

EVAP Episode 42_ Dirk Moses

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SPEAKERS

Speaker 1, Jaclyn Streitfeld-Hall, Dirk Moses

 Speaker 1 00:00

 Jaclyn Streitfeld-Hall 00:00

Welcome to Expert Voices on Atrocity Prevention by the Global Centre for the Responsibility to Protect. I'm Jaclyn Streifeld-Hall, Director of Policy and Research at the Global Center. This podcast features one-on-one conversations with practitioners from the fields of human rights, conflict prevention and atrocity prevention. These conversations will give us a glimpse of the personal and professional side of how practitioners approach human rights protection and atrocity prevention, allowing us to explore challenges, identify best practices, and share lessons learned on how we can protect populations more effectively.

 Jaclyn Streitfeld-Hall 00:44

Today, I'm joined by Dirk Moses, Anne and Bernard Spitzer Professor of International Relations at the City College of New York, and Editor-in-Chief of the Journal of Genocide Research. Thank you for joining us today, Dirk.

 Dirk Moses 00:58
It's great to be here.

 Jaclyn Streitfeld-Hall 00:59

Can you describe some of the misconceptions or common themes you've noticed in the discourse around modern day commission of atrocity crimes, including genocide?

D

Dirk Moses 01:10

Sure, unfortunately, there's all too much material to work with and talk about. People are concerned and occupied with what's happening in Ukraine and obviously in Gaza and Sudan. Atrocities ongoing in eastern Congo, ongoing situation with the Rohingya refugees from Myanmar, from the you know, the genocidal ethnic cleansing in 2017. There was a sort of winding down of the oppression of the Uyghurs, but it's still very grave in Xinjiang province in China, and there are many other places, like civil war in Ethiopia as well. What I see as the main misconception regarding genocide, because that's the key or buzzword in all these cases, is its distinction or overlap with armed conflict. So if you look at the rival cases, at the ICJ, the International Court of Justice, in the case brought by the Republic of South Africa, against Israel for its campaign in Gaza, you will see that the South Africans run a case that this is genocide. The genocidal intention is proven, they say, by the many statements by Israeli leaders. And then in response, the Israelis say, this is an armed conflict, and the laws of IHL, international humanitarian law, you know, war crimes, crimes against humanity apply, and in any case, we're not guilty of any of these things. But genocide, consistently, is distinguished in the legal and the public mind from armed conflict. Genocide is seen and is, you know, in legal and in public, the public mind as a criminal intention. There's nothing legitimate about it, whereas a military intention striking a military target, military objective, is not illegal when it's done in self defense, and of course, it can result in so-called collateral or incidental damage, but as long as that's proportionate, it's not illegal either. I mean the terrible secret of that dare not speak its name of so-called international humanitarian laws that allows many, many civilian deaths. Now, in practice, my view is that genocidal and military intentions are entwined, entangled, co-mingled, overlap. But that's not conceivable for the law, as I see it as an amateur observer, as a non lawyer, and in the public mind, where it's either a genocide, you know, somehow resembles the Nazis, or it's an armed conflict and it's legitimate, and there may be, you know, some unfortunate aspects to it. This issue bedevils the debate, particularly with respect to Gaza. And, you know, I wrote a book about how we got to this problem a few years ago, in a book called *The Problems of Genocide*.

J

Jaclyn Streitfeld-Hall 04:38

Along those same lines of, you know, where everything falls within conflict and what can be justified, or what governments try to justify in the context of conflict. You know, while many associate genocide with mass killings, the targeting of groups often involves policies and practices that deliberately attack their identity, history, religion or culture. You know, you already mentioned the Uyghurs, which is an excellent recent example of this, and perpetrators are increasingly, in recent times, justifying such means through the lens of counter terrorism or by kind of extensive propaganda campaigns to divert attention. To what extent do you think specific policies used to justify or mask potential genocide, intent, impact response by the wider international community?

D

Dirk Moses 05:24

Yeah, it depends very much on whether you can successfully frame it as a genocide or genocide like atrocity crime or a legitimate security measure. I think you're quite right to focus on the security aspect for states always justify what they're doing in terms of counterinsurgency, anti-terrorism and so forth, the Chinese talked about the, you know,

actually quite small incident, I think it's 2011, from some Uyghur separatists in Xinjiang as a as China's 911 and that was then a pretext to use the whole global war on terror rhetoric that the West was driving at that time to clamp down on a quite minor separatist movement in Xinjiang province, and to do so by not expelling the population, which is what we saw in Rakhine province in Myanmar, but incarcerated largely the suspected enemy population, or securitisable population. Because the logic is from the security apparatus or from the state, is that while the majority of the populations are completely innocent bystanders the insurgents or separatists come from that population and speak in the name of that population. So through, what I call, a policy of permanent security, they try to anticipate future insurgencies or separatist actions by targeting the entire population, which means you're also attacking women at all, and you know, non combatants, as it were, and clearly that's illegal and illegitimate. But states don't think in those terms when, when states think that their existence is in peril, they will see very few limits, and then they move into this anticipatory domain and that's when we see, you know, criminality of various types being committed. And you know, there are, there is a case before the ICJ on Myanmar. But, you know, no one's have has any illusions that there be any legal action in international courts on China, for obvious reasons, which points to various asymmetries in the international system. So, the security aspect is, as you say, is fundamental. Now, there are cases where the security rhetoric or rationale doesn't stick or it doesn't convince people internationally. So Myanmar is a case in point where there was a little separatist insurgency, [very similar to China to the Uyghurs in Rakhine State](#), and as is also the case in Darfur in the early 2000s it's a local separatist groups are upset with the central government for various reasons and want local autonomy or set up a separate state. And then there's a massive reprisal by the central government, which you know veers into a genocidal direction. But we know, when you read the the UN report on Darfur, it's from 2005 I think they settled, not on genocide, as constantly alleged in America. They say these were crimes against humanity and the crime of persecution, which also has this identity targeted like in genocide, they use very similar language to the Genocide Convention, but it's persecution, not destruction. Because the the logic was that the targeting of battle age men by the counter insurgents, the Janjaweed and government forces in Darfur was driven by, and I think the word they use is, counterinsurgency measures, whereas then the shipping off of the women and children was not an aspect or dimension of a destruction policy, as you would have gotten, say, as the Court concluded in the Srebrenica case before that, but a one of persecution. So the report balked at the genocidal. A hurdle, as it were. But in Myanmar, you know, there's the case before the ICJ that this is genocidal. So I think geopolitics actually has a bit to do with it. Western states lined up to aid the prosecution case for the ICJ. Before the ICJ, with respect to Myanmar and Canada, Germany and various other Western states produced a memo for the Court saying that the threshold of the number of children killed, I think it was children should be lowered to count as genocide. Now they're all sitting on their hands with respect to that argument for Israel and Gaza, because in one case, Myanmar is in the Chinese orbit, and Israel is in their orbit. So unfortunately, one has to be rather cynical about how and why certain cases stick in various parts of the international system as genocide and or as an armed conflict, and certainly as an internal matter that has nothing to do really with the Security Council and so forth.

Jaclyn Streitfeld-Hall 11:18

As a scholar, you've been publishing on the Holocaust and genocide prevention for more than two decades, and as Senior Editor of the Journal of Genocide Studies, have been, you know, deeply embedded in kind of the genocide studies academic community. In that time, have you

seen any significant changes in how we collectively understand the risk for genocide and evolution of this crime in different country contexts?

D

Dirk Moses 11:45

The Journal of Genocide Research, which I edit, and there are other journals out there, is one called Genocide Studies and Prevention, which focuses much more obviously, as the title indicates, on the prevention issue. And it's more of sort of an activist journal, it is not a journal. So the one I edit is not one which is seeking to advocate for invention or non-intervention, much more of a scholarly journal, though we, you know, publish topics on that topic, articles regarding R2P and so forth. Now, just to give you a bit of a history about the genocide studies field. So there was only one journal in the early 2000s that's this journal, which was founded by Henry Hattenbach, who was a professor at City College as well. He passed away, sadly just a few months at the age of 95, he was a German Jewish refugee scholar. And he was very much a comparativist. He was a historian of nationalities and so forth. And there was some tension with his within his generation of genocide studies scholars who, in a sense, founded the field in the 80s and the 90s, about, you know, what was then called humanitarian intervention. This is well before the R2P language, and they were, all, you know, moved by an appalled by what happened in the mid 90s. And the early 90s in in Rwanda and in Yugoslavia, former Yugoslavia. And many in that group became fans of Samantha Power and her book, *The Problem from Hell*, and very much American led interventionists. And Henry was not one of those. Now, when he retired and he passed the journal over to a younger generation, included me, we were, you know, younger, 20 years ago, exactly, I think, is when this occurred, 2005 the, you know, the there were members within the sort of the genocide studies community who were highly motivated to continue with this interventionist, liberal internationalist approach, and so they founded their own journal, this rival journal, genocide studies and prevention. Now a lot of those tensions have all passed. Now everybody's very friendly, so you've had generational change, and but the result is that the journal I edit is far more interested in the causes and consequences of, you know, mass violence against civilians more generally, and observes analytically how, for example, claims of genocide are utilized in self determination drives by non state actors, especially in the Caucasus in the Post-Soviet states. And we published an article about that a few years ago. So rather than taking claims of genocide for granted or as self-evident and then asking, you know, why aren't these being recognized? Isn't that outrageous? We're interested in the politics of genocide claims. I have a research project called the diplomacy of genocide. I do. What actors are using the language of genocide or atrocity crimes, but mainly it's genocide as the so-called crime of crimes, because war crimes and crimes against humanity are regarded by them as second best. Unfortunately, ask Tamil activists, and you'll see this, this reaction. We ask, you know, what are the what's the politics and meaning of making these kind of claims? So it's sort of a super analytical level. Now the the moral imperative is no less urgent than in other parts of the genocide studies community, where, you know, we want to understand what are the causes and consequences of mass violence against civilians more generally, and what we're seeing is that the fixation on genocide can often get in the way. What one when observed with the report about Darfur from the UN in 2005 was an audible sigh of relief from Khartoum and some members of the African Union who said, "oh, as we said, there's no genocide here. Nothing to see here, just crimes against humanity." You know, I think that's an appalling outcome. Why aren't crimes against humanity as grave as genocide? I mean, that was certainly the case during the Nuremberg trials, when genocide wasn't one of the main indictments, it was war crimes and crimes against humanity. But since then, genocide has scaled the heights of international criminal law, least the moral and legal imagination people have of the ultimate criminality and become the crime

of crimes for people, so there's sort of this fixation on that. And our observation at the journal is that that can often get in the way of a focus on, you know, what's really going on in this particular conjuncture and in terms of prevention, because I know that's what you really want me to focus on. You know, that's not an area I'm an expert on, but my observation is that in many, many cases, you have separatist or secessionist movements within post colonial states where, you know, the borders were drawn by imperial powers. For example, Nigeria in the late 60s, you had the Biafra Nigeria Civil War, or a year later, in 1971 the secession of East Pakistan from Pakistan to create Bangladesh. You had cases like this, in which there were enormous casualties, one to 3 million dying of many starvation in Biafra half a million to a million, some say many more in East Pakistan, likewise from the massive refugee flows, but also many killed by the Pakistani Army. And at the time genocide was alleged these contexts, as you see now in in Ethiopia and in Myanmar and in the case of the Uyghurs, and also in Gaza, where you have a case of an occupation slightly different, but there's still a similar dynamic of a separatist rival nation state project. These are the these are the crucibles for mass atrocity crimes. Now why, in particular, civilian populations implicated is because, from the perspective of the government, the entire enemy, the entire in a sense, separatist or separatizing. To invent a word, population is the the origin of the terrorism. That's the that's the perspective of the state, and so is targetable, or at least killable. I don't think that in many of these cases, the states deliberately set out to kill women and children. They are often trying to get at the insurgents, but they're very cavalier about how many civilians they kill in doing so, and when push comes to shove, they're willing to expel entire populations in order to cleanse quote, unquote, land and territory from, you know, from the possibility of future separatism. So I know that various research and university institutes have established checklists and criteria, thresholds, early warning systems and so forth. I'm not an expert on those very technical matter in the end, but were one to apply those to say what's happening in Gaza, though you would have reached to, you know very much to the top of the scale.

J Jaclyn Streitfeld-Hall 19:59

So, how has the situation in Israel and the Occupied Palestinian Territory impacted the discourse around genocide and the consistent application of international humanitarian and human rights law across all contexts?

D Dirk Moses 20:13

Well, it's led to a crisis in the field. But you have to also ask yourself, what exactly is the field? Does it include Holocaust Studies? I mean, if you look at these centers on university campuses, they're inevitably called the Center for, you know, Holocaust and genocide studies. Maybe human rights is thrown in there and so forth. But it's a combination of these things. It's rarely genocide studies on its own. It's usually Holocaust and genocide studies for two reasons. First, Holocaust studies precedes genocide studies as a discipline, got going immediately after the war, and then became institutionalized in subsequent decades, maybe a decade or so ahead of genocide studies, which is very much a late comer, really got going, you know, in the 90s, with some roots in the 70s and 80s. And by roots, I mean a handful of scholars having quite a few conferences, you know, poorly funded conferences here and there. It's really a very small academic intellectual community, an activist community now. So that's one reason is that Holocaust studies precedes genocide studies. And genocide studies to some extent derivative of Holocaust studies, in the sense that the Holocaust is the archetype or ideal type of a

genocide. It was for many people, the model. Well, you know, for something to be a genocide needs to resemble the Holocaust. So that's one the other issue is that the funding for Holocaust and genocide studies centers usually comes from local Jewish communities. Like, if there's one Dallas centers will be the local Dallas Jewish community. You have the Strassler Center at Clark University in Worcester, Massachusetts, has a chair in Armenian genocide as well. Obviously, have a local Armenian community. Now, these communities aren't, you know, just bystanders, and they're interested in what's happening in these centers. And I, you know, I know anecdotally that, that from the people who run these centers, I'm not going to name any, but that, you know, if the graduate students start talking about the application of genocide as a law and as a concept to Gaza, that the funders of these centers aren't particularly happy, because, you know, their view is that we didn't give you millions of dollars to attack Israel. You know, this is not the point of the exercise. So there's sort of a material crisis as well as a moral crisis in these centers for these two reasons. Okay? And it's on record that Professor Raz Siegel, who teaches at Stockton University in New Jersey, had a job offer withdrawn from such a center in the University of Minnesota because the local community, was up in arms, because he wrote an article six days after the seventh of October called a textbook case of genocide in the journal Jewish Currents, and has been very active in this domain. Now, as an Israeli Holocaust scholar, he's eminently qualified, so I actually disagree with him on this textbook idea of genocide. I think the Holocaust is the textbook case of genocide, and that's why it's so difficult for other cases of you know, mass violence against civilians to quote, unquote, measure up or to fit the ideal type, because, you know, if the Holocaust is distinct, unique, unprecedented, as people often say, well then how are other cases supposed to, supposed to be comparable or, or analog, analogiable, right? Analogous. So that's another issue in the field as well. So Marie Cohen, a journalist at the Journal Jewish Currents, wrote a terrific article a few months ago on the crisis in the field, for which he interviewed me, and you know, great length and I'm quoted in there. So now the law is a different issue, the black little lawyers stick to the law. They don't ask who wrote the law. Why is the law this or that? They just say, here is the law-it's, in effect, a checklist-and then they say, does this checklist, these criteria, does it fit these facts? And then you have this argument between, for example, the Israeli team at the ICJ in the South Africa, and one about whether it fits the checklist or the criteria, and that's for the judges to decide in a few years. It certainly led to an activation of international lawyers in thinking about genocide, and I have observed, again, as I said at the at the outset, this inability for most people in the field, to think beyond the stark contrast between armed conflict, you know, which has its own body of law, and and genocide. When, in fact, if you look at the way genocides unfold, or let's just, let's without putting a label on it, the way mass violence against civilians unfolds that genocidal and military logics are entangled or co-mingled and they can't really, really be prized apart. Let me give you a concrete example. Now, as you know, the Genocide Convention, and this is reproduced in the Rome Statute of the ICC, says that genocide is the intent to destroy, you know, in whole or apart. And I think racial religious group has such right, but it's the intent to destroy. And the Israelis argue we don't have the intent to destroy. We have the intent to defeat Hamas, or maybe to destroy Hamas, but not the, you know, the rest of Gaza, not the civilian population. Okay, so if you you, if you look at the facts, and you look at the photographs, Gaza is destroyed. The this, it had been totally flattened. Universities, schools, mosques and other civilian infrastructure has been destroyed. And it's hard to say, I think, plausibly, that each of these structures was destroyed as a military target, that in each of the, you know, 10.000s of missile and tank and other strikes that Hamas operative was sitting in there such as to justify its total destruction. You know, this is a vastly disproportionate application of violence. And on the record, we have plenty of statements by Israeli leaders and by armed personnel, as not to mention all the the gleeful destruction of this infrastructure by IDF personnel that they advertise on social media while they're wearing, you know, women's lingerie, playing with the toys of Palestinians in the houses they're occupying etc., that in each

of these cases there was a, you know, an actual military threat. Clearly not, no one can take this seriously anymore. And yet there is an armed conflict, Hamas is resisting. Obviously, it's a grossly asymmetrical conflict. But to say that there's not an armed conflict is also blind to the facts. Mean, Hamas and its supporters prize the notion of resistance. Now, once you get the notion of resistance, you're no longer in the realm of genocide according to its archetypes, because there, the victims are passive and agentless and the exemplary victim in this archetype, the Jewish victims of the Holocaust, you know, who weren't engaged in a in an insurgency. They weren't armed actors. Of course, there were Jewish partisans, but you know, they were driven to the Partisan Movement by the Nazis. So the causation is backwards there. The Nazis weren't attacking Jews, because in the partisans the other way around. Now, the Holocaust is such a problematic archetype for genocide precisely because it does have these distinct features, and it's very difficult to analogize between, you know, what's happening in Gaza and the Holocaust. Okay, this very much plays into the Israeli side of the argument. And yet the you know, we what we're working with, is the law, and the law talks about destruction, and unquestionably, destruction has taken place, and unquestionably, there have been plenty of statements by Israeli leaders calling for destruction, and not just for Hamas. Okay, so what we're seeing is the combination of destruction, destructive intentions and military intentions often in the same military action. Now the court has to be able to see and understand this complexity, rather than saying it's one or the other, because both at the same time.

J

Jaclyn Streitfeld-Hall 29:37

Many countries are grappling with rectifying colonial or imperial wrongs done by their predecessors. You know, we've got that dual push and pull where, where some governments want to deny the past, and others are trying to grapple with the past. You know, how is a refusal to fully acknowledge and rectify past atrocities impacting populations today and creating a stumbling block for states and reacting to atrocities?

D

Dirk Moses 30:05

That's interesting question. I mean, many states are grappling with the colonial pasts the British, there's a fair bit of Imperial nostalgia there. The Germans are inching towards recognizing as genocide what Imperial forces did in German South West Africa before the First World War, also in Germany, East Africa, in the Maji Maji uprising. You know, Australia, had the same, I wrote my first publications about genocide in Australia. I was very much a proponent of the genocide concept back in those days, because I thought it could be useful for indigenous activism, and it was and remains so. But your question is, more than you know, delineate this discussion in these realms, whether in France and Belgium, also in the Netherlands, massacres that their troops committed in trying to reconquer Indonesia after the Second World War have been underway. You're interested in how these debates pertain to their to their recognition of genocide today. Well, it's interesting. You mentioned that I'm in touch with various colleagues in the UK who are who work in the R2P space, and I'm just observing, you know, this Labor government and its conduct. And there you've got politicians who are more likely to recognize the, you know, problematic aspects of the British Empire, the the apologists, you know, the Imperial nostalgics, tend to be Tories. However, even this Labor Government is unrelenting in the arms it sends to Israel, there's an article about it today and is very cautious in voicing any criticism about of Israel and breaching international law, and say in its starvation of Gaza right now. So the Foreign Minister made a statement to this effect, and then has had to walk it back

when the Prime Minister didn't back him. So there's tremendous frustration in the genocide, atrocity prevention community on regarding this, because the you know, as I said before, states are not driven by morality on these issues. It's a deploy it's a diplomatic game, it's the diplomacy of genocide. When you're it's very simple, when your allies and supporters commit mass atrocity crimes, well, you don't criticize them. You might talk to them behind the scenes and say "well, I think you need to be more careful with your targeting, otherwise you're making it tricky for us to send you weapons, because we have our own laws about sending weapons to states that are committing mass atrocity crimes and breaching human rights. So don't make it hard for us in public, you have 100% backing, maybe criticism of, you know, one or two rogue politicians in those states, but 100% of percent backing of the state." Meanwhile, you approve of the ICC indictments against Vladimir Putin, while you condemn that same court's indictments of Israeli leaders. So I think these are very separate domains, and the decisions of states are driven by *raison*, data, cynicism and power calculations.

J Jaclyn Streitfeld-Hall 33:39

I want to pick up on something else that you said earlier regarding how genocide still bears the weight of the crime of crimes, and how, regardless of the circumstances the populations are facing, you know, many communities want a genocide label attached to their suffering. And I think that there's there is some value in that, and obviously value to those communities, but victim and survivor communities who have experienced genocide have undertaken tremendous effort to ensure the recognition of that suffering through these determinations. For better or worse, could you share why it's so important, from both a symbolic and kind of policy making perspective to recognize genocides.

D Dirk Moses 34:23

I'm somewhat ambivalent about this proposition, because I've seen how it can be a sort of a minor obsession for victimized groups. or example, I've seen this with Tamil students in Australia who came to me after one of my genocide classes and said, they said, how, how do we get our the destruction of the Tamil independence movement in 2009 you know, in which there were 100.000 of casualties—so that was a brutal suppression, very similar to what we're seeing in Gaza, and, you know, hardly talked about in the international community. So they do feel invisible, and so they want to be seen visible, and want some kind of justice. And for them, the winning of the genocide label is the key to is. And the reason they think that is, they go—you know, it's almost fantastical, anti semitic imagination— they go, how did Jewish people manage to get this prominence, like, what's their secret and how, you know, how come we're all talking about the Holocaust but not talking about our case? I mean, this was said to me verbatim by 19 year old students. I said, you know, the recognition of the Holocaust isn't a PR victory. This is, you know, it's not a PR campaign that led to the fact that the Holocaust says his prominence in in European and global memory. I mean, the Holocaust you know, in which you know between five and 6 million people, Jewish people in Europe were murdered, is also the largest murder of children in world history. You know, accepting cases like, for example, the great leap forward in which, you know, maybe 40 million people died in this sort of contrived starvation. And the great the late 50s and early 60s in China. And you know, all these so-called Christian nations in Europe were complicit. Well, many of them in one way the other. You know, I mean, this was a civilizational collapse, at least for the West or for Europe, of, you know, unprecedented proportions. So it's little surprise that it would make an impact on those cultures. I mean, what

is interesting it is how the Holocaust has become a global memory. And that's something that you might need another interview to talk about. Is a book about this, various books about this that you know worth pondering. Now, the I felt that the students were, you know, on a fool's errand, or, you know, Sisyphean task, because recognition of genocide is not going to get you the diplomatic cover or support that you think. Just, look at Nagorno, Karabakh and Armenia recently with the ethnic cleansing of that enclave and Azerbaijan, the West didn't lift a finger because Azerbaijan is now a major energy supply for Europe, and is also very close to Israel. Gets many of its answer as well. And in the NGO politics, you know, and raw power, blood and iron, as Bismarck said, and not moral speeches and commitments drive state action. So I know Armenians were delighted when Biden recognized the Armenian Genocide several years ago, and you know, there are memorials about the Armenian Genocide throughout L.A. and other part but when push comes to shove, the White House and the State Department and their equivalents in other states aren't going to take these things as guiding policy. It's going to be power, energy, military considerations and so forth. Now on the other side of the ledger, I do understand why communities, victim communities, especially from small nations, which experience their existence and world history as precarious and tenuous. Meaning that their existence could be snuffed out by great powers next to them at any moment. And that applies to the band of small countries between the Baltic and the Black Sea, the post Ottoman states in the Balkans in the Middle East and so forth. And genocide is so attractive as a claim because it's a crime against identity. It's fixation is on the target or the protected groups, ethnic, racial or religious groups, not a civilian population, as you get in crimes against humanity. So you know victims experience the attacks on them as attacks on them because they are Rohingya, just because they're Rohingya. And once again, that that is an archetype that comes from the Holocaust, where its distinctiveness, it is argued, is that Jews were attacked just because they are Jews for who they are, not for anything they've done. And according to those that run a uniqueness of the Holocaust argument, they'll say that, well, in these other cases, people were attacked because, you know, members of their group participated in insurgency, and they're kind of implying they deserved it, which I think is, you know, highly problematic argument. The fact of the matter is that, yes, the Myanmar military did attack innocent women and children in the Rohingya population and men in 2017 and persecuted them before that. But, they did so, yes, because they were Rohingya, but within their own mind, this is not a hate crime, not driven by hate, although hate accompanies it. It's driven by security measures. So, you know, I call this, this notion permanent security is it's a negative utopian, is a dystopian project of absolute safety and but no state is entitled that, and if they try to gain it, then they'll be committing, you know, massive crimes, and we're witnessing that now around the world. So the, that's the logics that drive these crimes are actually these utopian or dystopian security concerns, and they are accompanied by hate and contempt of the victim group, who are seen as having risen up and betrayed the motherland or what have you. They're experienced by the victim group and certainly those that survive it as solely driven by hate, and that's what the genocide concept captures. So I think you know, you have two issues here. One is that genocide is a crime against identity, against group existence, but it's also unfortunately the crime of crimes, in my view, unfortunately so at the top of the hierarchy, and comes with this promise that, you know, then one finally has recognition, and, you know, some kind of dignity, which I do understand intuitively. I don't think it gives a diplomatic cover, as I've mentioned, but I understand that this is important for victim groups. I'll give you an example, because it has two effects on the roof of the New South Wales Parliament in Sydney, where I come from, there is a small plaque or monument to the Armenian Genocide, because one member of the Legislative Assembly had many Armenians living in his constituent, well, among his constituents, and he managed to sort of get this through, as a regulation of law, or at least, you know, through the parliament's procedures. Now, obviously that the Turkish community were up in arms, but they couldn't prevent it. Now it's experienced by the Turkish community and by

the Turkish diplomats there as a stigma. And their reasoning is that the we didn't commit genocide, the Nazis committed genocide. So once again, you'll get this Holocaust analogizing going on. We rescued Jews during the Holocaust. So the Turkish argument goes, and you know, so we never committed anything like what the Nazis did. What happened during the First World War when the Armenian Genocide took place, they allege, was an armed conflict, a sort of a civil war within the Ottoman Empire, in the context of invasions by Russian and allied troops. And this was all very unfortunate, and there were deaths on both sides. So once again, they would sort of run an armed conflict argument, very similar to what the Israelis are running today. In fact, there are all kinds of parallels between the Armenian Genocide and the, what's happening in Gaza, and I'm hoping to that we publish an article about it in the Journal of Genocide Research. I'm not saying they're exactly the same, but there's, quite a lot of points of contact, because you get this standoff for rivalry between, you know, a genocide run argument or an armed conflict argument, when, in fact, they're both.

D

Dirk Moses 43:55

So as you can see, I'm sort of torn on this issue, and I, but I would never be one to stand up before a community and say, you know, "You're forbidden to call this genocide." I abjure that Guru, a role which is sometimes ascribed to academics. And I know some academics succumb to the temptation of playing that role, of saying, well, that's a genocide, but this is not a genocide, as if there's some kind of god. So in the end, the courts trash these things out. And in my own scholarship, I'm trying to aid, you know, to the extent that they'd ever read anything I write, but they would, you know, try to educate the, or inform the judges that you know, the concepts you're working with are highly problematic, and that empirically, logics of destruction and defeat, you know, one is genocidal and one is military are entwined and very difficult to pull apart. So if you're going to argue that, there's not genocide in Gaza, it's just an armed conflict in which, say, crimes against humanity and war crimes have been committed as the ICC is running, then you're allowing states to utterly destroy a territory, lay it waste, and then, you know, make plans to expel its population and argue that this is not somehow destruction in the meaning of the Genocide Convention. If that's the case, then what's the point of the Genocide Convention? It's a useless piece of paper and should never have been passed.

J

Jaclyn Streitfeld-Hall 45:38

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