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Avoiding an emotions-action gap? The EU and genocide designations

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ABSTRACT

Genocide is one of the most heinous crimes perpetrated against humans. Violation of the norm against genocide should thus spark a robust response. Yet naming genocide is a highly contentious act, and the European Union and most of its member states have been cautious about using the term to describe atrocities. This article explores how the emotional resonance of the term 'genocide' inhibits its use by the EU, which in turn has implications for the EU's response to purported genocidal violence. By not using the term, the EU avoids creating an emotions-action gap, as its actions are better aligned with the emotions it expresses through its rhetoric. But in so doing, the EU may also underestimate the potential for genocide and fail to take action to prevent it. In this way, emotions play a constraining role in the EU's response to purported violations of the norm against genocide.

KEYWORDS

European Union foreign policy; genocide; mass atrocities; emotional resonance

Introduction

In early April 2022, after Russian troops withdrew from northern Ukraine, mass graves consisting of dozens of civilians killed by the Russians were discovered in Bucha and other towns. Ukrainian President Volodymyr Zelenskyy called the discovery 'evidence of a genocide' (Sky News 2022). US President Biden also referred to a 'genocide' in Ukraine as did the Polish and Spanish prime ministers (Henley 2022; Liptak 2022). Since then, parliaments and ministers in some other European Union member states, and the European Parliament, have referred to genocide in Ukraine (see Table 1). Ukrainian government officials have pressed European Union (EU) member states to use the term genocide to describe massacres by Russian troops (President of Ukraine 2023). But French President Macron pointedly refused to use the term: 'I am very careful with some terms . . . I am not sure the escalation of words is helping the cause' (Foy, Hall, and Astrasheuskaya 2022). This earned a rebuke from the Ukrainian Foreign Ministry (Hudson et al. 2022). High-ranking EU officials such as European Commission President Ursula von der Leyen and Josep Borrell, the High Representative for Foreign Affairs and Security Policy, have also not used the term. Borrell's statement following the discovery of the Bucha killings

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Table 1. EU and EU member states' use of the term 'genocide' in reference to ongoing or recent atrocity situations.

	Yazidis 2015–17	Rohingya 2017–18	Uyghurs 2018-	Ukrainians 2022
Member states – ministers	Italian foreign minister Gentiloni 26/02/15; German Foreign Minister Baerbock (post hoc) 16/01/23	French President Macron 20/09/17		Polish Prime Minister Morawiecki 03/04/22; Polish President Duda 06/04/22; Spanish Prime Minister Sanchez 04/04/22; Irish Prime Minister Martin 08/04/22; Estonian Foreign Minister 02/04/22; Latvian President 16/04/22
Member states – parliaments	UK 20/04/16 France Senate 06/12/16 and National Assembly 08/12/16 Belgium (post-hoc) 17/07/21 Netherlands (post-hoc) 06/07/21 Portugal (post-hoc) 29/11/19 Luxembourg (post-hoc) 09/11/22 Germany Bundestag (post hoc) 19/01/23	Netherlands 05/07/19	Netherlands 25/02/21 Lithuania 20/05/21 Czech Senate 10/06/21 Belgium 15/06/21 France National Assembly 20/01/22	Poland 23/03/22 Estonia 21/04/22 Latvia 21/04/22 Lithuania 10/05/22 Czech Senate 11/05/22 Irish Senate 01/06/22
European Parliament	04/02/16	2018 and 2019	09/06/22	19/05/22

Sources: Asiran (2019); Assemblée Nationale (2016); Baerbock (2023); BAS News (2022); Belgian Chamber of Representatives (2021); Dahm (2023); de Mareschal (2016); Dutch News (2021); European Parliament (2016, 2018, 2019, 2022a, 2022b); Gerin (2021); Hansard (2016); Just Security (2023); LETA/TBT staff (2022); Ministero degli Affari Esteri e della Cooperazione Internazionale (2015); Rédaction Europe1.FR (2017); Reuters (2021); RFI (2022); Rudaw (2021); Sytas (2021); Yazda (2019).

strongly condemns 'massacres', 'atrocities' and 'war crimes', but does not include the word genocide (Council of the EU 2022). The Council of the EU and the European Council have repeatedly referred to 'war crimes' being conducted by Russia in Ukraine, but not to genocide (see for example European Council 2022a). EU declarations on other situations where mass atrocities are occurring have also rarely used the term genocide.

This article explores the role that emotions play in EU decisions about referring to 'genocide' with respect to ongoing or recent mass violence. It first clarifies the content and scope of the norm against genocide. The second section unpacks the emotional resonance of the term 'genocide' and explores the role that emotions can play in genocide designations. 'genocide' is a term with such strong emotional resonance that the United Nations Office of Genocide Prevention (no date: 1) warns against using it unless a competent international or national court has already determined that an individual has committed genocide. Section three explores the extent to which this view influences European decisions on designating genocide. The fourth section considers why the term has been used by a few parliaments and politicians in the EU. The third and fourth sections are based on the publicly available justifications for using or not using the term by politicians and parliamentarians, with additional information on the

decision-making processes gathered through interviews or email exchanges with a Member of the European Parliament (MEP), an assistant to an MEP, a national parliamentarian and an EU official. The fifth and final section considers the implications of the EU's eschewal of the term 'genocide'. The EU avoids creating an emotions-action gap (K. E. Smith 2021), as its actions can be better aligned with the emotions it expresses through its rhetoric. However, in so doing, the EU may underestimate the potential for genocide and fail to take action to prevent it. In this way, emotions play a constraining role in the EU's response to purported violations of the norm against genocide.

The norm against genocide

The norm against genocide comprises both a legal and a social norm. The legal norm against genocide is set out in the Convention on the Prevention and Punishment of the Crime of Genocide. The Convention was the first human rights convention agreed by the United Nations (UN), on 9 December 1948, and its adoption reflected the horror of the Holocaust. As defined by the Convention, genocide is the 'intent to destroy, in whole or in part, a national, ethnic, racial or religious group as such', through killing members of the group, causing serious harm to them, inflicting conditions calculated to bring about the group's destruction, preventing births within the group, and transferring children to another group (article II). The Genocide Convention calls on states to punish individuals that commit genocide (article IV), and to prevent genocide (article I). Although the Convention does not explicitly do so, the International Court of Justice (ICJ) has interpreted it as containing the obligation not to commit genocide (International Court of Justice 2006). The ICJ has also ruled that the norm against genocide meets the criteria for *jus cogens*, meaning it is binding for the vast majority of states (even non-signatories of the Genocide Convention) and no derogation from it can be permitted (International Court of Justice 2006; Wouters and Verhoeven 2005).

European governments varied in their attitudes towards the Genocide Convention, with some (such as the Scandinavian states and West Germany) ratifying or acceding to it within just a few years of its adoption by the General Assembly, while others, including the Netherlands, UK, Ireland and Luxembourg, did so only much later (K. E. Smith 2010, Chapter 2). Malta was the last EU member state to accede to the Convention, in 2014. Reasons for the delays varied from concerns about provisions on the extradition of genocide suspects (in the UK), the exclusion of 'political groups' from the definition of genocide (in the Netherlands), and the focus on attributing responsibility for genocide to individuals rather than states (of concern in several countries), to a lack of domestic support for accession (in Ireland and Luxembourg) (K. E. Smith 2010, Chapter 2). The ambivalence about the Convention does not neatly map onto later attitudes towards using the term genocide with reference to mass atrocity situations but does illustrate that regard for the legal norm was initially thin in some European states. The EU and its member states have, however, professed support for later developments such as the Responsibility to Protect doctrine and the creation of the International Criminal Court.

The Convention's provisions on punishing perpetrators of genocide were bolstered after the Cold War with the agreements to set up international criminal tribunals for Rwanda and for the former Yugoslavia and the International Criminal Court (ICC), which can try individuals for violations of international crimes including genocide. In 2005, the

UN General Assembly also agreed that states have the ‘Responsibility to Protect’ their populations from genocide and other atrocities, and that the UN can take action if they fail to do so (United Nations General Assembly 2005: paragraphs 138–9). What is required to implement the Convention’s obligation to ‘prevent’ genocide, or to protect populations subjected to it, however, remains vague.

There is also a social norm against genocide, which builds on the Genocide Convention but also goes beyond it (see K. E. Smith 2010, Chapter 1). The way that the word genocide is often used by civil society activists, journalists, or politicians is more loosely defined than it is in the Genocide Convention, and usually refers to deliberate attacks on civilians and large-scale killing (see US Genocide Prevention Task Force 2008: xxi-xxii). It does not focus on individual intent to commit genocide, but on the actions of states and armed groups. Further, genocide is seen to require a response going beyond the legal norm of the Genocide Convention: it raises ‘a legal, political and moral obligation, an irrevocable imperative that cannot be pushed aside but must be acted on’ (Hansen 2006, 140). What such action entails can vary; for a time in the post-Cold War era it meant some sort of military intervention to stop genocide, though this has become much less palatable to publics and governments. Public pressure to ‘do something’ in response to genocide can be uncomfortable for governments, contributing to a reluctance to use the term genocide at all to avoid raising expectations that robust action will be taken (the paradigmatic case being the US hesitation to use the term with respect to Rwanda in 1994; see Power 2002: Chapter 10).

Drawing on scholarly works on the factors that can cause or trigger genocidal violence (see for example Harff 2003; Valentino 2000), a number of genocide prevention ‘toolkits’ have been developed which suggest concrete measures that can be taken to try to forestall or stop ongoing genocides, most of which do not involve the use of force (see European Union External Action 2018; Task Force on the EU Prevention of Mass Atrocities 2013; UN Office of Genocide Prevention and the Responsibility to Protect 2014; US Genocide Prevention Task Force 2008). A range of diplomatic, legal, economic and military measures could be used, such as diplomatic interventions by eminent persons or deployment of field missions to reduce the space in which perpetrators can operate. Some scholars have argued that genocide prevention is difficult if not impossible, as genocide could be seen to be a ‘normal’ feature of modernity (Cushman 2003). But others have pointed to the potential of prevention and cited cases in which early warning and prevention measures had a positive impact, as in preventive deployment of peacekeepers in North Macedonia in 1993 or pressure to halt hate speech in Côte d’Ivoire in 2004 (Akhavan 2011).

Naming a genocide may also reduce ongoing genocidal violence. Matthew Krain finds that naming genocide by NGOs, media in the Global North and the UNHCR has a significant effect of reducing the severity of ongoing genocides because:

transnational advocacy networks can bring atrocities to light, frame perpetrators as pariahs and hurt their international reputations, activate powerful bystanders who can and sometimes do impose costs on perpetrators, and ultimately help lead to changes in the murderous policy. (Krain 2012, 585–6)

Other scholars, however, have argued that debates about naming genocide (is it a genocide?) distract from considerations of preventive policies that could actually

be effective (Ferguson 2021; Gallagher 2021; Scheffer 2012). However, it is difficult to see how genocide can be prevented if it is not acknowledged that there is a potential for genocide, by looking for the specific warning signs and tailoring a response accordingly. One international lawyer also noted, 'A determination that genocide or crimes against humanity are being or have been committed is a necessary first step in activating obligations, such as the obligation to prevent' (Kamminga 2018, 84).

Furthermore, as Todd Hall and Jonathan Mercer have both argued, one way to identify the existence of an international norm is to assess the strength of the emotions that are expressed when the norm is violated. Crossing a 'red line' should provoke angry reactions, if the norm is valued (Hall 2015, 48–52; Mercer 2006, 298–9). Silence where there are signs that a genocide is or could be occurring thus undermines the norm against genocide. For Adrian Gallagher (2013, 166), violation of the norm against genocide, and failure to react to that violation, disturbs the international order based on international law. The perpetration or risk of genocide should prompt a reaction, which would entail using the term genocide to call out that violation or risk of violation. The next section considers the role that emotions play in decision-making regarding purported genocide.

The emotional resonance of 'genocide' and genocide designations

Gürkan and Terzi's framework of analysis for understanding the role of emotions in EU responses to violations of international norms suggests that shared emotions may enable EU action. Their framework also posits that a lack of shared emotions or consistency between EU actors (some share the emotion, others do not) may constrain it (Gürkan and Terzi 2024). Similarly, Philippe Beauregard argues that emotional resonance 'drives people to act together on their shared ideas' and so can facilitate international cooperation, whereas 'a lack of common resonance hinders cooperation' (Beauregard 2022, 29). In the case of genocide designations, this article argues that the emotional resonance of the term 'genocide' can actually constrain EU action. This is not a case of the absence of emotions, because emotions do play a role in the eschewal of the term genocide. To understand how the EU responds to purported cases of genocide, we need to understand the emotional resonance of the term genocide. There is also some inconsistency within the EU, as the European Parliament (EP) and some member state ministers may use the term, but their willingness to do so is not enough to persuade the rest of the EU.

Emotions clearly matter in decision-making in the case of genocide – more so than in cases of other mass atrocities. According to Raphael Lemkin, who invented the term, genocide is the 'crime of crimes', the 'most heinous of all crimes' (Lemkin 1948, 70–1; Schabas 2009). However, it is just one of four crimes included in the Responsibility to Protect doctrine, alongside crimes against humanity, war crimes and ethnic cleansing (United Nations General Assembly 2005: paragraphs 138–9). International criminal tribunals have held that there is no 'hierarchy of crimes' and that crimes against humanity, genocide and war crimes are all serious violations of humanitarian law (Buchwald and Keith 2019, 16–17; Schabas 2009, 653–4).

Although all those crimes are heinous, however, 'genocide monopolises peoples' moral imaginations' (Moses 2022). Accusations of crimes against humanity, war crimes and ethnic cleansing do not carry the same moral or emotional weight: they 'do not carry

the same dread resonance', as international lawyer Philippe Sands (2020) has noted. Genocide is seen as uniquely 'evil, if any human act is or can be' (Lang 2005, 5). Genocide is 'double murder': killing of individuals and killing of a group, with an individual's identity with the group often determined by the perpetrator, as the Nazis did when classifying individuals as Jews (Lang 2005, 10–11). Henry Shue has argued:

The commission of genocidal massacre seems more heinous than the commission of the same number of random killings because, perhaps, of the diabolically evil character of systematic, calculated murders combined with a conviction of one's own superiority to other human beings so strong as to permit one to adopt a conscious policy of exterminating them. (Shue 2004, 18)

Naming genocide is an act imbued with emotion because the term 'genocide' is itself an emotion-laden term. It is a term with 'international emotional resonance', as defined by Beauregard (2022, 28), which means that 'actors from different states independently and synchronously feel similar emotions in reaction to the same situation because it reactivates shared emotional beliefs'. 'Genocide' has resonance because it invokes the 'emotional images meanings, and feelings that stem from the prior emotional experiences' (Akhrif and Koschut 2024, 105) that led to the norm against genocide, namely the horror of the Holocaust. While European governments were not uniformly and strongly supportive of the Genocide Convention, the legacy of the Holocaust in Europe has still produced feeling rules of grief and guilt, joining Europeans in an emotional community (Koschut 2024; Subotić and Zarokol 2020). The powerful emotions stirred by the legacy of the Holocaust in turn provoke anger and perhaps shame in those accused of genocide (as seen, for example, in Israel's anger at being accused of genocide during its 2023–24 war against Hamas). Use of the term can also induce guilt about the failures to stop the extermination of people, as in Rwanda in 1994, despite pledges of 'never again' (Ringrose 2020, 137; see also Brudholm and Lang 2018). The depth of these feelings (horror, grief, guilt, shame and so on) may vary across governments, but awareness that 'genocide' is an emotional term is widespread. The UN Office for the Prevention of Genocide (no date: 1) even warns UN officials to adhere to 'correct usage' of the term because of 'the emotive nature of the term and political sensitivity surrounding its use'.

The emotional resonance of the term genocide plays out in several ways that illustrate the role that emotions play in genocide designations. Because genocide is exceptionally heinous, naming it raises expectations that strong action will be taken to prevent or stop it, such as imposing economic sanctions or even intervening militarily, which governments may resist. French President Macron's care to avoid an 'escalation' by using the term with respect to Ukraine is arguably an example of this. Calling out genocide can strain relationships, not only with those actors accused of genocide but with others who may object to using the term, and the tension could affect national economic and strategic interests. Governments may fear sparking counter-accusations that their state committed genocide in the past, for example as a colonial power.

There are also concerns that the term is 'misused' or politicised (Ringrose 2020). Note that the same concerns do not seem to arise in the cases of other mass atrocities. During the Cold War, the Soviet Union and the US regularly traded genocide accusations (Weiss-Wendt 2017). To justify its invasion in 2022, Russia alleged Ukraine was committing genocide, though Ukraine has contested this in a case before the International Court of

Justice (2023). Russia claimed that Georgia had committed genocide in South Ossetia in 2008, which justified its intervention, and in February 2024, authorities in the Transnistria region of Moldova ‘appealed to Moscow to “stop the genocide”’ (Levy 2009; Minder 2024). There have also been concerted efforts by some victim groups and states – often in Central and Eastern Europe – to label past atrocities as genocide, which can be seen at least in part as identity-building and legitimacy-building (see for example: Finkel 2010; Koinova 2019). Again, note that it is the term genocide that is attributed with power in these cases, not other terms for atrocities.

These concerns about the overly emotional, political nature of genocide designations have led to an insistence on a legal, ‘rational’ approach to using the term. For many governments (including in Europe), international lawyers and other actors such as the United Nations, only a ‘competent international or national court of law’ can rule that an individual perpetrated genocide (United Nations Office on the Prevention of Genocide and Responsibility to Protect, n.d.: 2; Schabas 2022; Scheffer 2012). This means that genocide is only determined after it has taken place. In this view, any other use of the term to describe atrocities is incorrect – or worse. For William Schabas, genocide has been ‘weaponized by politicians as a way of demonizing their adversaries’, who use the term ‘in a demagogic and provocative manner’ (Schabas 2022, 856, 854). Note again that there is no similar insistence on a legal, rational approach to using other terms describing mass atrocities.

In sum, using the term genocide is an inherently emotional act – even just to raise alarms about the risks or potential for genocide to be perpetrated. Precisely because the term has a shared emotional resonance, decisions to use it are inhibited in favour of the ‘correct’ usage, which is only after a competent international or national court has determined that it has taken place.

But not naming genocide can also strain relationships, and lead to accusations of indifference to suffering or denying a crime is occurring. ‘We are now aware of the significant impacts of genocide denial in the form of transgenerational cultural trauma for descendants of genocide survivors ... The recognition of crimes perpetrated against a group of people has far-reaching impacts in easing the trauma of victims and, more importantly, in reducing the likelihood of revenge’ (Ringrose 2020, 127; see also Mulaj 2021). As Buchwald and Keith (2019, 23–6) point out, reasons to make a genocide designation include: demonstrating empathy and respect for victims, by bearing witness to their ordeal; avoiding a silence that could be interpreted as denial; establishing a historical record against efforts to belittle or justify the crime; laying the groundwork for holding individuals to account for crimes; mobilising domestic and international efforts to try to stop and prevent atrocities; and deterring individuals from joining or supporting perpetrators. In other words, emotions play a role also in prompting genocide designations, particularly in terms of demonstrating empathy for victims.

Explaining the EU’s reticence to name genocide

Avoidance of the term fits with past European practice. During the Cold War, there was almost no use of the term to describe mass atrocity situations by a European government (K. E. Smith 2010). After initial reluctance, European governments did use the term vis-à-vis Rwanda in 1994, and a Council of the EU declaration on 16 May 1994 urged an end to

the genocide taking place in the country (Council of the European Union 1994). Germany was one of very few governments to use the term to describe mass violence during the Bosnian war, and ministers in the UK and Germany used it occasionally during the Kosovo war in 1999. But the US labelling of genocide in Darfur in 2004 was generally met by a refusal across European governments to use the term in favour of letting a UN investigation determine the nature of the violence in Sudan (K. E. Smith 2010).

High-level EU officials have made strong statements in favour of genocide prevention on the occasion of the genocide commemoration day (9 December) or on the anniversaries of the Rwanda and Srebrenica genocides. However, neither the Council of the EU or the European Council have made a public and strategic commitment to genocide prevention, in contrast to the US which has declared that preventing genocide is a core national interest and moral duty (US Department of State 2022). Nor have most European governments made strategic commitments to genocide and atrocity prevention, though in 2017 Germany declared that preventing genocide is part of its 'raison d'Etat'. It has, however, been criticised for not implementing this commitment in a coherent strategy, and for showing 'hesitation or passivity', or even remaining silent, when mass atrocities have occurred (Hering and Stahl 2022; Hering, Hofmann, and Stappenbeck 2021).

With respect to ongoing or recent episodes of mass violence, EU institutions and officials have almost never used the term genocide, even to warn of the risks of a genocide. The Council of the EU referred to the 'risk of genocide' taking place in South Sudan in 2016, citing warnings from the UN Special Adviser on the Prevention of Genocide (Council of the EU 2016), but a similar warning about the risk in the Central African Republic in 2013–14 was not reflected in the language used by the Council (K. E. Smith 2018, 6–12). In other cases such as atrocities affecting the Rohingya in Myanmar, the Yazidis in Iraq or the Uyghurs in China, high-ranking EU officials and the Council have eschewed the term, instead referring to serious violations of human rights and international humanitarian law, crimes against humanity, war crimes, or atrocities (Council of the European Union 2015, 2018; Emmott 2021).

Why does the EU (its institutions and officials) eschew the specific term 'genocide', but not other terms describing atrocities in specific cases? First and obviously, the EU does not use the term genocide because all of the EU member states do not agree that the EU should do so. Only a minority of EU member states have ever used the term. Council conclusions on foreign policy matters are carefully drafted texts and require approval by all the member states, as do most declarations by high-ranking EU officials such as the High Representative. The wording is deliberately chosen and can be the subject of intense debate. According to an EU official who was involved in discussions on cases where mass atrocities were taking place during the 2010s, the use of the term 'genocide' occasionally arose but 'the balance went against using the term'. Discussions on the term were never contentious, however, as neither member states nor the EU institutions such as the External Action Service were pushing hard for its use (email exchange, 25 January 2023).

As Gürkan and Terzi (2024) suggest, awareness of capability gaps may play a role. The EU has instruments with which it can try to prevent genocide and other atrocities, from diplomatic tools to economic tools such as targeted aid or sanctions, to the use of civilian or military missions. However, there is little agreement within the EU about responding quickly to mass atrocity threats, especially using force, even as preventive deployments; the EU's capacity to do so is in any

event still being developed (see de Franco, Meyer, and Smith 2015; Miskimmon 2012; Staunton and Ralph 2020). The capability gap plus lack of willingness to deploy force may inhibit use of the term genocide in specific situations because the expectations of intervention raised by referring to genocide could not be met. There has also been much pushback at the UN against the Responsibility to Protect – and especially against the prospect of military intervention resulting from it – further dampening any inclination to use an emotional term such as genocide (see Newman and Stefan 2020, 486).

There may also be doubts about whether atrocities meet the criteria under the Genocide Convention to be considered genocide. The issue, however, is why even the *risk* of genocide, or the *potential* for genocide, is not specifically named – especially when other actors (academics, human rights NGOs, international lawyers, other governments, or associations of refugees or émigrés) have highlighted those risks. Nor does using the term genocide mean that military intervention has to follow, given the range of other measures that could be taken to try to prevent genocide. This section examines the public justifications used by ministers and parliamentarians across the EU against using the term. Such justifications are not common, and indeed EU officials have rarely spelled out their views on ‘genocide’ in specific situations.

In the publicly available discourse on genocide, only rarely is the emotional resonance of the term specifically referred to: Macron’s dismissal of the term in the Bucha case being one such example (Foy, Hall, and Astrasheuskaya 2022). The most common justification for not using the term is that there is a precise legal definition of the term, and only courts can decide if genocide has taken place and therefore individuals should be held accountable for the crime. The EU and many EU member states thus hold to the legal, rational approach regarding genocide designations.

The only public response to the use of the term from an EU official came during the EP debate on the resolution on the systematic murder of religious minorities by ISIS/Daesh. The then EU High Representative for Foreign Affairs and Security Policy, Federica Mogherini (2016), stated:

Mr President, let me start with the issue of the definition of genocide. It was not through reticence that I did not address this issue in my opening remarks, but because a definition of genocide depends on very precise legal criteria. This work is ongoing in the competent institutions, namely in the United Nations in the appropriate framework.

With respect to the Rohingya case, Staunton and Ralph (2020, 675) note that:

the EU did not want to use the word ‘genocide’ in 2017 because there were concerns about the instrumentalisation of the principle, because it had legal implications that only the fact-finding mission could determine, and because such a move would have had to be agreed by the 28 member states, which tends to soften the language that can be used.

In the case of accusations regarding genocide in Ukraine, the *Financial Times* reported that ‘the reluctance to accuse Russia of genocide stems from a fear of prejudicing any impartial investigation into the war, senior EU officials said, and a desire to prioritise the collecting of evidence’ (Foy, Hall, and Astrasheuskaya 2022).

Member state ministers have been a bit more forthcoming about their reasons not to use the term. A lack of clear evidence is one such justification. In March 2022, for example,

the Italian Foreign Minister Di Maio declared that they did not have the facts to verify if there was a genocide in Ukraine (Redazione Open 2022).

The French, Swedish and Dutch governments have maintained that the term must be very precisely used, and that international courts decide on the question of its occurrence (Fittante 2022, 10; Reuters 2021; K. E. Smith 2010). For example, with respect to the purported genocide against the Yazidis, a spokesman for the Irish Ministry of Foreign Affairs argued that the legal definition of genocide is a very precise one, and must be done [sic] by a competent international or national court of law with the jurisdiction to try such cases, after an investigation meeting appropriate due process standards. Until such time as there is a ruling by a competent authority, states, including Ireland, are not in a position to use the precise legal term 'genocide' (McCarthy 2021).

This same argument has appeared in debates about China's treatment of the Uyghurs. The Dutch Foreign Minister Stef Blok, after the Dutch Parliament approved a resolution classifying China's treatment of Uyghurs as genocide, stated that 'government did not want to use the term genocide, as the situation has not been declared as such by the United Nations or by an international court' (Reuters 2021). After the French National Assembly also adopted a resolution recognising China's violence against the Uyghurs as genocide, a spokesman for the government 'recognised what he called "systematic violence" against the Uyghurs, but said any formal use of the term genocide must come from international organizations, and not the government' (RFI 2022). In the Italian parliament, several MPs objected to the use of the term in a draft resolution condemning crimes against the Uyghurs so the final version omitted it (Respinti 2021).

Sweden's government has also stated its adherence to the legal approach to genocide designations. Former Swedish Foreign Minister Margot Wallstrom declared, during a debate on recognising a past genocide (the 1915 Armenian genocide), that 'the concept of genocide is difficult and sensitive, as well as who is to decide whether it is precisely this legal concept that should be used. Governments around the world rarely comment on the matter, for good reason, because we believe it is the courts that should use the term' (Fittante 2022, 10). The Latvian President, Egils Levits, acknowledged that courts decide if it is genocide but he nonetheless declared that what he had seen in Ukraine in early April 2022 had 'all the signs of genocide' (LETA/TBT staff 2022).

There is inconsistency, however. The French government may generally hold the position that genocide is determination made by courts, but President Macron used the term to describe atrocities against the Rohingya (Rédaction Europe1.FR 2017). The Irish government also takes the same position, but in 2022 the Prime Minister still tweeted that Russia was committing genocide in Ukraine (Martin 2022).

So to the extent that European ministers and EU officials have justified not using the term, they have relied on the argument that it is a 'precise' legal term and must be used only in competent courts. Their statements make no references to the risks of a possible genocide. Their justifications do not engage with other arguments favouring the use of the term, including showing empathy for victims, dissuading potential perpetrators, laying the grounds for holding individuals accountable in competent courts, or signalling anger at the violation or potential violation of a fundamental international norm.

The EU's legal approach to genocide designations reflects what Luuk van Middelaar (2019, 5–6) describes as 'de-dramatization': the rational, economy-oriented European

integration process was a 'response to a surfeit of drama during and immediately after the Second World War'. The EU's foreign policy cooperation process has been institutionalised and legalised (M. E. Smith 2004). The attachment to process, to law, to 'rationality' is deeply entrenched in the EU. This does not mean emotions never play a part in EU foreign policy-making, but the case of genocide designations illustrates that where there is 'too much emotion', refuge can be found in de-dramatised legal rationality.

European practices of naming genocide

However, avoidance of the term 'genocide' is not universal in Europe, with use of the term evident over the past decade by some ministers and parliaments across the EU (see Table 1). The legalistic position that only competent courts can make genocide determinations has been challenged, and although it is not clear why there has been pushback against the legal approach across different countries, there has been resistance to excluding parliamentarians and governments from expressing their views. In 2016, the Dutch House of Representatives requested legal advice on the scope for, and desirability and significance of the use of the term genocide by politicians. The resulting 2017 report stated that 'the assertion that only the courts can make a determination as to whether conduct meets the legal definition of genocide or crimes against humanity needs to be qualified.' The government bears the primary responsibility for determining the genocide has been or is being committed in another state. Further, 'it is possible for a parliament to adopt an autonomous position' though this would have 'no special significance in international law', and it could invite the government to make a determination that genocide is being committed (Kamminga 2018). The US government has also used the term without waiting for a court to do so, making genocide determinations in eight cases (see Biden 2021; Blinken 2022; Buchwald and Keith 2019).

Table 1 lists cases of ongoing or quite recent violence in which genocide has been named by a high-ranking minister or leader of an EU member state, a parliament in an EU member state, or the European Parliament. There are only four cases in the past decade: violence against the Rohingyas in Myanmar in 2017–8; against the Uyghurs in China (ongoing); against the Yazidis and other minorities in territories controlled by ISIS/Daesh in 2015–17; and against Ukrainians after the 2022 Russian invasion. Only the European Parliament has used the term in all four cases: ISIS/Daesh was committing genocide against Christians, Yazidis and other religious minorities (European Parliament 2016); the crimes committed by the Myanmar military constitute genocide (European Parliament 2018, 2019); there is a 'serious risk of genocide' in the Xinjiang region of China (European Parliament 2022b); and gender-based violence in Ukraine could constitute an act of genocide (European Parliament 2022a). There is not the space in this article to delve deeply into the variations in the practice of naming genocides across Europe, so here only a few observations can be offered.

Firstly, it is evident that parliaments are more willing to use the term than ministers. Ministers are likely to be more aware of the expectations that using the term genocide raise for their governments and the implications for the country's foreign relations, and thus could be expected to be more cautious about using the term. It does not seem surprising that so far, no minister has used the term genocide with respect to the Uyghurs, given the particular sensitivities (and interests) of relations with China. Parliaments also

presumably try to reflect the views of their constituents who may press for use of the term and action to be taken.

Across the four cases, seven national parliaments called the atrocities against the Yazidis genocide, five used the term with respect to atrocities against the Uyghurs, six used the term with respect to Russian atrocities in Ukraine, but only one used the term with respect to the Rohingya. The Dutch parliament used the term in three cases, while the French National Assembly, Belgian parliament and Czech Senate used it in two. In the case of Russian atrocities in Ukraine, most of the parliaments (and ministers) who used the term are from Central European states – seemingly reflecting the shared legacy of those countries’ relations with Russia/the Soviet Union and their heightened awareness of the threat of Russian aggression and past atrocities (see David and LD 2024).

Within the parliaments (national parliaments and the EP), ‘genocide’ is named after careful consideration of evidence presented by victims, and reports of NGOs (such as Human Rights Watch) and international lawyers.¹ It is a term that is considered to be an accurate description of what is happening (interview, 8 March 2023). Precedents set by other parliaments can influence discussions: for example, the fact that the European Parliament was not the first parliament to use the term genocide in relation to the Uyghurs was known, and the evidence and arguments presented in other parliaments influenced the EP debate (interview, 21 February 2023; see also McGarry 2017).

There is a clear desire to bear witness and to demonstrate solidarity and empathy with victims, including victims (and relatives) who are in Europe (interview 16 February 2023). In the case of Russian atrocities in Ukraine, many of the ministers’ and parliaments’ usages of the term explicitly refer to innocent civilians (Just Security 2023). In other cases, civil society groups comprised of victims have pushed for their suffering to be recognised as genocide (post-hoc). The World Uyghur Congress (2021), the European Rohingya Council (2022), and Nadia’s Initiative (2023) – among others – have pressed for governments and the EU to recognise that genocide has taken or is taking place, and to take actions including imposing sanctions, prosecuting perpetrators and aiding victims. Their requests have played a role in convincing parliamentarians (national and European) and ministers to consider using the term (interview 21 February 2023). For example, in relation to the 2023 German parliament resolution recognising the genocide against the Yazidis, German Foreign Minister Annalena Baerbock – speaking directly to victims in the Bundestag’s gallery – declared that Germany was now remembering what had been done to the Yazidis and accepting an obligation to continue to look for missing female victims of ISIS and push for prosecution of perpetrators at the ICC. She clearly indicated the intention to show empathy and respect for the victims: the testimony of victims ‘have given us and the world a wake-up call enabling us to make this decision together here in parliament today and to put a name to what was done to you: genocide committed against the Yazidis’ (Baerbock 2023).

Parliaments also push for specific actions to follow the concern that a genocide is being perpetrated. The European Parliament’s resolutions have called for evidence to be collected and situations to be referred to the ICC (European Parliament 2016, 2018, 2019, 2022b). As one MEP reported, politicians can try to start the process of investigating and prosecuting crimes, and naming genocide puts that crime on the agenda of international criminal tribunals (interview 8 March 2023). Sanctions on perpetrators are supported in all cases. The

resolutions in other parliaments are similar: a request for their government to name genocide, and for stronger action to be taken, including sanctions and demands for investigations and prosecutions (see [Table 1](#) sources). The declarations by government ministers are much briefer, condemning genocide and referring for the most part to the need to prosecute perpetrators (see [Table 1](#) sources). Notably absent in all of the declarations and resolutions are calls for military action of any sort (such as preventive deployments).

The EP has generally not called on the EU and its member states to use the term genocide – with the exception of the case of the systematic murder of Yazidis and other minorities by ISIS/Daesh, in which several MEPs called directly on the High Representative (at the time, Federica Mogherini) to use the term (European Parliament [2016](#), [2019](#), [2022a](#), [2022b](#)). In April 2016, 104 MEPs also wrote to Mogherini asking the EU to recognise the genocide of the Yazidis. She never responded (Gotev [2016](#); Hautela [2016](#)).

In sum, a small minority of ministers and parliaments in EU member states and the European Parliament have used the term ‘genocide’ to describe ongoing or recent atrocities. The reasons for doing so include a desire to show empathy to and solidarity with victims, as well as calling for specific actions to be taken to try to prevent further genocidal violence and punish perpetrators. National parliamentarians and MEPs have put some pressure on high-level EU officials to recognise specifically that a ‘genocide’ has been perpetrated. But the EU – the Council and EU leadership – has largely avoided the term.

Implications and conclusions

Shying away from strong, emotional language could be seen as a strength: it avoids escalating crisis situations, avoids ‘politicising’ terminology, and reduces expectations of action that might be hard to deliver and could carry consequences for EU economic and strategic interests. By not using the term genocide, the EU avoids a potential ‘emotions-action gap’: a gap between the emotions expressed in declarations and statements, and the subsequent action taken to back it up (K. E. Smith [2021](#), 303). By avoiding the use of a contentious and emotional term such as genocide, the EU does not raise expectations that it will take action commensurate with violation of the norm against genocide, and particularly the social norm.

However, neither the rhetoric nor the action may match the moment. This has several implications for EU foreign policy. Firstly, avoidance of the term genocide will inevitably disappoint – and possibly contribute to the trauma of – those who perceive themselves as victims of genocide. The failure to show empathy and demonstrate solidarity with victims may open up a different sort of gap, one in which the non-emotional response of the EU fails to live up to the expectations of victims and their supporters.

Secondly, avoiding the term could undermine the norm against genocide. For example, even as evidence of genocide against the Yazidis and other minorities was building, at the time the EU did not signal concern that the norm was potentially being violated, though it did condemn war crimes and crimes against humanity (see, for example, Council of the European Union [2015](#)).

Thirdly, avoidance of the term has implications for the EU’s response to specific situations in which genocide may be occurring or could occur. In this way, the

emotional resonance of the term genocide, which has contributed to the widespread preference for a legalistic approach to genocide designation (post hoc, after a court so rules), acts as a constraint on the EU's response to purported genocide. EU officials and diplomats have often argued that EU policies to promote human rights and prevent conflict will also prevent mass atrocities (Staunton and Ralph 2020, 667–8). But this is to ignore the contradictions inherent in such an approach. Staunton and Ralph point out that the EU's strategy of supporting a democratic transition in Myanmar meant not recognising the particular vulnerability of the Rohingya to genocide and taking steps to try to prevent genocidal violence against them, so as not to destabilise the government. The EU's refusal to view the situation through a 'mass atrocity lens' and consider that genocide was a risk then had consequences. By not identifying and calling out the real risks of genocide, the EU failed to trigger the use of atrocity prevention tools which might have lessened the violence (Staunton and Ralph 2020, 671–78). Instead, the EU imposed limited targeted measures months *after* the atrocities of 2017 (K. E. Smith 2018, 15–17).

Similarly, EU member states did not seem to appreciate the implications of the warning signs of mass atrocities in the run-up to Russia's invasion of Ukraine in 2022. For months, Russia's elite vocally and openly had called into question the very existence of Ukraine and Ukrainians (Snyder 2022). Immediately after the invasion the European Council did call on Russia to respect international humanitarian law, but it was only after the Bucha massacres that the EU's language on atrocities (war crimes) strengthened (see European Council 2022b, 2022b 2022a). Yet a failure to take into consideration the genocidal nature of the violence means also missing crucial aspects of the drivers of violence as well as the prospects for ending it. Not acknowledging the extreme threats against Ukraine underestimates Ukraine's motivation to defend itself: it is fighting to remain in existence. EU policies that fail to take this into account risk backfiring.

Words matter, especially words with such a strong emotional resonance as genocide. The EU's response to purported violations of the norm against genocide has been constrained by the emotional resonance of the word genocide. Eschewing the use of the term 'genocide' may 'de-escalate' a crisis, but it can also minimise or underestimate the violence, fail to show empathy with victims, and slow down or block action that could be taken to try to prevent genocide or other mass atrocities. This can impede the EU from effectively fulfilling its commitments to protect human rights, uphold international law and foster peace and security.

Note

1. The preambles to the European Parliament's resolutions on the four cases contain multiple references to sources of evidence on which the resolution is based (European Parliament 2016, 2018, 2019, 2022a, 2022b). See also Belgian Chamber of Representatives (2021), which refers to many sources of evidence for genocide.

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