine protection, then yet another is to further demonize the perpetrating group by foregrounding their murderous desecration of this place of sanctuary. Here, and in other places, the president of the GA's description of this episode epitomises another set of patterned meanings related to genocide which are shared across observances: the manner in which the perpetrators of the genocide are constructed. Returning once again to the above example, agency is attributed to an ambiguously defined set of actors ("militias") who are characterised as collectively and unilaterally motivated by a singular shared intent to eliminate all Tutsi present. Their relationship to those in the church is represented as one of predators to prey, with the verb "butcher" carrying with it the dehumanizing connotations of animal slaughter and implications of intimate, gruesome violence, and the perpetrators described as "relentless" in pursuit of their goal. In this account, the perpetrators are characterised as possessing two distinctive traits: remorselessness, enabling premeditated and collectively organised violence, and barbarity, reflected in their depiction as carrying out brutal and inhumane acts.

As in the above example, across the analysed observances, there is a tendency to characterise the social group as a whole which is characterised as possessing genocidal intent, rather than particular individuals or leaders within these groups. In the case of the Holocaust commemoration, the responsible actors – the Nazi party - are clearly specified and labelled for rebuke; however, for the most part, little explicit reference is made to the identities of the perpetrators of the genocide in Rwanda or Srebrenica. During these memorial ceremonies, agency is typically attributed either to unspecified actors (e.g.,

¹⁹⁸ Supplication, amongst its other theological meanings, refers to a Jewish prayer constituting a begging plea for God's mercy. It is also known as the "prostration prayer". See, Joseph Jacobs and Judah David Eisenstein, 'Tahanun' (*Jewish Encyclopedia.com*) <<https://www.jewishencyclopedia.com/articles/14198-tahanun>> accessed 26 June 2026.

“militias), or backgrounded using passive grammatical-constructions which shift focus from the actor to the action itself (e.g., In July 1995, more than 8,000 Bosnian men and boys *were systematically separated* from their families, *executed*, and *buried* in mass graves). Nevertheless, identified or not, perpetrating groups are persistently represented as sharing the aforementioned dual nature. Speakers create a sense of distance, emphasising the perpetrators inconceivable lack of emotion by describing violence using idioms such as “killed in cold blood” or through metaphors such as “mass industrial scale murder” which evoke a sense of mechanisation and impersonality. Yet at the same time, the savagery of the perpetrators is also highlighted, with frequent reference to intimate, morally abhorrent forms of violence including rape, torture, and murder. In one instance, drawing a parallel between the atrocities of the Holocaust and a more recent historical event, the attack carried out by Hamas on the 7th of October 2023 in Israel, Michael Waltz – US ambassador to the UN – characterised such violence as an “orgy of hatred”, arousing notions of frenzy and wild, unbridled cruelty.

To be absolutely and unequivocally clear, the actions of the militia groups which Baerbock recounts in her speech during the massacre at the Nyarubuye Church in Rwanda, in addition to the totality of violence in the pasts being commemorated more generally, deserve the most fierce and unwavering condemnation; this fact is beyond debate. The concern I seek here to highlight is that when the elements of the narrative reconstruction of this past – the qualities attributed with each represented group; the power dynamics between them; the form and scale of violence - are extracted from their historical context and universalised and reproduced as a paradigmatic example of the crime of genocide, such that all subsequent events of a similar nature will necessarily be characterised by the audience as genocide (as opposed, say, to the crime against humanity of “extermination”, amongst others), and that all genocides are understood to be necessarily of this nature. The problem is that not all brutal, mass killings qualify as genocide. It will be recalled that the main distinguishing characteristic of the crime of genocide relative to the other forms of atrocity crime is its *dolus specialis* – that the acts were carried out with the intent to destroy a particular group. Thus, it is theoretically possible that violence of a similar level of gravity and sharing each of these elements of premeditation, collective organisation and power imbalance may not be legally recognised as genocide, because there is no demonstrable evidence of this intent to destroy the group in whole or in part, or if the group targeted is of a kind other than national, ethnical, racial, or religious. Furthermore, the ascribing of particular characteristics to entire social groups – generalisations which may be to a greater or lesser degree accurate when it comes to the individuals within that group – runs the risk of misrepresenting the complexity of the events which led to the violence in the first place. In particular, the reproduction of victims of genocide as necessarily passive, pious, and pure may confer unfair and unreasonable expectations on those may be subjected to similar atrocities in the future; sympathy and recognition should not be

reserved only for those who fit a particular mould of victimhood. Thus, problems of various kinds may be created by such narratives: over-simplification of complex levels of culpability, over-simplification of the experience of victimhood, and the creation of social expectations that may not be fulfilled.

These issues become even more problematic when the expressed motives underlying these violent episodes is left ambiguous, or crudely reduced to claims that it was merely an inevitable consequence of the perpetrators being fundamentally “evil”, “hateful”, or “prejudiced”, as is almost always the case in these commemorative events. Without in any way disputing the validity of these statements as value judgements, by reducing causality to the innately wicked nature of the perpetrating group, the threat of genocide comes to be abstracted and generalised by speakers rather than recognising each event and the nature of those involved as the unique outcome of a specific set of complex socio-historical processes. In doing so, a sense of continuity or interrelatedness is constructed across these disparate pasts; the events of the Holocaust, in Rwanda in 1994, and in Srebrenica in 1995 become three links on the same chain, each a consequence of the same source of hatred that is embedded in human nature. This feeling of interconnectedness is further consolidated by the various intertextual references which are recurrent across observances, both between this set of commemorations as well as to previous iterations, as seen in the frequent descriptions of these pasts as “a dark chapter in the history of humanity” and the lamentations that “never again” has been repeated too many times. But by having created this sense of continuity, and having traced the source of genocide rather vaguely to the notion of hatred, speakers are able to temporally link these pasts events to their evaluation of the state-of-affairs of the world at present. At this point in the speeches, the use of metaphor becomes even more frequent. The cause of genocide is personified and simplified, framed as deeply embedded in society (“the roots of genocide endure worldwide”) but also contagious and autonomously acting (“as we speak, hatred spreads”). Hatred and prejudice are represented as a burning fuse, an insidious force that might at any moment “erupt into mass murder”.

One of the effects of these rhetorical devices is to create an impression of urgency and precarity, requiring the constant vigilance of the members of the international community in the audience, and it is upon this foundation that they lay down their claims for the lessons which need to be learned and the actions to be taken. It is thus at this moment of the proceedings in which the ideological functions of genocide in this institutional environment become most apparent. As was suggested by Skillington in her analysis of genocide commemorations¹⁹⁹, the threat of genocide serves to reaffirm the political legitimacy of the UN and its member states, upon whom the authority and responsibility for acting is bestowed, urged to take

¹⁹⁹ See section 2.4 for a discussion.

action “before dangers spiral out of control”²⁰⁰. Perhaps more interestingly, however, is that amidst the progressive calls for greater levels of historical education, and increased efforts to combat the threats of denialism, discrimination and prejudice, one arguably also finds the attempts by particular States to legitimise their current political policies and actions.

In one instance during the Holocaust commemoration, Israeli ambassador to the UN Danny Danon explicitly uses the platform to demand support from the UN and the international delegates present, asserting that;

The responsibility now turns to you and your governments.

Standing with Israel does not mean agreeing with us on everything.

It means standing against terror.

It means confronting hatred before it turns violent.

The actions of the Israeli armed forces are singled out for praise, lauded for having “stopped Hamas’s terror machine”, in spite of the widespread condemnation of their actions in the Occupied Palestinian Territories and the extensive documentation of atrocities amounting to war crimes, crimes against humanity, and potentially genocide committed since October 2023²⁰¹. In another, Emmanuel Ugirashebuja – attorney-general for the Republic of Rwanda – warns the audience of the presence of genocidal ideology in the region, campaigning for prompt action against a hate that “if left unchecked can escalate into atrocities”. Notably, over the past number of years, the Rwandan government has come under fire for its role in regional conflict, and so it would hardly be a stretch to interpret this as part of an attempt to justify the actions of the Rwandan Defence Forces in the eastern Democratic Republic of Congo and their support of M23, a militant-armed group described by a UN as “de facto” controlled by the Rwandan army²⁰², both of which have been

²⁰⁰ UN Web TV, *International Day of Reflection on the 1994 Genocide Against the Tutsi in Rwanda - Annual Commemoration* (2026) <<https://webtv.un.org/en/asset/k13/k133huq6ot>> accessed 6 June 2026.

²⁰¹ See, e.g., UN Committee Against Torture, ‘Concluding Observations on the Sixth Periodic Report on Israel’ (UN Committee Against Torture 2025) CAT/C/ISR/CO/6 <<https://www.un.org/unispal/document/committee-against-torture-concluding-observations-on-the-sixth-periodic-report-of-israel-report-cat-c-isr-co-6/>> accessed 28 June 2025; Human Rights Council, ‘Legal Analysis of the Conduct of Israel in Gaza Pursuant to the Convention on the Prevention and Punishment of the Crime of Genocide’ *Conference room paper of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel* (2025); Human Rights Council, “‘The Essence of Childhood Has Been Destroyed’: Israel’s Deliberate Targeting of Palestinian Children in the Occupied Palestinian Territory since 7 October 2023’ (Human Rights Council 2026) Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel A/HRC/62/CRP.2 <<https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session62/a-hrc-62-crp-2.pdf>> accessed 28 June 2026.

²⁰² UN Group of Experts on the Democratic Republic of Congo, ‘Final Report of the Group of Experts on the Democratic Republic of the Congo’ (UN Security Council 2024) S/2024/432 <https://digitallibrary.un.org/record/4053693/files/S_2024_432-EN.pdf> accessed 28 June 2026.

responsible for widespread and gross violations of human rights which have been described as likely amount to atrocity crimes²⁰³.

Considered altogether, perhaps the sum total of these concerns on the commemorative discourse on genocide of the UN can be best illustrated using the following segment of a speech delivered by SG Antonio Guterres at the 2026 ceremony in commemoration of the Holocaust;

At the opening of Nuremberg, Justice Robert H. Jackson warned us and I quote, ‘These prisoners represent sinister influences that will lurk in the world long after their bodies have returned to dust’, end of quote.

These influences, anti-Semitism, racism, hatreds, are very much still with us.

And our duty is clear, to speak the truth, to educate new generations, to confront anti-Semitism and all forms of hatred and discrimination, and to defend the dignity of every human being.

But it is also a duty to keep alive the spirit of acting in common purpose, through multilateralism, to ensure that the forces of humanity always triumph over the forces of inhumanity.

Here, the atrocities of the Second World War are detached from their historical context, portrayed as the manifestation of “sinister influences” which “lurk in the world”, waiting for an opportunity to materialise through the vessel of humanity at merely a moment’s notice. The complexity of social reality is reduced to the binary, characterised as a never-ending clash between two fundamentally opposed ways of being; “the forces of humanity”, represented by the UN and its members, and “the forces of inhumanity”, the abstract and insidious currents of hate, and those actors of whom they take possession. And while this oversimplification may be useful for narrative purposes, or for rhetorical effect, it nonetheless remains just that – an oversimplification. Yet through this kind of description, aided by the recontextualization of religious discourse into commemorative speeches, the ontological nature of the social world depicted at these commemorative observances comes to be represented in almost Manichean terms – a conflict between good and evil, of right versus wrong. Closely mirroring the bipolar macronarrative which has emerged from studies investigating the discursive construction of terrorism²⁰⁴, genocide discourse serves a key ideological function within this worldview, positioned as a reminder of the consequences when “evil” strikes and the “good” fail to act. And so without disputing for one moment the fact of the horrific violence carried out or

²⁰³ See, e.g., Thomas Mukhwana, ‘DR Congo Conflict: M23 and Rwanda Accused of Atrocities in Uvira’ (*BBC News*, 14 May 2026) <<https://www.bbc.com/news/articles/cy42dgj0x32o>> accessed 28 June 2026; Clémentine de Montjoye, “‘Death Was Everywhere’” [2026] Human Rights Watch <<https://www.hrw.org/report/2026/06/10/death-was-everywhere/arbitrary-detention-killings-and-forced-recruitment-by-the>> accessed 28 June 2026; Human Rights Council, ‘Report of the OHCHR Fact-Finding Mission on the Situation in North and South Kivu Provinces of the Democratic Republic of Congo’ (Human Rights Council 2025) A/HRC/60/80 <<https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/ffmk-drc/a-hrc-60-80-auv-en.pdf>> accessed 28 June 2026.

²⁰⁴ See, e.g., Aditi Bhatia, ‘The Discursive Construction of Terrorism and Violence’ *The Routledge Handbook of Critical Discourse Studies* (Routledge 2017) 437.

the suffering experienced by those affected during the commission of these atrocities, and without opposing in any way the claim that there is a duty to understand what truly happened, it nonetheless ought to be of no slight concern that the representation of genocide in these commemorations maps closely onto the cultural script described by discourse analyst Richard Jackson as the default in the construction of legitimacy for the perpetration of political violence; namely, “the creation of a sense of exceptional grievance and victimhood; the dehumanization of an enemy other; the manufacture of a catastrophic threat and danger which demands immediate and forceful action; and the justification and legitimisation of pre-emptive (and preventative) counter-violence”²⁰⁵.

5.3.2 UN Commemorative Events Involving Crimes Against Humanity

In contrast with the observances involving the crime of genocide, the annual marking of the Transatlantic Slave Trade constitutes a qualitatively different form of commemorative event. Rather than a memorial ceremony, this observance takes the form of a commemorative gathering of the UN GA, and consequently is governed by the custom and rules of procedure required of these meetings. Also taking place in the UN headquarters in New York, the 2026 session was 210 minutes in length, although the specifically commemorative portion of the meeting was brought to a close after 135 minutes. The program consisted almost exclusively of monologic, oral speeches delivered by political actors – 26 in total – as well as two performances of poetry, offered by invited guests. Those speaking were high-level UN officials and political representatives, addressing a hall consisting primarily of other state and regional representatives to the UN. With the exception of the guest speakers, as well as UN SG Antonio Guterres and President of the GA Annalena Baerbock, those presenting statements on behalf of groups were restricted to five minutes of speaking time, while those speaking for national governments were limited to three minutes, as in keeping with GA decision 80/504 of the 12th of September 2025 on the format of commemorative meetings²⁰⁶. The content of these speeches followed a similar argumentative structure to those involved in the observances for genocide, moving from a reconstruction of the commemorated pasts to a description of the present state-of-affairs in order to advocate for pursuing particular courses of action. However, the constraints imposed by the time limits confined speakers in this event to less complex argumentative sequences and more sanitized descriptions of the past.

Nonetheless, beginning once again with an analysis of the narrative reproduction of this crime against humanity, clear patterns could be identified in the manner in which the transatlantic slave trade was

²⁰⁵ Richard Jackson, *Writing the War on Terrorism: Language, Politics and Counter-Terrorism* (Manchester University Press 2005) 181.

²⁰⁶ ‘Organization of the 80th session’ <<https://digitallibrary.un.org/record/4088071>> accessed 28 June 2026.

represented, both in the discursive construction of the agents involved and the causal relations between them. As seen in following text extract, taken from the speech of John Dramani Mahama, the president of Ghana, accounts of this past tended to open with a description of scale, quantifying the number of those affected and locating the events across generations to emphasise the massive, systemic extent of the harm;

It is a day on which we honour the memory of the approximately 13 million African men, women, and children who were enslaved over the course of several centuries.

As was the case across all speakers, Dramani clearly identifies the represented victim group (“13 million African...”), in this instance highlighting the totality of the suffering by emphasising that no group was spared (“men, women, and children”); a rhetorical choice which also restores a sense of humanity to what is otherwise an abstract statistic. During the speeches delivered during this observance, relatively little reference is made to the qualities of those who were enslaved or affected; this task is primarily left to the two poets, whose portrayal of a people defined by their courage, determination, and resistance is albeit briefly echoed by a few speakers.

What is also noticeable about the above quotation is the backgrounding of the responsible agent through use of the passive voice – the focus of the sentence is shifted onto those “who were enslaved”, obscuring the identity of those performing the action of enslavement. While this discursive technique is common in political remembrances, where diplomatic considerations play an major role and the focus is supposedly on the victims rather than the perpetrators, it nevertheless offers an interesting entry point into a discussion of the narrative reconstruction of the agents responsible for this atrocity. To that end, it is worth noting that at no point during the commemorative meeting are the perpetrators of these crimes ever explicitly identified. Although, in some cases, agency and blame is assigned to a relatively general class of persons (e.g., “they were subjected to [...] chattel enslavement by *plantation owners*”), it is far more common for speakers to frame their representations of these pasts without reference to any responsible social agent by structuring sentences and using particular grammatical techniques such as nominalisation or the previously-mentioned passive voice. Furthermore, on a number of occasions, it is the institutional structures and social practices which facilitated and maintained the slave trade are themselves represented as the acting agents and accorded responsibility for the harm. Take, for example, a portion of the speech delivered by Antonio Guterres;

We will never forget the victims of slavery, and we must never forget the malevolent system that sustained it for so long.

I’m thinking of the laws that deprived the enslaved people of literacy, autonomy, and humanity.

The economic, financial, and trade networks that enabled elites and empires, including in my own country, to amass wealth, built on stolen lives and stolen labour,

And the barbaric punishments that maintained control from shackles and iron collars to flogging and sexual violence.

Here, it is “the system” which is described as “malevolent”, “the laws” which are responsible for “depriving the enslaved people of literacy, autonomy, and humanity”, and the “punishments” who maintained control through “barbaric” means. Negative qualities are ascribed to the actions and social practices, rather than to the individuals and groups who carried out those acts. And though, of course, focusing on the institutional logic of the transatlantic slave trade is also of central importance in order to highlight the systematic and collective nature of this violence, to do so with minimal reference to the role played by particular societies in manufacturing and maintaining these structures is to tell only one half of the story; it is a subtle obscuring of historical facts in an institutional environment which explicitly professes its desire to draw lessons from the past.

The cause of these crimes against humanity, the motives underlying the transatlantic slave trade and the social practices of racialised chattel enslavement, then, are variously located by speakers within racist ideologies and economic systems founded on greed. Texts demonstrate elements of interdiscursivity, as economic discourse is incorporated into and articulated through the commemorative genre, framing the historical phenomenon as the “hollowing out [...] of entire generations who would otherwise have helped to sow the seeds of prosperity” and referencing masses “brutally exploited for their labour”. At its bluntest, Annalena Baerbock describes the slave trade as “in colder terms, mass resource extraction”. It might be argued that to represent the costs of these almost 400 years of systematic, organised violence primarily through the lens of loss of economic resources does a grave injustice to those who were subject to slavery, essentially reducing the fullness of their personhood to a form of biological capital - in death just as in life. On the other hand, by choosing to foreground the deeply ingrained structural repercussions of this atrocity crime during the limited speaking time available, a causal link can be drawn by addressors between this phenomenon of the past and the systemic inequalities of the present. This framing may thus be understood as a consequence of the necessary prioritising of current political objectives, but it is notable that the qualitative form of the commemorative event plays such a role in shaping the representations of the past that are produced and the meaning which is comes to be associated with this historical atrocity.

Having temporally connected the transatlantic slave trade with a problematized description of the contemporary state-of-affairs, characterised by the persistence of racial discrimination, socioeconomic inequalities, and modern forms of illegal slavery, and after articulating the institutional language of shared values and common goals, speakers proceed to lay down their claims for the appropriate courses of action

to be taken. At this point, significant divergences emerge amongst speakers. For those presenting on behalf of Western entities, such as France, the UK, and the EU, it is imperative that, in addition to more broadly addressing the issue of structural racism, the international community prioritise addressing “the scourge of modern slavery and related forms of exploitation”. For political officials representing African or Caribbean nations, properly honouring the transatlantic slave trade demands reparatory justice, with representatives advocating in this particular edition of the commemorative event for a motion to declare the transatlantic slave trade the gravest crime against humanity; a resolution which was indeed passed. And for others still, the event represents an opportunity to build institutional credibility, to be seen to take a moral stance by condemning this past and advocating generally for a greater commitment to the principles that bind the international community; “respect for human dignity, equality, and justice”. Recognising that all 26 political officials with speaking rights present concrete, practical arguments to the audience of international delegates, one could argue that this event in fact functions primarily as an arena for political deliberation rather than a space for collective reflection on the atrocities of the past. To make this claim is not necessarily to do so as a criticism; for states who continue to confront the legacies of this historical injustice, having such an annual commemorative meeting likely offers a valuable opportunity for political claim-making which might otherwise not arise. But the fact remains, that by prioritising the pursuit of present goals over reconstructing representations of the past, less meaning comes to be ascribed by speakers to the transatlantic slave trade, diminishing the feeling of harm and loss which is communicated.

It can also be said that the overall sense of gravity which is communicated through this observance regarding the transatlantic slave trade, and by association, the concept of crimes against humanity, is fundamentally limited by the form and structure of the commemorative event itself. In addition to the time restrictions imposed on speakers by the rules of procedure of the GA, as well as the rigid social norms and customs involved this type of institutional gathering, this observance lacks most of the elements of ritual and ceremony which generate an atmosphere of emotional intensity in commemorative observances. The communicative power of ceremonial rites such as moments of silence, the lighting of candles, and musical performances lies not just in the acts themselves, but in their tapping into a reserve of shared cultural meaning to envelope the observance in an air of solemnity, heightening the emotionality of the event and magnifying the impression of weight which is communicated to those present. And so, if the analysis of text therefore suggests that a lesser degree of severity is being communicated by speakers, it may in fact be more appropriate to attribute the overall lesser sense of solemnity primarily to the restrictions imposed by the rules and customs of the overall event, rather than to assume it to be necessarily reflective of the speaker’s subjective perception of the past being commemorated.

5.4 Conclusion

In this chapter, I have presented the results of the mixed-methods qualitative analysis on the representation of atrocity crimes in the commemoration practices of the UN. To begin with, the results of the QCA shed some light on the frequency with which each class of atrocity crime appears in the UN's days of commemoration. A clear pattern was identified, with the quantity of references to the crime of genocide significantly outnumbering those to war crimes or crimes against humanity across the collected sample of descriptive summaries. Moreover, it would appear that genocide serves as the primary object of commemoration in a greater quantity of observances than either of these other forms of atrocity crime, constituting the dominant framing of four days of commemoration in contrast to the single day each associated with war crimes and crimes against humanity. While relatively few conclusions can be drawn regarding the hierarchical relationship between war crimes and crimes against humanity from this portion of the analysis alone, it can nonetheless confidently be inferred that past events associated with the crime of genocide are privileged in the memory practices of this intergovernmental organisation.

These results were then followed by a presentation of the findings of the critical approach to discourse analysis, through which the representations of genocide and crimes against humanity in UN commemorative discourse were examined. Granting that the transatlantic slave trade represents only one of many forms of crimes against humanity, examined comparatively, the meaning communicated and thus attributed to the concepts of genocide and crimes against humanity appear to vary quite considerably. The commemoration of pasts involving genocide were marked by formal memorial ceremonies, characterised by a high degree of ritual and symbolism, while the reflection on the transatlantic slave trade constituted merely a commemorative meeting of the GA, of which only two-thirds was dedicated to active remembrance. In the former, there were vivid and graphic narrative reconstructions of the past atrocities, with a clear characterisation of the parties involved and the nature of the events. In the latter, even accepting that the atrocities took place long ago and over a far less concentrated period of time, speakers presented a more restricted and less emotional retelling of these pasts, perhaps limited in their speaking capacity by the constraining format of the commemorative event itself. Finally, these pasts of atrocity were linked temporally to present social and political realities in different ways; the potential for genocide constructed as an ever-present and inevitable threat lurking deep within humanity against which the international community must unite to oppose, while the appropriate contemporary responses to the transatlantic slave trade are more contested, and consequently presented as of less pressing concern. Considered altogether, it would appear both that a far greater sense of gravity and weight of meaning is communicated regarding the crime of genocide than the transatlantic slave trade, and of the legal category of crimes against humanity by association.

Synthesising the findings from both phases of analysis, it may therefore cautiously be asserted that a hierarchy of gravity amongst the categories of international crime can be said to emerge from the commemorative practices of the UN. Not only are a greater quantity of observances dedicated to genocide than either other class of atrocity crime, but a significantly different quality of meaning is attached to this crime during the marking of these commemoration days. Regardless of whether or not this necessarily reflects the perception of those involved that genocide is “the crime of crimes”, this is nonetheless the message that is communicated, both to those immediately present at these ceremonies and to the organisation’s member states more generally. Based on this analysis, the relative positions of war crimes and crimes against humanity within this political hierarchy remain somewhat unclear, with both categories of crime largely under-represented in the UN’s memory project. However, it bears re-emphasising that the commemorative genre constitutes only one of many in the field of political discourse, and the UN only one actor of many in the international political arena. Accordingly, such findings are extremely tentative. Nonetheless, they provide a sufficient basis to suggest that the claim of a hierarchy between these three classes of atrocity crime, from which negative consequences result, warrants future investigation.

Chapter 6: Discussion and Conclusion

6.1 Discussion

In this project, I set out to explore whether a hierarchy of gravity between the legal categories of war crimes, crimes against humanity, and genocide is in operation at present in international political discourse, doing so by analysing the discursive representation of these crimes in the commemoration practices of the UN. Owing to the mounting concern that a preoccupation with genocide has led to war crimes and crimes against humanity being perceived as of somewhat less importance²⁰⁷, and having identified the possibility that the crime of genocide may be given particular emphasis in the mnemonic practices of the UN as part an attempt to construct a collective, cosmopolitan identity, my empirical research was also guided by a critical desire to locate this analysis within social and political reality in order to consider some problematic consequences which may flow from the identification of a normative hierarchy of atrocity crimes. As illustrated in the previous chapter, my findings suggest that a hierarchy of gravity as between the categories of atrocity crime may indeed emerge from the UN's commemoration practices, with genocide sitting at the apex of this hierarchy. Not only does the quantitative analysis show that this crime is represented to a far greater frequency across the entire set of observances than war crimes and crimes against humanity, but the qualitative analysis reveals that it is also formulated as being of heightened importance, narratively reconstructed as an existential threat to humankind which requires immediate action from the UN and the international community.

That said, as I highlighted in chapter two, there is by now substantial overlap in the material acts captured by these three legal concepts owing to their conceptual development in the legal arena over the last number of decades. Most notably, due to the recent expansion of the notion of crimes against humanity, at present, it is essentially on the *dolus specialis* of genocide which sets it apart²⁰⁸. Furthermore, it would appear that international criminal law presently rejects notions of an abstract hierarchy amongst the classes of atrocity crime; recalling the words of Judge Antonio Cassese, "one cannot say that a certain class of international crimes encompasses facts that are more serious than those prohibited under a different criminal provision. *In abstracto* all international crimes are serious offences and no hierarchy of gravity may *a priori* be established between them"²⁰⁹. Such an interpretation differs significantly from the discursive construction of atrocity crimes in UN commemoration practices, in which genocide is suffused with unique normative force, crimes against humanity are given limited reference, and war crimes remain largely absent.

²⁰⁷ See, e.g., Sands (n 5); Sadat (n 20); Moses (n 17).

²⁰⁸ *Prosecutor v. Clément Kayishema and Obed Ruzindana* (n 67) para 89; Robinson and others, '10. Genocide' (n 67); Schabas, 'Atrocity Crimes (Genocide, Crimes Against Humanity, and War Crimes)' (n 67).

²⁰⁹ *Prosecutor v Dusko Tadic (Judgement in Sentencing Appeals)* (n 98) para 69.

Thus, it would appear that there may at present be a misalignment between international political discourse and judicial authority regarding the ontological nature of atrocity crimes and the relationship between them. It is therefore worth briefly considering the potential negative repercussions that may arise from this normative dissonance.

Broadly speaking, the observed hierarchy amongst atrocity crimes can be critiqued along two dimensions, both of which have real-world implications. The first issue is the existence of a hierarchy in the first place. It is worth reiterating that as legal concepts, the function of the terms “war crimes”, “crimes against humanity” and “genocide” is not merely to describe real-world events, or to label them as morally reprehensible, but to categorise particular acts as unlawful for the purposes of punishing transgressors and limiting the perpetration of atrocity crimes. In the field of international criminal law, where prosecutions are highly reliant on state-co-operation and relatively rare as a consequence, the communicative function of these concepts takes on a heightened role; located in an internationally-shared framework of meaning, the power of these legal terms lies predominantly in their capacity to delegitimize acts of violence by framing them as illegal and worthy of moral condemnation²¹⁰, thus resulting in stigma being attributed to those responsible. But if, as my findings suggest that genocide is perceived in international political discourse as necessarily more serious than war crimes or crimes against humanity, the stigmatising capacity of the latter is diminished. This could result in perpetrators of acts falling within these latter two categories of atrocity crimes being perceived as deserving a lesser degree of moral condemnation, even though these labels alone convey nothing about the scale or nature of the violence actually committed. In doing so, this fundamentally undermines their usefulness as concepts within international criminal law.

This issue is further exacerbated by the second element of the observed hierarchy which can be considered problematic, namely the magnitude of the difference in gravity that appears to be attributed to genocide and these two other classes of atrocity crime. As illustrated in the discourse analysis of the previous chapter, genocide appears to be constructed as the physical manifestation of an ancient, insidious evil facet of human nature; a barbaric impulse that demands constant vigilance and swift preventative action from the international community. This is a stark contrast to the meaning which was attributed to the transatlantic slave trade during the analysed commemoration, while crimes against humanity and war crimes appear largely absent from the UN’s commemoration practices more generally. While the genocide label thus (deservedly) comes to be imbued with a powerful stigmatizing capacity, an unfortunate side-effect is that the terms “war crimes” and “crimes against humanity” are thereby depicted as a far lesser evil. As such, although the material realities of events represented using these labels may be identical to those

²¹⁰ Koskeniemi, ‘The Laws That Rule Us’ (n 45) 24.

included in the legal definition of genocide, due to the absence of a demonstrable or inferential genocidal intent, the manner in which they are represented shifts completely; the same acts of violence are understood and portrayed as necessarily less severe, simply because they are “not genocide”. In fact, this exact phenomenon took place in 2005 following the publication of the report of the International Commission of Inquiry on Darfur²¹¹. Despite the finding of widespread and systematic war crimes and crimes against humanity, of which the Commission went out of its way to emphasise were “no less serious and heinous than genocide”²¹², the report was portrayed by popular media across the world as merely “not genocide”, creating the erroneous and inappropriate impression that those responsible had been exonerated of guilt²¹³.

Correspondingly, while the observed hierarchy represents perpetrators as deserving different degrees of blameworthiness, it likewise shapes the characterisation of victims by constructing a corresponding hierarchy of victimhood. By prioritising the commemoration of those who have been victimised by genocide, the message is communicated that the suffering of those who have been impacted by war crimes or crimes against humanity are less deserving of attention and recognition. This may produce problems from the viewpoint of prevention, since limited political pressure and resources may be misallocated as a result, and it may be a cause of conflict even where prosecutions are brought before an international tribunal. Given that atrocity crimes are often of such magnitude so as to render all forms of judicial punishment wholly inadequate, it is often argued that one of the primary functions of such trials is to establish the truth of the events²¹⁴. This recording of the “truth” generally considered necessary for the commencement of the healing process for victims of atrocity crime, and there is some evidence to suggest that at least on some occasions, the extent of the punishment delivered to perpetrators is of lesser importance to victim groups than the symbolic recognition delivered by courts and an affirmation that what they were made to suffer was “wrong”²¹⁵.

Yet, considering the notorious difficulty of proving the *dolus specialis* of genocide in court - a consequence of the rare overt manifestation of this intent and the high-threshold of evidence required for a pattern of conduct to be accepted as evidence of its existence²¹⁶ – in conjunction with this signalling of

²¹¹ Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General.

²¹² *ibid* 4.

²¹³ For a summary of some of these headlines, see, David Luban, ‘Calling Genocide by Its Rightful Name: Lemkin’s Word, Darfur, and the UN Report’ (2006) 7 *Chi J Int’l L* 303.

²¹⁴ Martti Koskeniemi, ‘7. Between Impunity and Show Trials’ *The Politics of International Law*, vol 10 (Bloomsbury Publishing 2011) 172 <<https://doi.org/10.1017/S0922156597000149>> accessed 24 February 2026.

²¹⁵ Koskeniemi, ‘Case Analysis’ (n 214).

²¹⁶ See, e.g., Natasha Y Barigye, Melissa Hendrickse and Vito Todeschini, ‘Genocidal Intent in Armed Conflict: Unpacking the ICJ’s “Only Reasonable Inference” Standard’ (*Opinio Juris*, 26 May 2025) <<https://opiniojuris.org/2025/05/26/genocidal-intent-in-armed-conflict-unpacking-the-icjs-only-reasonable-inference-standard/>> accessed 11 February 2026.

those impacted by genocide as the most deserving of recognition, the possibility emerges that many of those affected by atrocity crimes may come to perceive genocide as the only concept fully capable of capturing the horrific and unjust nature of their experience. As such, victim groups may feel hard done by when findings of atrocity crime other than genocide are delivered, as was seen following the International Court of Justice's 2007 ruling in *Bosnia v. Serbia* where the court declined to classify most of the Bosnian deaths as genocidal²¹⁷. Thus, rather than facilitating transitional justice and promoting peace, the nature of the identified hierarchy and the pre-eminence of genocide may in fact have the opposite effect, inadvertently exacerbating victim groups' sense of injustice and inflaming social tensions. If these real-life impacts are generated by the existence of a hierarchy of atrocity crime, as described in this thesis, then this hierarchy itself undercuts and undermines the very purposes for which these atrocity crimes were introduced in the first place.

6.2 Concluding Remarks and Future Directions

Addressing an audience of international delegates at the 2026 Holocaust memorial ceremony in New York, Michael Waltz, the US ambassador to the UN, asserted that "education [and] commemoration [...] remain our mightiest weapons"²¹⁸ in the fight against hate crime. There may be a certain irony in his metaphorical framing of political remembrance as a method of attack, but the truth of the underlying claim nonetheless holds. Official public commemorations, especially those convened by major intergovernmental organisations such as the UN, serve as powerful sites for the construction of collective memory, shaping which historical events are remembered, the form of the narrative, and the appropriate moral-political lessons to be learned. The UN's memory project of learning from past atrocities is founded on the assumption that the act of reflecting on these past atrocities will illuminate the road to peace and justice, but such outcomes are contingent on the appropriate lessons being learned, and the correct courses of political action taken. Unfortunately, my findings suggest that, at present, these commemoration practices may in fact potentially (re)produce a problematic hierarchy between the different classes of atrocity crime, thus contributing to one of the very problems that they aim to solve.

It is only fair to acknowledge that my project was primarily exploratory in nature, and relatively limited in scope; these results must therefore be interpreted cautiously, until further investigative research is undertaken to provide greater empirical backing. There are a range of paths such scholarship could

²¹⁷ Linda Kinstler, 'The Bitter Fight Over the Meaning of "Genocide"' *The New York Times* (20 August 2024) <<https://www.nytimes.com/2024/08/20/magazine/genocide-definition.html>> accessed 3 October 2025.

²¹⁸ UN Web TV, *Holocaust Memorial Observance 2026 - International Day of Commemoration in Memory of the Victims of the Holocaust* (2026) <<https://webtv.un.org/en/asset/k1x/k1xip44jo7>> accessed 25 May 2026.

take. One route would be to examine more closely the process by which events of historical atrocity are chosen for commemoration by the UN GA, investigating the process whereby some events are selected for commemoration and others are not. Another avenue would be to critically examine the growing tendency to treat international courts as arbiters of historical truth, asking what it means for the historical record of atrocity crimes to be constituted primarily through judicial decisions despite concerns about the politicisation of case selection and the divergence between legal and historical truth. Finally, it may be worth simply replicating the present investigation on a much broader scale, investigating the evolution of the representation of atrocity crimes over a more extended period of time to establish whether the findings are replicated following analysis on a larger sample of commemorations.

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Appendix

Appendix 1: Coding Manual for QCA

Code Name	Operational Definition	Explicit Indicators	Implicit Indicators	Decision Rules
War Crime	A serious breach of IHL that is committed in the context of an armed conflict.	“War crime(-s)”	- “Grave breaches of the Geneva Conventions/IHL” - “Severe violations of the Geneva Conventions/IHL” - “Crimes of war” - “Indiscriminate attacks” - “Attacks on civilians during conflict”	Must be a demonstrable nexus with a situation of armed conflict for implicit indicators to be counted.
Crime Against Humanity	An inhumane act committed as part of a widespread or systematic attack directed against a civilian population, pursuant to a state or organisation policy.	“Crime against humanity(-ies)”	- “Widespread or systematic attack on civilians” - “Persecution” - “Enslavement” - “Sexual violence” - “Extermination” - “Inhumane acts” - “Apartheid” - “Forced Disappearances”	Implicit indicators must be associated with the contextual elements of widespread or systematic practice, directed at civilians, and with organised nature, in order to be counted.
Genocide	An act of (i) killing (ii) causing serious bodily or mental harm (iii) deliberately inflicting conditions of life calculated to bring about its physical destruction (iv) imposing measures intended to prevent births (v) forcibly transferring children, that is carried out with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group, as such.	“Genocide(-s)”	- “Intent to destroy” - “Destruction of a national/ethnic/racial/religious group” - “Systematic extermination” - “Annihilation of a people”	Reference to the specific intent to destroy is necessary for an implicit indicator to be counted.