INTERNATIONAL JOURNAL OF ARMENIAN GENOCIDE STUDIES

VOLUME 10, NO. 2, 2025

International Journal of Armenian Genocide Studies
Published by Armenian Genocide Museum & Institute Foundation

International Journal of Armenian Genocide Studies (**ISSN 1829-4405**) is a peer-reviewed journal published bi-annually by the Armenian Genocide Museum-Institute Foundation since 2014 (8/8 Tstitsernakaberd highway, 0028 Yerevan, Republic of Armenia (+374 10) 39 09 81, www.genocide-museum.am). *International Journal of Armenian Genocide Studies* (IJAGS) publishes articles and reviews related to genocide studies with a special focus on the Armenian Genocide. Articles dealing with research and theory from various disciplines and fields, including anthropology, law, education, gender studies, history, arts and literature, philosophy, political science, psychology, religious studies and sociology are being accepted.

Submissions should be made through the submission portal at
https://agmipublications.am/index.php/ijags/about/submissions.
For inquiries, please contact ijags@genocide-museum.am.

Those interested in submitting books for review, should contact the Book Review Editor, Dr. Bedross Der Matossian at bdermatossian2@unl.edu

For more information on International Journal of Armenian Genocide Studies, please visit:
https://agmipublications.am/index.php/ijags

ISSN 1829-4405
eISSN 2738-2931

Volume 10, no. 2, 2025
International Journal of Armenian Genocide Studies 10:2

Special Issue:
Law, Activism and the International Recognition of the Armenian Genocide

Special Issue Editor: Edita Gzoyan
Guest Editor: Julien Zarifian

CONTENT

INTRODUCTION: LAW, ACTIVISM, AND THE INTERNATIONAL RECOGNITION OF THE ARMENIAN GENOCIDE

Julien Zarifian
University of Poitiers, France

Edita Gzoyan
Armenian Genocide Museum-Institute, Armenia

The recognition of the Armenian Genocide stands at the intersection of memory politics, geopolitics, international law, activism, and education. More than a century after the destruction of the Ottoman Armenians, the question of recognition remains not only a moral and historical issue but also a profoundly political, legal, and pedagogical one. Although the facts of the genocide have been firmly established through an extensive body of scholarship, archival documentation, eyewitness accounts, and contemporary diplomatic reporting, the international community has acknowledged these facts unevenly, a dynamic reflected in the growing body of scholarly literature examining recognition processes (see the bibliography).

Crucially, the modern struggle for recognition emerged because of the persistent, state-sponsored denial by the Republic of Turkey, the successor state to the Ottoman Empire, whose systematic policies of falsification and obstruction have shaped global responses for decades. This denial has not only impeded pathways to justice and historical accountability but has also compelled Armenians worldwide to mobilize for recognition as an act of truth-telling and dignity. For Armenian communities in the diaspora and in the Republic of Armenia, many of whom descend from genocide survivors, the pursuit of recognition is inseparable from broader struggles for justice, memory preservation, political security, and the ongoing need to confront the persistent effects of denialism.

The global recognition process has unfolded through a diverse array of legal and political mechanisms, including parliamentary resolutions, executive declarations, and, to a more limited extent, judicial decisions. These developments, shaped in significant ways by sustained activism from the Armenian diaspora and often supported, albeit with shifting policy emphasis in recent years, by the authorities of the Republic of Armenia, have largely been framed within the language of human rights and transitional justice. Each pathway reflects distinct national interests, geopolitical alignments, and evolving international norms concerning the prevention, condemnation, and redress of genocide.

This special issue, *Law, Activism, and the International Recognition of the Armenian Genocide*, examines the multi-layered dynamics that have shaped, and continue to shape, the struggle for recognition. It explores the ways in which domestic and international legal frameworks either facilitate or fail to enable formal acknowledgment; how memory politics influence the willingness of societies to confront or suppress the legacies of

mass violence; and how activism, in its various forms, sustains efforts aimed at securing justice. The articles collectively demonstrate that recognition is not a singular political event determined solely by geopolitical considerations. Rather, it is an evolving process shaped by legal interpretation, civic mobilization, educational initiatives, and the enduring resilience of survivors' memory.

This issue also highlights the broader implications of recognition for the contemporary world. In an era still marked by mass atrocities, denial and distortion continue to function as powerful obstacles to accountability, contributing to impunity and weakening prevention efforts. The case of the Armenian Genocide illustrates how unresolved historical injustices may reverberate across generations, shaping collective identities, informing foreign policy debates, and affecting regional and international security, as evidenced by recent developments in Nagorno-Karabakh/Artsakh that culminated in the forced displacement of its indigenous Armenian population in 2023. Recognition, therefore, should not be understood as merely symbolic; rather, it constitutes a foundational element in the establishment and reinforcement of international norms aimed at protecting vulnerable communities and upholding the rule of law.

The contributions in this issue approach these questions from multiple disciplinary perspectives, with a central emphasis on legal analysis but extending into activism, history, political science, memory studies, and education. Rosa Ana Alija Fernández examines the ways in which states invoke the principle of non-retroactivity under the Genocide Convention to justify their refusal to recognize the Armenian Genocide. She demonstrates that these legal claims are often overstated or misinterpreted and argues that the true obstacles frequently lie in states' reluctance to confront their own histories of colonialism or mass violence.

Thomas Hochmann turns to the French Law of 29 January 2001, engaging with debates over its alleged lack of "normativity." His analysis clarifies how declarative legislation functions within constitutional systems and argues that such laws possess significant normative value by shaping political expectations and public understandings of historical truth.

A shift in focus to the Southern Cone is provided through Federico Gaitán Hairabedian's analysis of Argentina's transitional justice processes, including the Junta Trial, the ESMA cases, and the 2001-2011 Armenian Genocide Truth Trial. His contribution demonstrates how domestic courts and civil society actors can influence global norms related to truth, imprescriptibility, and accountability for genocide. He shows how domestic legal activism can advance justice even without cooperation from the perpetrator state.

The discussion then moves to the Asia-Pacific region, where Melanie O'Brien offers a distinctive insider account of academic-activism in Australia. Tracing decades of advocacy for federal recognition, she explores the deep entanglement between recognition politics and Australian national memory, particularly the mythology of Gallipoli. Her analysis highlights how coordinated civic action, illustrated by the "Joint Justice Initiative," has

shaped policy debates and transformed public engagement with the Armenian Genocide.

Mathieu Soula situates the Armenian Genocide within the broader trajectory of France's official recognitions of genocides. By examining more than four decades of French legislative and political actions, from the 2001 Armenian law to more recent recognitions of atrocities against the Yazidis, Uyghurs, Tutsi, and Assyro-Chaldeans, he argues that the Armenian case served as a crucial precedent that helped shape France's contemporary memorial policy and its approach to confronting multiple histories of mass violence.

Finally, Sophie-Zoé Toulajian examines the 1979 Lyon March as a pivotal moment in diasporic activism. Her study demonstrates how French Armenian activists used public protest as a performative intervention that inserted the genocide into French public consciousness during a politically vibrant decade. She shows how overlapping local, national, and transnational identities shaped Armenian strategies for visibility and ultimately contributed to the broader recognition of the Armenian Genocide in France.

Bringing together scholars of international law, political science, history, memory studies, and education, this special issue deepens our understanding of the forces that advance or hinder recognition. It also illuminates how the Armenian experience continues to inform global debates on justice, reparations, memory, and state responsibility in confronting past crimes. Ultimately, the recognition of the Armenian Genocide is both a historical imperative and a contemporary challenge, one that exposes the intricate ways in which truth, power, and memory intersect in contemporary global politics.

Bibliography

Adjemian, Boris, and Julien Zarifian. "La reconnaissance internationale du génocide des Arméniens. Histoire, enjeux, pratiques." *20 & 21 Revue d'histoire* 158 (2023): 149–165.

Armoudian, Maria, and Katherine Smits. "How Soon We Forget: National Myth-Making and Recognition of the Armenian Genocide." *Journal of Genocide Research* 27, no. 1 (2025): 91–112.

Auron, Yair. *The Banality of Denial: Israel and the Armenian Genocide*. New Brunswick, NJ: Transaction Publishers, 2003.

Avedian, Vahagn. *Knowledge and Acknowledgement in the Politics of Memory of the Armenian Genocide*. London: Routledge, 2019.

Baghdassarian, Anoush. "The Legal Significance of U.S. Recognition of the Armenian Genocide: Implications for Strategic Litigation." *Harvard International Law Journal*, 24 May 2022.at https://journals.law.harvard.edu/ilj/2022/05/the-legal-significance-of-u-s-recognition-of-the-armenian-genocide-implications-for-strategic-litigation/.

Ben Aharon, Eldad. "A Unique Denial: Israel's Foreign Policy and the Armenian Genocide." *British Journal of Middle Eastern Studies* 42, no. 4 (2015): 638–654.

Ben Aharon, Eldad. "Recognition of the Armenian Genocide after Its Centenary: A Comparative Analysis of Changing Parliamentary Positions." *Israel Journal of Foreign Affairs* 13, no. 3 (2019): 339–352.

Duclert, Vincent, Thomas Hochmann, and Raymond Kévorkian. *Arménie. Un génocide et la justice*. Paris: Les Belles Lettres, 2025.

Fittante, Daniel. "Constructivist Memory Politics: Armenian Genocide Recognition in Latvia." *International Affairs* 99, no. 2 (2023): 805–824. https://doi.org/10.1093/ia/iiad022.

Fittante, Daniel. "Embedded Memory Wars: Italy's 2019 Armenian Genocide Recognition." *Cambridge Review of International Affairs*, published online July 2024. https://doi.org/10.1080/09557571.2024.2380383.

Fittante, Daniel. "Memory Entrepreneurship: Armenian Genocide Recognition in Europe." *International Studies Quarterly* 68, no. 1 (2024): sqad100.

Garibian, Sévane. "De la rupture du consensus, l'affaire Perinçek, le génocide arménien et le droit pénal international." In *Le génocide des Arméniens*, edited by Conseil scientifique international pour l'étude du génocide des Arméniens, 212–221. Paris: Armand Colin, 2015.

Guibert, Nolwenn, and Sun Kim. "Compensation for the Armenian Genocide: A Study of Recognition and Reparations." In *The Armenian Genocide Legacy*, edited by Alexis Demirdjian, 102–117. New York: Palgrave Macmillan, 2016.

Kebranian, Nanor. "Genocide, History, and the Law: Legal Performativity and Recognition of the Armenian Genocide in France and Germany." *Holocaust and Genocide Studies* 34, no. 2 (2020): 253–273.

Koinova, Maria. "Conflict and Cooperation in Armenian Diaspora Mobilisation for Genocide Recognition." In *Diaspora as Cultures of Cooperation: Global and Local Perspectives*, edited by David Carment and Ariane Sadjed, 111–129. Cham: Palgrave Macmillan, 2017.

Koinova, Maria. "Diaspora Coalition-Building for Genocide Recognition: Armenians, Assyrians and Kurds." *Ethnic and Racial Studies* 42, no. 11 (2019): 1890–1910. https://doi.org/10.1080/01419870.2019.1572908.

Nefes, Turkay Salim, Dogan Gurpınar, and Ozgur Kaymak. "Turkish Parliamentary Debates about the International Recognition of the Armenian Genocide: Development and Variations in Official Denialism." *Southeast European and Black Sea Studies* 23, no. 4 (2023): 883–899.

Zarifian, Julien. "Expliquer un demi-siècle de tergiversation. Les États-Unis et la non-reconnaissance du génocide arménien, des années 1970 à 2021." In *Mémoires de massacres du 20e siècle*, edited by François Rouquet, 191-202. Rennes: Presses universitaire de Rennes, 2024.

Zarifian, Julien. "The Armenian and Turkish Lobbying, and the (Non-)Recognition of the Armenian Genocide by the United States." In *Congress and Diaspora Politics. The*

Influence of Ethnic and Foreign Lobbying, edited by Colton Campbell, David Dulio, James Thurber, 117–138. New York: SUNY University Press, 2018.

Zarifian, Julien. *The United States and the Armenian Genocide: History, Memory, Politics*. New Brunswick, NJ: Rutgers University Press, 2024.

About the Authors

Prof. Julien Zarifian is Professor (full) of U.S. History at the University of Poitiers, France, and a former Fellow with the Institut Universitaire de France (2020-25), American University (2025), USC (2017-18), and UC Berkeley (2007). His current research focuses on the links between history, memory, and (geo)politics in the United States.

Email: julien.zarifian@univ-poitiers.fr

Dr. Edita Gzoyan is Head of the Department of Legal Issues of the Armenian Genocide at the Armenian Genocide Museum-Institute and Editor-in-Chief of the *International Journal of Armenian Genocide Studies*. Her research interests include the legal and historical dimensions of the Armenian Genocide.

Email: gzoyan.edita@genocide-musuem.am

TRAPPED IN LEGAL CONSTRAINTS OR IN STATES' OWN HISTORY? INTERNATIONAL LAW AS AN EXPLANATION FOR THE RELUCTANCE TO RECOGNIZE THE ARMENIAN GENOCIDE

Rosa Ana Alija Fernández
Universitat de Barcelona, Spain

Abstract

International legal constraints may partly explain states' reluctance to recognize the 1915 massacres of Armenians as genocide. The principle of non-retroactivity precludes applying the Genocide Convention to events that occurred before its adoption in 1948. Nonetheless, evolving state practice could ultimately lead to a gradual shift toward retrospective application, thereby highlighting the risk that formal recognition might compel states to confront their own colonial or genocidal pasts. A notable correlation thus appears: states that actively engage in reckoning with colonial injustices are more inclined to characterize the Armenian events as genocide, whereas those still entangled in unresolved debates over their colonial or violent histories tend to abstain from recognition. Furthermore, some governments invoke the requirement of a judicial determination of genocide as a precondition for recognition, relying on a supposed legal constraint that, in fact, has no foundation in the Genocide Convention.

Keywords: international law and genocide; non-retroactivity of treaties; colonial violence and historical responsibility; subsequent state practice; judicial determination of genocide

This article was submitted on 28.08.2025 and accepted for publication on 20.11.2025.

Funding: This paper was written within the framework of the project "En los límites de la violencia (III): la violencia lenta de los imperios modernos" (PID2021-122319NB-C22), funded by the Spanish Ministry of Science, Innovation and Universities.

How to cite: *Rosa Ana Alija Fernández*; "Trapped in Legal Constraints or in States' Own History? International Law as an Explanation for the Reluctance to Recognize the Armenian Genocide," *International Journal of Armenian Genocide Studies* 10, no. 2 (2025): 10-36.

Introduction

Whenever a state moves to recognize the Armenian Genocide, Turkey's reaction is immediate and typically expressed through diplomatic protests[1] or other retaliatory measures.[2] When circumstances and history allow, Ankara also engages in what may be termed *genocide shaming* or *atrocity shaming*, publicly invoking the recognizing state's own record of mass violence. For example, in response to statements by the Russian president and prime minister and a resolution by the State Duma marking the centenary of the Armenian Genocide, the Turkish Ministry of Foreign Affairs accused Russia of committing mass killings during the previous century and declared that it had "no moral right to accuse other states of genocide."[3] Similarly, in June 2016, two days after the German Bundestag adopted a resolution recognizing the Armenian Genocide, President Erdogan referred on national television to the genocide of the Herero and Nama peoples by Imperial German forces in 1904-1905.[4] Likewise, in April 2021, after U.S. President Joe Biden formally recognized the mass killings of Armenians in the Ottoman Empire as genocide,[5] Erdogan retorted that Biden should "look in the mirror" before accusing others of such crimes.[6]

Turkey's *whataboutism* raises issues that are not only political but also legal in nature. When the atrocities suffered by Armenians in the Ottoman Empire occurred, the term *genocide* had not yet been coined, nor had it been codified under international law. Since many states have episodes of mass violence or atrocities in their own histories, President Erdogan's "genocide shaming" can be understood as an implicit challenge, asking whether those states, too, are prepared to assume responsibility for their pasts, and how far they are willing to go in doing so. Indeed, the recognition of the Armenian Genocide by any state may be interpreted as a willingness to examine its own history through the same moral and legal lens, and to acknowledge its corresponding responsibilities. This gesture carries particular risk for many Western nations whose colonial histories are marked by systemic violence. Thus, while the reluctance to recognize the Armenian Genocide is most often

1 For instance, by calling its ambassador back to Ankara for consultations, as illustrated in Francis X. Rocca and Emre Peker, "Pope Francis Calls Armenian Deaths 'First Genocide of 20th Century'," *The Wall Street Journal*, 12 April 2015, https://www.wsj.com/articles/pope-francis-calls-armenian-slaughter-first-genocide-of-20th-century-1428824472, accessed 12.09.2023; Sertan Sanderson, "Armenian 'genocide' motion clears Bundestag," *DW*, 2 June 2016, https://www.dw.com/en/bundestag-passes-armenia-genocide-resolution-unanimously-turkey-recalls-ambassador/a-19299936, accessed 12.09.2023.

2 Vahagn Avedian, "Recognition, Responsibility and Reconciliation: The Trinity of the Armenian Genocide," *Europa Ethnica* 70, no. 3/4 (2013): 77-78.

3 Emil Danielyan, "Russia Stands by Armenian Genocide Recognition," *Azatutyun Radiokayan*, 28 April 2015, https://www.azatutyun.am/a/26983710.html, accessed 12.09.2023.

4 "Erdogan Vows 'Never to Accept' Genocide Charges," *DW*, 4 June 2016, https://www.dw.com/en/erdogan-turkey-will-never-accept-genocide-charges/a-19307115, accessed 12.09.2023.

5 "US President Joe Biden Officially Recognises 'Armenian Genocide'," *Al Jazeera*, 24 April 2021, https://www.aljazeera.com/news/2021/4/24/joe-biden-officially-recognises-armenian-genocide.

6 "Erdogan Slams Biden's Recognition of Armenian 'Genocide'," *Al Jazeera*, 26 April 2021, https://www.aljazeera.com/news/2021/4/26/erdogan-slams-bidens-armenian-genocide-recognition.

attributed to geopolitical considerations, chiefly, its potential repercussions on relations with Turkey,[7] attention must also be given to the possible international legal consequences of such recognition, which may serve as an additional explanatory factor.

This paper examines what I consider to be the principal international legal constraints on recognizing the Armenian Genocide. In particular, it explores how, in doing so, Western states may find themselves compelled to acknowledge and assume responsibility for atrocities committed during the colonial period. To this end, the paper begins by analysing the principle of non-retroactivity under the Convention on the Prevention and Punishment of the Crime of Genocide[8] (hereinafter Genocide Convention or 1948 Convention) and the possible exceptions to that rule. It then considers evidence suggesting a potential correlation between recognition of the Armenian Genocide and state-led initiatives to confront past episodes of mass violence, especially those committed during the colonial era. A third section addresses an additional legal argument frequently invoked by governments to avoid recognition, namely the claim that genocide must first be formally declared by a competent court, thereby illustrating the extent to which international legal norms may influence political decisions regarding recognition. The paper concludes by summarizing the key findings of this analysis.

A Genocide Before Genocide: The Issue of Non-Retroactivity

There is no doubt that the atrocities suffered by Armenians under the Ottoman Empire constitute an archetypal example of genocide.[9] Viewed through the lens of the 1948 Convention, all the constitutive elements are present – the *actus reus*, the *mens rea*, the specific intent to destroy, in whole or in part, a national, ethnical, racial, or religious group.[10] The key question, however, is whether the Genocide Convention can govern events that occurred in the first quarter of the twentieth century. Under international law,

7 See, for instance, Avedian, "Recognition, Responsibility and Reconciliation," 77-86; Eldad Ben Aharon, "Recognition of the Armenian Genocide after Its Centenary: A Comparative Analysis of Changing Parliamentary Positions," *Israel Journal of Foreign Affairs* 13, no. 3 (2019): 339-352, https://doi.org/10.1080/23739770.2019.1737911; Boris Adjemian and Julien Zarifian, "La reconnaissance internationale du génocide des Arméniens. Histoire, enjeux, pratiques," *20 & 21. Revue d'histoire* 158, no. 2 (2023): 149-165, https://doi.org/10.3917/vin.158.0149.

8 General Assembly Resolution 260 A (III), 9 December 1948. Entry into force: 12 January 1951.

9 Sub-Commission on Prevention of Discrimination and Protection of Minorities, *Revised and updated report on the question of the prevention and punishment of the crime of genocide prepared by Mr. B. Whitaker*, 2 July 1985, UN Doc. E/CN.4/Sub.2/1985/6, para. 24. See also John Quigley, *The Genocide Convention. An International Law Analysis* (Ashgate, 2006), 3.

10 See Geoffrey Robertson, QC, "Armenia and the G-word: The Law and the Politics," in *The Armenian Genocide Legacy*, ed. Alexis Demirdjian (Palgrave Macmillan, 2016), 71-72; Susan L. Karamanian, "The International Court of Justice and the Armenian Genocide," in *The Armenian Genocide Legacy*, 91-92; International Center for Transitional Justice [ICTJ], *The Applicability of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide to Events which Occurred during the Early Twentieth Century. Legal Analysis Prepared for the International Center for Transitional Justice* (2002), 11-17, https://www.ictj.org/sites/default/files/ICTJ-Turkey-Armenian-Reconciliation-2002-English.pdf.

the answer, at least at present, is negative. The reason lies in the element of time: as a general principle, treaties do not apply retroactively. The principle of non-retroactivity of treaties is codified in Article 28 of the 1969 Vienna Convention on the Law of Treaties (hereinafter 1969 VCLT): "Unless a different intention appears from the treaty or is otherwise established, its provisions do not bind a party in relation to any act or fact which took place or any situation which ceased to exist before the date of the entry into force of the treaty with respect to that party."[11]

Although Article 4 of the 1969 VCLT expressly provides for the Convention's own non-retroactive application, it is widely accepted that the principle of non-retroactivity reflects a general rule of international law.[12] Consequently, since the Genocide Convention was adopted on 9 December 1948 and entered into force on 12 January 1951, it cannot apply to acts of genocide committed prior to those dates,[13] even to those that occurred before the very concept of "genocide" was coined by Raphael Lemkin.[14]

The principle of non-retroactivity has most likely played a major role in facilitating the ratification of the Genocide Convention by a large number of states,[15] including those with a history of genocide, such as Turkey, since this legal principle prevents genocides committed before the 1948 Convention's adoption from falling within its scope of application. The *travaux préparatoires* indeed confirm that states intended to adopt a forward-looking instrument with purely prospective effects.[16] Consequently, States Parties have no legal obligations under the Convention in respect of pre-1948 events, nor can such events give rise to the international responsibility of a state,[17] an outcome

11 Done at Vienna on 23 May 1969. Entry into force: 27 January 1980. *United Nations Treaty Series*, vol. 1155, 331.

12 See International Law Commission [ILC], Draft Articles on the Law of Treaties with Commentaries, in *Yearbook of the International Law Commission* 1966, vol. 2 (United Nations, 1967): 211-13; João Grandino Bodas, "The Doctrine of Non-Retroactivity of International Treaties," *Revista da Faculdade de Direito Universidade de São Paulo* 68, no. 2 (1973): 343-344, https://revistas.usp.br/rfdusp/article/view/66677; ICTJ, *Application*, 5.

13 See, e. g., ICTJ, *Applicability*, 4, 7; Geoffrey Robertson, QC, *Was There an Armenian Genocide?* 9 October 2009, para. 29, https://groong.org/Geoffrey-Robertson-QC-Genocide.pdf.

14 Raphael Lemkin, *Axis Rule in Occupied Europe* (Carnegie Endowment for International Peace, 1944), 79-82.

15 To date, 153 States are parties to the Convention, and one more (Dominican Republic) signed it without further action.

16 United Nations, *Official Records of the Third Session of the General Assembly*, Part I: Legal Questions. Sixth Committee: Summary Records of Meetings, 21 September - 10 December 1948, UN Doc. A/C.6/SR.61-140, 13 (statement of Mr. Morozov: "A convention was necessary for the prevention of future crimes of that type […]"), 30 (statement of Mr. Prochazka: "[…] to punish all those who, in the future, might be tempted to repeat the appalling crimes which had been committed"), 60 (statement of Mr. Maúrtua: "the existing draft was the first attempt to introduce international legislation to deal with the crime of genocide"), 143 (statement of Mr. Ti-tsun Li: "those acts which, in the future, might be considered by judges or jurists as acts of genocide"), 340 (statement of Mr. Inglés: "it was generally the heads of State who had committed genocide. It was therefore essential to provide for their punishment in future"). See also 706 (statement of Mr. Litauer) and 708 (statement of Mr. Kacijan).

17 In line with non-retroactivity, the rule is that "[a]n act of a State does not constitute a breach of an international obligation unless the State is bound by the obligation in question at the time the act occurs" (ILC, Articles on Responsibility of States for Internationally Wrongful Acts, annex to General Assembly Resolution 56/83, 12 December 2001, Article 13).

that is undoubtedly reassuring for many, given the burden of their own pasts. The same logic excludes individual criminal accountability: if the temporal applicability of a norm is decisive for establishing state responsibility, it is even more crucial in the realm of individual criminal liability, as required by the principle of *nullum crimen, nulla poena sine lege* (no crime or punishment without law).[18]

However, the opening clause of Article 28 of the 1969 VCLT should not be overlooked, as it admits the possibility of retroactive application of a treaty where one of two conditions is met: (i) a different intention appears from the treaty itself, or (ii) such an intention is otherwise established.

With regard to the first condition, no such intention appears from the Genocide Convention. Its preamble does acknowledge that genocide is not a new phenomenon, "Recognizing that at all periods of history genocide has inflicted great losses on humanity,"[19] but this recognition of historical occurrences does not imply that the Convention was meant to apply retroactively. So, while the term "genocide" may be applied to events that predated the convention,[20] it is a different matter if the genocide was internationally considered a punishable crime prior to the convention[21] and if the obligations under the convention were to be applied to events prior to its entry into force.[22] In this regard, the Genocide Convention does not expressly include historical genocides within its scope, and nothing in its wording suggests the intention to do so.

Admittedly, this silence may also be interpreted in the opposite direction. William A. Schabas, for instance, argues that nothing in the Genocide Convention expressly indicates its non-retroactive application either.[23] Yet this reasoning is not entirely persuasive. While he contends that "the general rule for treaties dealing with international criminal liability for atrocity crimes actually seems to favour retrospective application,"[24] the examples he cites[25]—the Treaty of Versailles, which provided for the prosecution of Kaiser Wilhelm II; the Treaty of Sèvres, which provided for the prosecution of the massacres against the Armenians; the Charter of the International Military Tribunal of Nuremberg, which provided for retroactive prosecution of war crimes and crimes against humanity—all explicitly provided for such retroactive effect. Accordingly, the rule codified in Article 28

18 As Article 15.1 of the International Covenant on Civil and Political Rights puts it, "[n]o one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed."

19 The *travaux préparatoires* also refer to genocide as a historical fact (see ICTJ, *Applicability*, 4, 10-11).

20 ICTJ, *Applicability*, 10-11.

21 William A. Schabas, "Retroactive Application of the Genocide Convention," *University of St. Thomas Journal of Law and Public Policy* 4, no. 2 (2010): 40.

22 Christian J. Tams, Lars Berster and Bjorn Schiffbauer, *Convention on the Prevention and Punishment of the Crime of Genocide: A Commentary* (C.H. Beck, 2014), 25-26, para. 45-47.

23 Schabas, "Retroactive Application," 41.

24 Ibid.

25 Ibid., 42.

of the 1969 VCLT, which, moreover, must be interpreted restrictively,[26] remains unaffected.

Let us now turn to the second possibility, namely that retroactive application is "otherwise established." The relevance of this exception lies in the fact that, under international law, subsequent state practice may contribute to clarifying how a treaty is to be interpreted and applied.[27] In other words, since the Genocide Convention itself contains no explicit indication regarding either retroactive or non-retroactive application, and can therefore, in theory, be interpreted both ways, state practice and statements become particularly significant. What states do or say in this regard may reveal their understanding that the Genocide Convention is (or is not) applicable to genocides committed prior to 1948.[28]

This consideration provides a compelling reason for some states to refrain from recognizing the Armenian Genocide, as doing so could have a collateral effect, namely, opening the door to confronting their own historical atrocities.[29] Indeed, there appears to be a correlation between a state's reluctance to label the massacres of Armenians under the Ottoman Empire as genocide and the manner in which it addresses its own genocidal or colonial past. Conversely, the more a state has come to terms with its historical injustices, the more likely it is to characterize the Armenian events as genocide, thereby implicitly accepting a retroactive application of the Genocide Convention. Particularly noteworthy is the growing trend of states acknowledging their own past atrocities, especially within colonial contexts, a development that seems, to some extent, to foster greater openness toward the recognition of the Armenian Genocide. This idea will be examined further in the following section, though it is first necessary to clarify several points concerning the concept of subsequent state practice.

Subsequent practice must express a common understanding among states parties to the treaty on how it shall be interpreted.[30] According to the United Nations International Law Commission (ILC), this implies that all the states parties are "aware of it and accept

---

26 Grandino Bodas, "Doctrine of Non-Retroactivity," 344.

27 Article 31.1 of the 1969 VCLT: "A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose." Following paragraph 3.b) of the same article, there shall be also "taken into account, together with the context: […] (b) any subsequent practice in the application of the treaty which establishes the agreement of the parties regarding its interpretation." On the relevance of practice on the interpretation of the Genocide Convention specifically, see, e.g., International Criminal Tribunal for Former Yugoslavia, *The Prosecutor v. Goran Jelisić*, case no. IT-95-10-T, Judgment, 14 December 1999, para. 61.

28 Whether the treaty could be modified through subsequent practice will not be discussed here, as it is still controversial. See Marcelo G Kohen, "Keeping Subsequent Agreements and Practice in Their Right Limits," in *Treaties and Subsequent Practice*, edited by Georg Nolte (Oxford University Press, 2013), 35-36.

29 Tams, Berster and Schiffbauer, *Convention on Genocide*, 24, para. 44.

30 ILC, Draft conclusions on subsequent agreements and subsequent practice in relation to the interpretation of treaties, with commentaries, Conclusion 10, in United Nations, *Report of the International Law Commission. Seventieth session (30 April–1 June and 2 July–10 August 2018)*, UN Doc. A/73/10: 75; Matthias Herdegen, "Interpretation in International Law," *Max Planck Encyclopedia of Public International Law* (Oxford University Press, 2023), https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e723#law-9780199231690-e723-div1-2.

the interpretation contained therein,"[31] with no conflicting positions regarding how to interpretate the treaty.[32] Nevertheless, not all of them must engage in the practice, as their acceptance "can under certain circumstances be brought about by silence or inaction."[33]

Furthermore, it should be emphasized that not every act of a state would carry the same weight in confirming the existence of subsequent practice. According to the ILC, parliamentary procedures, for instance, are generally less likely to be considered as such by international courts and tribunals,[34] which relativizes the significance of recognitions of the Armenian Genocide made primarily through resolutions adopted by national parliaments, and even more so by regional or local institutions.[35] This does not mean, however, that every action of legislative bodies is completely irrelevant to establishing the existence of subsequent practice. On the contrary, legislation might be relevant under international law in shaping or evidencing state practice,[36] for example, if it would entail the retroactive application of the Convention.[37]

Moreover, although state practice is not confined to the actions of those who represent the state internationally by virtue of their official functions, namely, heads of state, heads of government, and ministers for foreign affairs,[38] it is precisely these actors who are particularly cautious in avoiding the use of the term *genocide* to describe the massacres of Armenians. This caution likely stems from the fact that unilateral acts, defined as declarations made publicly by an authority empowered to bind the state internationally and expressing an intention to be bound, may themselves give rise to legal obligations.[39] Even though the status of *recognition* within the category of unilateral acts remains debatable,[40] prudence appears to prevail. This explains why, when a national parliament adopts a resolution urging the government to recognize the genocide, the executive branch often hastens to clarify publicly that such a resolution does not reflect the official position of the state.[41]

---

31 ILC, Draft conclusions on subsequent agreements, Comment to Conclusion 10, para. 1, 75.

32 Ibid., para. 3, 75.

33 Ibid., para. 12, 78-79.

34 Ibid., para. 19, 80.

35 See the list at "Recognition," Ministry of Foreign Affairs of the Republic of Armenia, accessed 30 May 2025, https://www.mfa.am/en/recognition/.

36 ILC, Second report on identification of customary international law, by Michael Wood, Special Rapporteur, 22 May 2014, UN Doc. A/CN.4/672, para. 41, d).

37 Schabas, "Retroactive Application," 41.

38 See art. 7 of the 1969 VCLT.

39 ILC, Guiding Principles applicable to unilateral declarations of States capable of creating legal obligations, in United Nations, *Report of the International Law Commission. Fifty eighth session (1 May-9 June and 3 July-11 August 2006)*, UN Doc. A/61/10, para. 176.

40 Olivier Barsalou, "Les Actes Unilateraux Etatiques en Droit International Public: Observations sur Quelques Incertitudes Theoriques et Pratiques," *Canadian Yearbook of International Law* 44 (2006): 407, https://doi.org/10.1017/S0069005800009061; ILC, Sixth report on unilateral acts of States. By Victor Rodríguez Cedeño, Special Rapporteur, 30 May 2003, UN Doc. A/CN.4/534, para. 17.

41 For instance in Sweden ("Armenia: Swedish Prime Minister Regrets Armenian Genocide Vote," *Eurasianet*,

Handling Recognition with Care to Avoid Collateral Legal Effects? The Apparent Correlation between the Treatment of Colonial Atrocities and the Recognition of the Armenian Genocide

As mentioned above, and without suggesting the existence of a general rule or principle, since no single factor can fully account for the absence of recognition, countries that have come to terms with their own past, or are in the process of doing so, appear more inclined to recognize the Armenian Genocide. More precisely, officials representing such states at the international level tend to be more willing to use the term *genocide* publicly when referring to the massacres of Armenians. The reverse also seems to hold true: recognition of the Armenian Genocide often acts as a catalyst for confronting a state's own historical atrocities that predate the 1948 Convention, and, in some cases, for designating those acts as *genocide*, particularly in the context of colonial violence.

Several cases illustrate this positive correlation. In April 2015, German President Joachim Gauck described the mass exterminations, deportations, and ethnic cleansing of Armenians in 1915 as *genocide*,[42] and one year later, the German Bundestag adopted a resolution formally recognizing the Armenian Genocide. In 2021, Germany officially characterized the atrocities committed against the Herero and Nama peoples in present-day Namibia as genocide.[43] That same year, in June, the Canadian government also recognized the Armenian Genocide, while Prime Minister Justin Trudeau reiterated his acceptance of the conclusions of the 2019 National Inquiry into Missing and Murdered Indigenous Women and Girls, which had found that "what happened amounts to genocide."[44] Also in 2021, immediately after U.S. President Joe Biden recognized the Armenian Genocide,[45] calls emerged urging the government to take similar steps with respect to the genocide of Native Americans.[46] A few months later, the government launched an investigation into

15 March 2010, https://eurasianet.org/armenia-swedish-prime-minister-regrets-armenian-genocide-vote) or in The Netherlands ("Dutch MPs Vote to Recognise Disputed Armenian 'Genocide'," *BBC*, 22 February 2018, https://www.bbc.com/news/world-europe-43161628).

42 Sabrina Toppa, "German President Enrages Turkey by Referring to 1915 Armenian 'Genocide'," *Time*, 24 April 2015, https://time.com/3834015/armenian-genocide-german-president-turkey/.

43 Joint Declaration by the Federal Republic of Germany and the Republic of Namibia: "United in Remembrance of Our Colonial Past, United in Our Will to Reconcile, United in Our Vision of the Future", 15 May 2021, para. 10, https://www.parliament.na/wp-content/uploads/2021/09/Joint-Declaration-Document-Genocide-rt.pdf.

44 Maan Alhmidi, "Experts Say Trudeau's Acknowledgment of Indigenous Genocide Could Have Legal Impacts," *The Canadian Press*, 5 June 2021, https://globalnews.ca/news/7924188/trudeau-indigenous-genocide-legal-impacts/.

45 Previously, in 2019, the U.S. Congress had passed a resolution formally recognizing the Armenian Genocide. See Julien Zarifian, *The United States and the Armenian Genocide. History, Memory, Politics* (Rutgers University Press, 2024), 147-152.

46 Glenn T. Morris and Simon Maghakyan, "The U.S. has Finally Acknowledged the Genocide of Armenians. What about Native Americans?" *The Washington Post*, 29 April 2021, https://www.washingtonpost.com/opinions/2021/04/29/us-biden-armenian-genocide-native-americans-recognition/. See also Emily Prey and Azeem Ibrahim, "The United States Must Reckon With Its Own Genocides," *Foreign Policy*, 11 October 2021, https://foreignpolicy.com/2021/10/11/us-genocide-china-indigenous-peoples-day-columbus/. According to Zarifian,

the system of Native American boarding schools,[47] which culminated in a two-volume report documenting the policy of forced assimilation imposed on Indigenous children.[48] This process ultimately led to President Biden's formal apology in October 2024.[49]

In contrast, Belgium offers a less conclusive illustration of the correlation described above: it combines governmental recognition of the Armenian Genocide with a declared willingness to confront its colonial past, yet stops short of acknowledging the commission of genocide in the colonies. In 2015, former Prime Minister Charles Michel unequivocally referred to the massacres of Armenians as genocide during a plenary session of Parliament.[50] Few years later, in 2020, a special parliamentary commission was set to undertake an enquiry into the country's colonial legacy and to consider appropriate reparations. This body, regarded as the first truth commission on colonial atrocities, published its report in 2024.[51] The report documented extensive violence and exploitation of colonized peoples but concluded that these acts were not driven by genocidal intent[52] and that the legal classification of genocide could not be applied retroactively to the colonial period.[53]

France presents another striking case. The Armenian Genocide has been formally recognized by the French Parliament,[54] and several presidents have explicitly described the

---

"[t]he United States' difficult relationship with its own past made recognition of the Armenian Genocide more difficult." See Zarifian, *The United States*, 206.

47 "Secretary Haaland Announces Federal Indian Boarding School Initiative," U.S. Department of Interior, 22 June 2021, https://www.doi.gov/pressreleases/secretary-haaland-announces-federal-indian-boarding-school-initiative.

48 Bryan Newland, *Federal Indian Boarding School Initiative Investigative Report* (May 2022), https://www.bia.gov/sites/default/files/dup/inline-files/bsi_investigative_report_may_2022_508.pdf; Bryan Newland, *Federal Indian Boarding School Initiative Investigative Report*, vol. II (June 2024), https://www.bia.gov/sites/default/files/media_document/doi_federal_indian_boarding_school_initiative_investigative_report_vii_final_508_compliant.pdf.

49 "Remarks by President Biden on the Biden-Harris Administration's Record of Delivering for Tribal Communities, Including Keeping His Promise to Make this Historic Visit to Indian Country," The White House, 24 October 2025, https://bidenwhitehouse.archives.gov/briefing-room/speeches-remarks/2024/10/25/remarks-by-president-biden-on-the-biden-harris-administrations-record-of-delivering-for-tribal-communities-including-keeping-his-promise-to-make-this-historic-visit-to-indian-country-lavee/.

50 Chambre des Représentants de Belgique, *Compte rendu intégral avec compte rendu analytique traduit des interventions. Séance plénière. Jeudi 18-06-2015. Après-midi*, CRIV 54 PLEN 054, 3, par. 01.03. Later that year, the Parliament passed a resolution on the Armenian Genocide (Chambre des Représentants de Belgique, *Résolution relative à la commémoration du centenaire du génocide arménien*, 23 July 2015, Doc. 54 1207/009).

51 Rachele Marconi, "States before their colonial past: Practice in addressing responsibility," *Questions of International Law, Zoom-out* 103 (2024): 29.

52 Chambre des Représentants de Belgique, *Commission spéciale chargée d'examiner l'État indépendant du Congo (1885-1908) et le passé colonial de la Belgique au Congo (1908-1960) au Rwanda et au Burundi (1919-1962), ses conséquences et les suites qu'il convient d'y réserver. Constats des experts*, 7 March 2024, Doc. 55 1462/006, 66.

53 Chambre des Représentants de Belgique, *Commission spéciale*, 71.

54 Loi n° 2001-70 du 29 janvier 2001 relative à la reconnaissance du génocide arménien de 1915, https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000403928/.

massacres as genocide.[55] Yet France continues to struggle with a decisive reckoning of its colonial past.[56] While recent years have seen gestures of openness toward dialogue with former colonial territories regarding appropriate measures of recognition or reparation, such discussions have consistently excluded any implication of legal responsibility.[57]

In other European countries, such as Italy, Portugal, and the Netherlands, parliamentary recognition of the Armenian Genocide has not yet been matched by recognition at the governmental level. Also, although the details vary across these states, the classification and acknowledgment of colonial violence remain contested issues. When the Italian Parliament debated, and ultimately adopted, a resolution urging the government to recognize the Armenian Genocide,[58] the government's representative notably avoided any reference to the term *genocide*.[59] Italy has taken limited steps to address its colonial past, most notably through the Treaty of Friendship, Partnership, and Cooperation signed with Libya in 2008 (the Treaty of Benghazi).[60] The agreement included a substantial Italian investment package in Libyan infrastructure as a form of compensation for the harm caused during the colonial period, while also seeking to bring an end to long-standing

---

55 See, e.g., "Chirac pour la reconnaissance du génocide arménien," *L'Humanité*, 2 October 2006, https://www.humanite.fr/monde/-/chirac-pour-la-reconnaissance-du-genocide-armenien; Déclaration de M. Nicolas Sarkozy, Président de la République, sur le Génocide arménien, à Paris le 24 avril 2012, 24 April 2012, https://www.elysee.fr/nicolas-sarkozy/2012/04/24/declaration-de-m-nicolas-sarkozy-president-de-la-republique-sur-le-genocide-armenien-a-paris-le-24-avril-2012; Déclaration de M. François Hollande, Président de la République, sur le génocide arménien, à Paris le 24 avril 2014, 24 April 2014, https://www.elysee.fr/francois-hollande/2014/04/24/declaration-de-m-francois-hollande-president-de-la-republique-sur-le-genocide-armenien-a-paris-le-24-avril-2014; Discours d'Emmanuel Macron au diner du CCAF, 5 February 2019, https://www.elysee.fr/front/pdf/elysee-module-3217-fr.pdf.

56 Edwy Plenel, "Le négationnisme français des crimes coloniaux," *Mediapart*, 13 March 2025, https://www.mediapart.fr/journal/france/130325/le-negationnisme-francais-des-crimes-coloniaux; Franziska Boehme, "Normative Expectations and the Colonial Past: Apologies and Art Restitution to Former Colonies in France and Germany," *Global Studies Quarterly* 2, no. 4 (2022): 5-7, https://doi.org/10.1093/isagsq/ksac053.

57 Specifically regarding Niger, see Représentation Permanente de la France auprès de l'Office des Nations Unies à Genève et des organisations internationales en Suisse, Réponse du Gouvernement français à la communication conjointe des procédures spéciales n° AL FRA 5/2025, 19 June 2025, 6, https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=39057.

58 Camera dei Deputati, *Mozione 1-00139*, 11 March 2019, https://aic.camera.it/aic/scheda.html?numero=1-00139&ramo=C&leg=18.

59 Camera dei Deputati, Discussione della mozione Formentini, Sabrina De Carlo, Delmastro Delle Vedove, Quartapelle Procopio, Colucci ed altri n. 1-00139 concernente il riconoscimento del genocidio del popolo armeno (ore 14,03), in *Resoconto stenografico dell'Assemblea. Seduta n. 158 di lunedì 8 aprile 2019*, 8 April 2019, https://www.camera.it/leg18/410?idSeduta=0158&tipo=stenografico, statement by Vincenzo Santangelo, Undersecretary of State to the Presidency of the Council of Ministers.

60 Legge 6 febbraio 2009, no. 7 - Ratifica ed esecuzione del Trattato di amicizia, partenariato e cooperazione tra la Repubblica italiana e la Grande Giamahiria araba libica popolare socialista, fatto a Bengasi il 30 agosto 2008, *Gazzetta Ufficiale* (Serie Generale) 40, 18 February 2009. English translation available at DCAF – Geneva Centre for Security Sector Governance, Law No. (2) of 1377 FDP/2009 AD on ratifying the Treaty of Friendship, Partnership, and Cooperation between the Great Socialist People's Libyan Arab Jamahiriya and the Republic of Italy, 8 April 2009, https://security-legislation.ly/latest-laws/law-no-2-of-2009-on-ratifying-the-treaty-of-friendship-and-cooperation-between-the-great-socialist-peoples-libyan-arab-jamahiriya-and-the-republic-of-italy/.

disputes arising from that history.[61] Nonetheless, the question of whether any of the atrocities committed in the colonized territories amount to genocide remains the subject of ongoing debate.[62]

Similarly, in 2019, the Portuguese Parliament adopted a *voto de pesar* [vote of condolence] concerning the Armenian Genocide, a largely symbolic gesture that expressed compassion for the victims but stopped short of constituting formal governmental recognition.[63] Meanwhile, the government's policy toward addressing colonial atrocities remains ambiguous, to say the least.[64]

As for the Netherlands, since 2004 the Parliament has repeatedly called on the government to recognize the Armenian Genocide, yet without success to date.[65] Nor has it properly addressed a number of atrocities in the colonial period classified as genocidal by some scholars.[66] Only the massacres committed in Indonesia during the 1940s and slave trade have prompted vague apologies from the government and the king.[67]

The correlation mentioned above also seems to be confirmed in a negative sense:

---

61 According to its preamble, the parties are "determined to finally close the painful 'chapter of the past,' […] by solving all bilateral disputes."

62 See, for instance, Ali Abdullatif Ahmida, "Eurocentrism, Silence and Memory of Genocide in Colonial Libya, 1929-1934," in *The Cambridge World History of Genocide*, vol. III, ed. Ben Kiernan, Wendy Lower, Norman Naimark and Scott Straus (Cambridge University Press, 2023), 118-140. But see Nicola Labanca, "Compensazioni, passato coloniale, crimini italiani. Il generale e il particolare," *Italia contemporanea* 251 (2008): 243, https://www.reteparri.it/wp-content/uploads/ic/IC_251_2008_2_r.pdf, excluding that colonial violence can be labelled as genocide.

63 Assembleia da República, *Voto de Pesar Nº 819/XIII em evocação das vítimas do genocídio arménio de 1915*, 24 April 2019, https://www.parlamento.pt/ActividadeParlamentar/Paginas/DetalheProjetoVoto.aspx?BID=112313.

64 While the President has acknowledged Portugal's responsibility in some cases (Alberto Massango, "Portugal Takes Responsibility For Wiriyamu Massacre," *Agência de Informação de Moçambique*, 22 December 2022, https://aimnews.org/2022/12/22/portugal-takes-responsibility-for-wiriyamu-massacre/), the government has openly excluded taking any action for past colonial abuses (Alison Roberts, "Portugal's debate over colonial and slavery reparations resurfaces," *BBC*, 29 April 2024, https://www.bbc.com/news/world-europe-68916320).

65 "Dutch MPs call on their government to finally fully recognize Armenian Genocide / Sayfo," *SyriacPress*, 11 April 2025, https://syriacpress.com/blog/2025/04/11/dutch-mps-call-on-their-government-to-finally-fully-recognize-armenian-genocide-sayfo/.

66 Emmanuel Kreike, "Genocide in the Kampongs? Dutch Nineteenth Century Colonial Warfare in Aceh, Sumatra," *Journal of Genocide Research* 14, no. 3-4 (2012): 297-315, doi:10.1080/14623528.2012.719367; Mohamed Adhikari, "Settler Genocides of San Peoples of Southern Africa, *c.*1700–*c.*1940," in *The Cambridge World History of Genocide*, vol. II, ed. Ned Blackhawk, Ben Kiernan, Benjamin Madley and Rebe Taylor (Cambridge University Press, 2023), 69-96; Frank Dhont, "Genocide in the Spice Islands. The Dutch East India Company and the Destruction of the Banda Archipelago Civilisation in 1621," in *The Cambridge World History of Genocide*, vol. II, 186-214.

67 Olivia Tasevski, "Forced Atonement? Dutch Apologies and Compensation for Colonial Era Rights Violations," *Indonesia at Melbourne*, 28 November 2019, https://indonesiaatmelbourne.unimelb.edu.au/forced-atonement-dutch-apologies-and-compensation-for-colonial-era-rights-violations/; Christa Wongsodikromo and Annemarie Toebosch, "Dutch King's 'Apology' for Colonial Slavery Is an Erasure of History," *Truthout*, 10 July 2023, https://truthout.org/articles/dutch-kings-apology-for-colonial-slavery-is-an-erasure-of-history/; Sayra van den Berg, Emmanuel Akwasi Adu-Ampong, and David Mwambari, "Breaking the silence on colonial crimes," *Review of African Political Economy*, 1 September 2023, https://roape.net/2023/09/14/breaking-the-silence-on-colonial-crimes/.

among those states that do not recognize the Armenian Genocide in any way, there are some where the discussion on a genocidal past is open,[68] as well as former colonial powers that did not shy away from violence in their quest for expansion. Australia could be among the first, and the lack of recognition of the Armenian Genocide could be explained by their own past,[69] as atrocities against Aboriginal Australian have been officially recognized, but no federal government has so far labelled them as genocide.[70] In contrast, the report *Bringing them Home*, by the Human Rights and Equal Opportunity Commission, stated back in 1997 that a genocide had been committed.[71] Similarly, in 2025, the Yoorrook Justice Commission, established in 2022 as part of a joint initiative between the Government of the State of Victoria and the First Peoples' Assembly of Victoria, asserted in its final report that First Peoples had suffered genocide.[72]

Obviously, responsibility for colonial atrocities in Australia also extends to the United Kingdom as the power that drove settler colonialism in the area.[73] In Martin Shaw's words:

> British authorities in London and Australia willed colonial settlement knowing that it foretold the often-brutal removal of the indigenous inhabitants, even if sometimes condemned the specific means that settlers adopted. In the light of this conclusion, it is surprising that while Australia has had a vigorous national debate on genocide, British commentators have mostly regarded this as a purely local affair, without implications for the 'home country' from which most settlers came – or, indeed, were sent as a matter of state policy.[74]

---

68 Israel has also not recognized the Armenian Genocide. However, despite its settler-colonial practices in Palestine (United Nations, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese, 21 September 2022, UN Doc. A/77/356, para. 36) and its rejection of claims that its attacks on Gaza constitute genocide (United Nations, Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, 14 August 2025, UN Doc. A/80/337, paras. 65-70), it has been excluded from this study, as the conduct in question postdates the adoption of the 1948 Genocide Convention.

69 Ellen Van Beukering, "Domestic Origins of Australia's Approach to Genocide," *Young Australians in International Affairs*, 1 August 2021, https://www.youngausint.org.au/post/domestic-origins-of-australia-s-approach-to-genocide.

70 On the reluctance to label them as genocide, see, for instance, Tony Barta, "After the Holocaust: Consciousness of Genocide in Australia," *Australian Journal of Politics and History* 31, no. 1 (1985): 154-61, https://doi.org/10.1111/j.1467-8497.1985.tb01330.x; Colin Tatz, "Confronting Australian Genocide," *Aboriginal History* 25 (2001): 16-36, https://press-files.anu.edu.au/downloads/press/p72971/pdf/ch0251.pdf.

71 Human Rights and Equal Opportunity Commission - Commonwealth of Australia, *Bringing them Home. Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* (Human Rights and Equal Opportunity Commission, 1997), esp. 235-239, https://humanrights.gov.au/our-work/projects/bringing-them-home-report-1997.

72 Yoorrook Justice Commission, *Truth be Told* (Parliament of Victoria, 2025), esp. 432 (Recommendation 100), https://www.yoorrook.org.au/reports-and-recommendations/reports.

73 Tony Barta, "A very British Genocide. Acknowledgement of Indigenous Destruction in the Founding of Australia and New Zealand," in *The Cambridge World History of Genocide*, vol. II, 46-68.

74 Martin Shaw, "Britain and Genocide: Historical and Contemporary Parameters of National Responsibility,"

However, the United Kingdom has not officially recognized the genocidal nature of colonial massacres. Nor has it recognized the Armenian Genocide, even though various bills have been presented in the House of Commons demanding formal recognition from the Government.[75] Another country haunted by the ghost of colonial genocide[76] that, for the moment, does not appear to have any intention of addressing its colonial past[77] is Spain, which has also failed to recognize the Armenian Genocide, even at the parliamentary level.[78]

The question that arises is whether the growing trend toward acknowledging colonial atrocities, offering various forms of reparation, most often in the form of apologies, and even characterizing such acts as genocide, may produce any international legal effects, such as constituting a subsequent practice supporting the retroactive application of the Genocide Convention. Considering the safeguards that states have consistently included to exclude the consequences of international responsibility, it appears that, for now, these developments amount to little more than exercises in political or moral accountability.[79] For instance, in the Joint Declaration between Germany and Namibia, Germany expressly

Review of International Studies 37, no. 5 (2011): 2426, https://doi.org/10.1017/S0260210510001245. On the British genocidal practices in Australia, see, for instance, Tom Lawson, *The Last Man: A British Genocide in Tasmania* (Bloomsbury Publishing, 2021).

75 See House of Commons, *Armenian Genocide (Recognition) Bill* (Bill 90 2021-22), 21 June 2021, https://publications.parliament.uk/pa/bills/cbill/58-02/0090/210090.pdf; *Recognition of Armenian Genocide Bill* (Bill 190 2021-22), 9 November 2021, https://publications.parliament.uk/pa/bills/cbill/58-02/0190/210190.pdf; *Armenian Genocide (Recognition) Bill* (Bill 129 2022-23), 29 June 2022, https://publications.parliament.uk/pa/bills/cbill/58-03/0129/220129.pdf; *Recognition of Armenian Genocide Bill* (Bill 133 2022-23), 30 June 2023, https://publications.parliament.uk/pa/bills/cbill/58-03/0133/220133.pdf; *Armenian Genocide (Recognition) Bill* (Bill 91 2023-24), 11 December 2023, https://publications.parliament.uk/pa/bills/cbill/58-04/0091/230091.pdf.

76 See, for instance, Kristina Charleston, "Reframing the Debate: Spain's Colonization of the New World as Genocide," *Graduate Research Journal* 2 (2015): 65-86; Harald E. Braun, "Genocidal Massacres in the Spanish Conquest of the Americas: Xaragua, Cholula and Toxcatl, 1503-1519," in *The Cambridge World History of Genocide*, vol. I, ed. Ben Kiernan, T. M. Lemos, and Tristan S. Taylor (Cambridge University Press, 2023), 622-647.

77 In 2019, a letter from former Mexican president Andrés Manuel López Obrador to the king of Spain demanding an apology for the wrongs committed during the colonial period sparked considerable controversy in the country ("Mexico Demands Spain Apologize for Colonial abuse of Indigenous People," *The Guardian*, 25 March 2019, https://www.theguardian.com/world/2019/mar/25/mexico-demands-spain-apology-colonialism-obrador). In 2024, president-elect Claudia Sheinbaum refused to invite Philippe VI to her inauguration as a reaction for the lack of apology (Sam Jones, "Mexico's Snub to King Felipe Rekindles Colonialism Row with Spain," *The Guardian*, 26 September 2024, https://www.theguardian.com/world/2024/sep/26/mexicos-snub-to-king-felipe-rekindles-colonialism-row-with-spain).

78 Various proposals for recognition have been submitted to parliament, but they have not been successful. See, for instance, Grupo Parlamentario Republicano, "Proposición no de Ley sobre el reconocimiento del genocidio armenio. (161/000290)," *BOCG. Congreso de los Diputados* D-49, 10 March 2020: 9; Grupo Parlamentario Plural, "Proposición no de Ley relativa a reconocer el genocidio armenio. (162/000637)," *BOCG. Congreso de los Diputados* D-268, 10 May 2021: 38; Grupo Parlamentario Euskal Herria Bildu, "Proposición no de Ley relativa al reconocimiento del genocidio armenio. (161/004943)," *BOCG. Congreso de los Diputados* D-604, 4 April 2023: 3

79 Carsten Stahn, "Reckoning with Colonial Injustice: International Law as Culprit and as Remedy?" *Leiden Journal of International Law* 33 (2020): 828-29, doi:10.1017/S0922156520000370828; Marconi, "Colonial past," 26.

accepted "a moral, historical and political obligation to tender an apology for this genocide and subsequently provide the necessary means for reconciliation and reconstruction," thereby excluding any implication of legal responsibility.[80] Similarly, the Belgian Special Parliamentary Commission of Inquiry into the country's colonial past emphasized that the reparations proposed in its 2024 report were *ex gratia* measures, unrelated to any potential legal liability, and thus purely political in nature.[81] The 2008 Treaty of Benghazi likewise seems to preclude any further colonial claims by Libya, including, presumably, renewed discussions concerning genocidal practices.[82]

As Rachele Marconi observes, these initiatives appear to represent "a last resort for the former colonial power to move forward in these specific situations characterized by strong political and international pressures."[83] Yet, as she also notes, they should not be underestimated, for "their achievements […] were unthinkable until recently."[84] Indeed, they mark a relatively new trend in international practice and may, in time, pave the way for normative developments, although it remains too early to draw firm conclusions. One may reasonably argue that these initiatives have emerged in response to the specific historical context of colonialism and that any normative consequences they could generate would therefore relate only to that phenomenon, leaving the Armenian case outside their direct scope. They are, without question, the product of demands voiced by many states that now form the international community and that were themselves formerly subjected to colonial domination.

If there was a decisive turning point in these demands, it was the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001.[85] Significantly, the resulting *Declaration and Programme of Action* adopted an expansive perspective that extended beyond racism and colonialism to encompass religious intolerance[86] and the broader category of "historical injustices,"[87] defined as "the crimes or wrongs of the past, wherever and whenever they occurred."[88] On this basis, one may argue that the Armenian Genocide is comparable to colonial violence in terms of recognition and reparation claims.

---

80 Joint Declaration by Germany and Namibia, para. 11.

81 Chambre des Représentants de Belgique, *Commission spéciale*, 84.

82 See Treaty of Benghazi, preamble: "Determined to finally close the painful 'chapter of the past' […] by solving all bilateral disputes."

83 Marconi, "Colonial past," 41.

84 Ibid., 42.

85 Marconi, "Colonial past," 25.

86 Durban Declaration, para. 59-60, in United Nations, *Report of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Durban, 31 August - 8 September 2001*, UN Doc. A/CONF.189/12, 17.

87 Durban Programme of Action, para. 158, in UN Doc. A/CONF.189/12, 61 (within Section IV, devoted to the provision of effective remedies, recourses, redress, and other measures at the national, regional and international levels).

88 Durban Declaration, para. 106, in UN Doc. A/CONF.189/12, 24.

Another Legal Constraint? Playing the Courts Card as a Ground for Non-recognition

The correlation proposed here is by no means easy to demonstrate, beyond what can be inferred from the observable history and practice of states. No official document articulates it; no public speech confirms it.[89] Whether to avoid undesirable legal consequences, to preserve diplomatic relations with Turkey, or for other substantive reasons that mask their own interests, states' official positions on the recognition of the Armenian Genocide strive to be, or at least to appear, neutral. Frequently, governments have framed the issue as a matter best resolved through dialogue between Armenia and Turkey as a pathway toward reconciliation.[90]

Of particular relevance is the fact that several European governments invoke an alleged legal constraint to justify non-recognition: the purported requirement that genocide must first be declared by a court. According to this logic, governments assert that they would be authorized, or even obligated, to recognize the Armenian Genocide only if a judicial body were to determine that the atrocities committed against the Armenians constituted genocide.

For example, during a debate in the House of Lords on whether the Government should reconsider its position regarding recognition of the events of 1915-1917 as genocide, the Minister of State at the Foreign and Commonwealth Office of the United Kingdom stated:

> "Genocide" is a precise term and its use is best assessed by a competent court. However, then as now, there is no court with the authority to make such an assessment. Therefore, it is inappropriate for the British Government to apply the term to events on which no legal judgment can be made.[91]

Likewise, the official response to a public information request submitted to the Spanish Ministry of Foreign Affairs and Cooperation in September 2024 regarding Spain's position on the non-recognition of the Armenian Genocide stated:

89 Exceptionally, during discussions to adopt resolutions on the Armenian Genocide, some U.S. congresspersons made explicit reference to the relationship between recognition of this genocide and the need to address their own dark past. See Zarifian, *The United States*, 151, 205-206.

90 For instance, see the statements by Geoffrey Hoon, UK Minister for Europe at the time, in House of Commons, "Genocide (Armenia and Assyria)," debated on Wednesday 7 June 2006, *Official Report* 447, col. 137WH; by the UK Minister of State, Foreign and Commonwealth Office at the time, in House of Lords, "Armenia: Genocide," debated on Thursday 16 June 2011, *Official Report* 728, col. 874-876, and by Vincenzo Santangelo, the Undersecretary of State to the Presidency of the Council of Ministers of Italy in 2019, in Camera dei Deputati, Discussione della mozione n. 1-00139.

91 House of Lords, "Armenia," debated on Monday 29 March 2010, *Official Report* 718, col. 508GC. A document from the Russia, South Caucasus and Central Asia Directorate (RuSCCAD) to the Minister for Europe puts forward this exact argument when responding to the question of whether the massacres should be recognized as genocide, RuSCCAD, Armenian Massacres 1915-1917, 17 June 2010, para. 13, https://assets.publishing.service.gov.uk/media/5a7ebab540f0b62305b82ceb/FOI_ref_0298-14_Attachment_23.pdf.

> Spain has not pronounced itself on the matter, considering that the treatment of this type of question corresponds to the competent international judicial bodies and not to the States, in accordance with the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, to which Spain acceded on 13 September 1968.[92]

In similar, though broader, terms, the coalition agreement of the third Rutte cabinet in the Netherlands set out the conditions under which the government would recognize genocides: "The Dutch government bases its recognition of genocides on rulings by international courts or criminal tribunals, clear conclusions from scientific research and findings by the UN."[93]

This alignment of the arguments of the European countries has its origin in Article 1.4 of Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, according to which

> Any Member State may, on adoption of this Framework Decision or later, make a statement that it will make punishable the act of denying or grossly trivialising the crimes referred to in paragraph 1(c) [publicly condoning, denying or grossly trivialising crimes of genocide, crimes against humanity and war crimes as defined in Articles 6, 7 and 8 of the Statute of the International Criminal Court] and/or (d) [publicly condoning, denying or grossly trivialising the crimes defined in Article 6 of the Charter of the International Military Tribunal appended to the London Agreement of 8 August 1945] **only if the crimes referred to in these paragraphs have been established by a final decision of a national court of this Member State and/or an international court, or by a final decision of an international court only.**[94]

Thus, what was originally an optional provision designed to establish jurisdictional safeguards to reconcile legislation against denialism with the protection of freedom of expression has ultimately been repurposed as an argument for not recognizing the Armenian Genocide. Indeed, this requirement now appears to have taken root even within academic discourse,[95] despite the fact that it raises at least two major problems.

---

92 Ministerio de Asuntos Exteriores y Cooperación, Resolution, file nº 001-095798, 8 October 2024.

93 Rijksoverheid, *Vertrouwen in de toekomst. Regeerakkoord 2017-2021*, 10 October 2017, Section 4.1, 47, https://www.rijksoverheid.nl/documenten/publicaties/2017/10/10/regeerakkoord-2017-vertrouwen-in-de-toekomst.

94 *Official Journal* L 328, 6 December 2008: 55-58.

95 For instance, Grandjean refers to three genocides as having been legally recognized at the international level – whatever that may precisely entail – namely the genocide of the Jews, the genocide of the Tutsis, and the

To begin with, strictly speaking, the Holocaust has never been declared a genocide by an international court either. At Nuremberg, the term was merely mentioned in the indictment,[96] under Count Three (war crimes), but was not a ground for prosecution according to the Charter of the International Military Tribunal. Therefore, if the judicial declaration requirement were to be strictly apply, the Holocaust would technically amount to crimes against humanity or war crimes (the legal classification given by the Nuremberg Tribunal), but not to genocide, a conclusion that could be considered denialist in some countries.[97] States are not unaware of this contradiction, and they attempt to circumvent it by invoking the Holocaust's role as a definitional moment in the development of the crime of genocide,[98] even though the Armenian Genocide was likewise central to the conception of the 1948 Convention.[99]

Secondly, no such requirement arises from the 1948 Convention, contrary to what has been argued by the Spanish government. Article VI provides that:

> Persons charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.[100]

However, returning to the principles of treaty interpretation, nothing in the "ordinary meaning to be given to the terms of the treaty"[101] indicates that this provision does anything more than allocate criminal jurisdiction – either to domestic courts on a territorial

genocide committed in the former Yugoslavia. He further suggests that the Armenian Genocide was implicitly recognized by the United Nations through the Whitaker Report. See Geoffrey Grandjean, "La répression du négationnisme en Belgique: de la réussite législative au blocage politique," Droit et Société 77, no. 1 (2011): 139, https://doi.org/10.3917/drs.077.0137.

96 International Military Tribunal, *Trial of the Major War Criminals before the International Military Tribunal*, vol. I (1945): 43, https://www.loc.gov/item/2011525338_NT_Vol-I/.

97 For instance, in Belgium. There, the Law of 23 March 1995 punishes the denial of the Jewish genocide (Loi tendant à réprimer la négation, la minimisation, la justification ou l'approbation du génocide commis par le régime national-socialiste allemand pendant la seconde guerre mondiale), while Article 20.5 of the Law of 30 July 1981 (Loi tendant à réprimer certains actes inspirés par le racisme ou la xénophobie), as amended by the Law of 5 May 2019 (Loi du 5 mai 2019 portant des dispositions diverses en matière pénale et en matière de cultes, et modifiant la loi du 28 mai 2002 relative à l'euthanasie et le Code pénal social), punishes the denial of a crime of genocide, a crime against humanity, or a war crime "established as such by a final decision rendered by an international court." On this contradiction, see Noémie Blaise, "Le génocide arménien: le parent pauvre du négationnisme élargi," *Journal des Tribunaux* 6868 (2021): 581, https://pure.unamur.be/ws/portalfiles/portal/61139429/D1916.pdf.

98 See the file, available online at the UK Government website, named "Standard lines – Armenian Massacres" (n.d.), ttps://assets.publishing.service.gov.uk/media/5a7ddb96ed915d2acb6ee8e8/FOI_ref_0298-14_Attachment_27.pdf.

99 Robertson, QC, *Was There?* para. 65.

100 1948 Genocide Convention.

101 Art. 31.1 1969 VCLT.

basis, or to an international criminal tribunal with appropriate competence. Moreover, it should be stressed that the Convention's purpose is not limited to the punishment of genocide; it expressly includes its prevention. Conditioning recognition on a prior judicial determination, where individual responsibility must be established through lengthy and complex proceedings, would make it practically impossible for a state to adopt timely measures to prevent genocide from occurring or continuing. As the International Court of Justice has emphasized, "a State's obligation to prevent, and the corresponding duty to act, arise at the instant that the State learns of, or should normally have learned of, the existence of a serious risk that genocide will be committed."[102]

Accordingly, waiting for a domestic or international court to determine that genocide has taken place would obstruct a state's ability to fulfil its preventive obligations under the 1948 Convention.

Concluding Remarks

Recognition of the Armenian Genocide poses not only geopolitical and political challenges but also legal ones. At present, the rules of international law governing the temporal application of treaties exclude the massacres suffered by Armenians under Ottoman rule from falling within the scope of the 1948 Genocide Convention. However, nothing prevents states from developing, through their practice, a new shared understanding that the Convention may apply to situations predating its adoption. Indeed, there seems to be a growing – although far from being unanimous – trend among Western states toward acknowledging their own past atrocities and offering some form of reparation – even if only apologies – for historical injustices, particularly those linked to colonialism.

This trend appears to correlate, at least to some extent, with the recognition (or lack thereof) of the Armenian Genocide. This is logical: for a state to acknowledge and provide reparation for the atrocities it committed in the past requires a deeper level of engagement with human rights, an engagement that tends to have a universal dimension extending beyond the domestic sphere. Thus, even if a strict cause-and-effect relationship cannot be established, it is reasonable to argue that the recognition of the Armenian Genocide is conditioned, to some degree, by a state's sensitivity to human rights violations and its willingness to confront them retrospectively.

At the same time, it cannot currently be asserted that states share a common understanding that the Genocide Convention applies to situations prior to its adoption. Only a handful of states have gone so far as to classify their own pre-1948 atrocities as genocide. Recognition of the Armenian Genocide remains limited, and even more so if one excludes parliamentary initiatives, whose significance in international relations is considerably less than recognition expressed by a head of state, head of government, or

102 International Court of Justice, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment, I.C.J. Reports 2007, para. 431.

foreign minister. In the present state of international law, such initiatives occupy a moral and political space rather than a legal one. They remain matters of state discretion, shaped by a multiplicity of factors that lie well beyond the scope of this study.

Another factor that makes it difficult to draw definitive conclusions about the extent to which states' reluctance to retroactively apply the 1948 Convention may have influenced the non-recognition of the Armenian Genocide is the measured neutrality of official state positions. Government statements or documents articulating these positions rarely disclose the underlying interests at play. Nevertheless, in recent years, several Western European states have increasingly argued that recognition requires a prior judicial determination of genocide. Contrary to these claims, such a requirement is entirely absent from the Genocide Convention, and may even impede compliance with its obligations, particularly the duty to prevent.

Ultimately, the use of legal arguments to justify the non-recognition of the Armenian Genocide demonstrates that such constraints, whether genuinely arising from public international law or spuriously invoked, can carry significant weight in shaping state decisions on recognition. These legal considerations, even when misapplied, should therefore not be ignored in understanding why many states continue to refrain from acknowledging the Armenian Genocide.

Bibliography

"Armenia: Swedish Prime Minister Regrets Armenian Genocide Vote." *Eurasianet*, 15 March 2010. https://eurasianet.org/armenia-swedish-prime-minister-regrets-armenian-genocide-vote.

"Chirac pour la reconnaissance du genocide arménien." *L'Humanité*, 2 October 2006. https://www.humanite.fr/monde/-/chirac-pour-la-reconnaissance-du-genocide-armenien.

"Dutch MPs Call on Their Government to Finally Fully Recognize Armenian Genocide / Sayfo." *SyriacPress*, 11 April 2025. https://syriacpress.com/blog/2025/04/11/dutch-mps-call-on-their-government-to-finally-fully-recognize-armenian-genocide-sayfo/.

"Dutch MPs Vote to Recognise Disputed Armenian 'Genocide'." *BBC*, 22 February 2018. https://www.bbc.com/news/world-europe-43161628.

"Erdogan Slams Biden's Recognition of Armenian 'Genocide'." *Al Jazeera*, 26 April 2021. https://www.aljazeera.com/news/2021/4/26/erdogan-slams-bidens-armenian-genocide-recognition.

"Erdogan Vows 'Never to Accept' Genocide Charges." *DW*, 4 June 2016. https://www.dw.com/en/erdogan-turkey-will-never-accept-genocide-charges/a-19307115.

"Mexico Demands Spain Apologize for Colonial Abuse of Indigenous People." *The Guardian*, 25 March 2019. https://www.theguardian.com/world/2019/mar/25/mexico-demands-spain-apology-colonialism-obrador.

"Remarks by President Biden on the Biden-Harris Administration's Record of Delivering for Tribal Communities, Including Keeping His Promise to Make this Historic

Visit to Indian Country." The White House, 24 October 2025. https://bidenwhitehouse.archives.gov/briefing-room/speeches-remarks/2024/10/25/remarks-by-president-biden-on-the-biden-harris-administrations-record-of-delivering-for-tribal-communities-including-keeping-his-promise-to-make-this-historic-visit-to-indian-country-lavee/.

"Secretary Haaland Announces Federal Indian Boarding School Initiative." U.S. Department of Interior, 22 June 2021. https://www.doi.gov/pressreleases/secretary-haaland-announces-federal-indian-boarding-school-initiative.

"US President Joe Biden Officially Recognises 'Armenian Genocide'." *Al Jazeera*, 24 April 2021. https://www.aljazeera.com/news/2021/4/24/joe-biden-officially-recognises-armenian-genocide.

Adhikari, Mohamed. "Settler Genocides of San Peoples of Southern Africa, *c.*1700–*c.*1940." In *The Cambridge World History of Genocide*, vol. II, edited by Ned Blackhawk, Ben Kiernan, Benjamin Madley and Rebe Taylor. Cambridge University Press, 2023.

Adjemian, Boris and Julien Zarifian. "La reconnaissance internationale du génocide des Arméniens. Histoire, enjeux, pratiques." *20 & 21. Revue d'histoire* 158, no. 2 (2023): 149-165. https://doi.org/10.3917/vin.158.0149.

Ahmida, Ali Abdullatif. "Eurocentrism, Silence and Memory of Genocide in Colonial Libya, 1929–1934." In *The Cambridge World History of Genocide*, vol. III, edited by Ben Kiernan, Wendy Lower, Norman Naimark, and Scott Straus. Cambridge University Press, 2023.

Alhmidi, Maan. "Experts Say Trudeau's Acknowledgment of Indigenous Genocide Could Have Legal Impacts." *The Canadian Press*, 5 June 2021. https://globalnews.ca/news/7924188/trudeau-indigenous-genocide-legal-impacts/.

Avedian, Vahagn. "Recognition, Responsibility and Reconciliation. The Trinity of the Armenian Genocide." *Europa Ethnica* 70, no. 3/4 (2013): 77-86. https://lucris.lub.lu.se/ws/portalfiles/portal/3719005/4174624.pdf.

Barsalou, Olivier. "Les Actes Unilatéraux Étatiques En Droit International Public: Observations Sur Quelques Incertitudes Théoriques Et Pratiques." *Canadian Yearbook of international Law/Annuaire canadien de droit international* 44 (2007): 395-420. https://doi.org/10.1017/S0069005800009061.

Barta, Tony. "A very British Genocide. Acknowledgement of Indigenous Destruction in the Founding of Australia and New Zealand." In *The Cambridge World History of Genocide*, vol. II, edited by Ned Blackhawk, Ben Kiernan, Benjamin Madley and Rebe Taylor. Cambridge University Press, 2023.

Barta, Tony. "After the Holocaust: Consciousness of Genocide in Australia." *Australian Journal of Politics and History* 31, no. 1 (1985): 154-161. https://doi.org/10.1111/j.1467-8497.1985.tb01330.x.

Ben Aharon, Eldad. "Recognition of the Armenian Genocide after Its Centenary: A Comparative Analysis of Changing Parliamentary Positions." *Israel Journal of Foreign Affairs* 13, no. 3 (2019): 339-52. https://doi.org/10.1080/23739770.2019.1737911.

Blaise, Noémie. "Le génocide arménien: le parent pauvre du négationnisme élargi."

Journal des Tribunaux 6868 (2021): 580-584. https://pure.unamur.be/ws/portalfiles/portal/61139429/D1916.pdf.

Boehme, Franziska. "Normative Expectations and the Colonial Past: Apologies and Art Restitution to Former Colonies in France and Germany." *Global Studies Quarterly* 2, no. 4 (2022): 1-12. https://doi.org/10.1093/isagsq/ksac053.

Braun, Harald E. "Genocidal Massacres in the Spanish Conquest of the Americas: Xaragua, Cholula and Toxcatl, 1503–1519." In *The Cambridge World History of Genocide*, vol. I, edited by Ben Kiernan, T. M. Lemos, and Tristan S. Taylor. Cambridge University Press, 2023.

Charleston, Kristina. "Reframing the Debate: Spain's Colonization of the New World as Genocide." *Graduate Research Journal* 2 (2015): 65-86.

Danielyan, Emil. "Russia Stands by Armenian Genocide Recognition." *Azatutyun Radiokayan*, 28 April 2015. https://www.azatutyun.am/a/26983710.html.

Dhont, Frank. "Genocide in the Spice Islands. The Dutch East India Company and the Destruction of the Banda Archipelago Civilisation in 1621." In *The Cambridge World History of Genocide*, vol. II, edited by Ned Blackhawk, Ben Kiernan, Benjamin Madley and Rebe Taylor. Cambridge University Press, 2023.

Grandino Bodas, João. "The Doctrine of Non-Retroactivity of International Treaties." *Revista da Faculdade de Direito Universidade de São Paulo* 68, no. 2 (1973): 341-360. https://revistas.usp.br/rfdusp/article/view/66677.

Grandjean, Geoffrey. "La répression du négationnisme en Belgique: de la réussite législative au blocage politique." *Droit et Société* 77, no. 1 (2011): 137-160. https://doi.org/10.3917/drs.077.0137.

Herdegen, Matthias. "Interpretation in International Law." *Max Planck Encyclopedia of Public International Law*. Oxford University Press, 2023. https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e723#law-9780199231690-e723-div1-2.

International Center for Transitional Justice, *The Applicability of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide to Events which Occurred during the Early Twentieth Century. Legal Analysis Prepared for the International Center for Transitional Justice* (2002). https://www.ictj.org/sites/default/files/ICTJ-Turkey-Armenian-Reconciliation-2002-English.pdf.

Jones, Sam. "Mexico's Snub to King Felipe Rekindles Colonialism Row with Spain." *The Guardian*, 26 September 2024. https://www.theguardian.com/world/2024/sep/26/mexicos-snub-to-king-felipe-rekindles-colonialism-row-with-spain.

Karamanian, Susan L. "The International Court of Justice and the Armenian Genocide." In *The Armenian Genocide Legacy*, edited by Alexis Demirdjian, 84-101. Palgrave Macmillan, 2016.

Kohen, Marcelo G. "Keeping Subsequent Agreements and Practice in Their Right Limits." In *Treaties and Subsequent Practice*, edited by Georg Nolte, 34-45. Oxford University Press, 2013.

Kreike, Emmanuel. "Genocide in the Kampongs? Dutch Nineteenth Century Colonial

Warfare in Aceh, Sumatra." *Journal of Genocide Research* 14, no. 3-4 (2012): 297-315. doi:10.1080/14623528.2012.719367.

Labanca, Nicola. "Compensazioni, passato coloniale, crimini italiani. Il generale e il particolare." *Italia contemporanea* 251 (2008): 227-249. https://www.reteparri.it/wp-content/uploads/ic/IC_251_2008_2_r.pdf.

Lawson, Tom. *The Last Man: A British Genocide in Tasmania*. Bloomsbury Publishing, 2021.

Lemkin, Raphaël. *Axis Rule in Occupied Europe*. Carnegie Endowment for International Peace, 1944.

Marconi, Rachele. "States before their colonial past: Practice in addressing responsibility." *Questions of International Law, Zoom-out* 103 (2024): 25-46.

Massango, Alberto. "Portugal Takes Responsibility For Wiriyamu Massacre." *Agência de Informação de Moçambique*, 22 December 2022. https://aimnews.org/2022/12/22/portugal-takes-responsibility-for-wiriyamu-massacre/

Morris, Glenn T., and Simon Maghakyan. "The U.S. Has Finally Acknowledged the Genocide of Armenians. What about Native Americans?" *The Washington Post*, 29 April 2021. https://www.washingtonpost.com/opinions/2021/04/29/us-biden-armenian-genocide-native-americans-recognition/.

Newland, Bryan. *Federal Indian Boarding School Initiative Investigative Report* (May 2022). https://www.bia.gov/sites/default/files/dup/inline-files/bsi_investigative_report_may_2022_508.pdf.

Newland, Bryan. *Federal Indian Boarding School Initiative Investigative Report*, vol. II (June 2024). https://www.bia.gov/sites/default/files/media_document/doi_federal_indian_boarding_school_initiative_investigative_report_vii_final_508_compliant.pdf.

Plenel, Edwy. "Le négationnisme français des crimes coloniaux." *Mediapart*, 13 March 2025. https://www.mediapart.fr/journal/france/130325/le-negationnisme-francais-des-crimes-coloniaux.

Prey, Emily, and Azeem Ibrahim. "The United States Must Reckon With Its Own Genocides." *Foreign Policy*, 11 October 2021. https://foreignpolicy.com/2021/10/11/us-genocide-china-indigenous-peoples-day-columbus/.

Quigley, John. *The Genocide Convention. An International Law Analysis*. Ashgate, 2006.

Roberts, Alison. "Portugal's Debate over Colonial and Slavery Reparations Resurfaces." *BBC*, 29 April 2024. https://www.bbc.com/news/world-europe-68916320.

Robertson, Geoffrey. "Armenia and the G-word: The Law and the Politics." In *The Armenian Genocide Legacy*, edited by Alexis Demirdjian, 69-83. Palgrave Macmillan, 2016.

Robertson, Geoffrey. *Was There an Armenian Genocide?*, 9 October 2009. https://groong.org/Geoffrey-Robertson-QC-Genocide.pdf.

Rocca, Francis X., and Emre Peker. "Pope Francis Calls Armenian Deaths 'First Genocide of 20th Century'." *The Wall Street Journal*, 12 April 2015. https://www.wsj.com/articles/pope-francis-calls-armenian-slaughter-first-genocide-of-20th-century-1428824472.

Sanderson, Sertan. "Armenian 'Genocide' Motion Clears Bundestag." *DW*, 2 June 2016. https://www.dw.com/en/bundestag-passes-armenia-genocide-resolution-unanimously-turkey-recalls-ambassador/a-19299936.

Schabas, William A. "Retroactive Application of the Genocide Convention." *University of St. Thomas Journal of Law and Public Policy* 4, no. 2 (2010): 36-59.

Shaw, Martin. "Britain and Genocide: Historical and Contemporary Parameters of National Responsibility." *Review of International Studies* 37, no. 5 (2011): 2417–2438. https://doi.org/10.1017/S0260210510001245.

Stahn, Carsten. "Reckoning with Colonial Injustice: International Law as Culprit and as Remedy?" *Leiden Journal of International Law* 33 (2020): 823-835. doi:10.1017/S0922156520000370828.

Tams, Christian J., Lars Berster, and Bjorn Schiffbauer. *Convention on the Prevention and Punishment of the Crime of Genocide: A Commentary*. C.H. Beck, 2014.

Tasevski, Olivia. "Forced Atonement? Dutch Apologies and Compensation for Colonial Era Rights Violations." *Indonesia at Melbourne*, 28 November 2019. https://indonesiaatmelbourne.unimelb.edu.au/forced-atonement-dutch-apologies-and-compensation-for-colonial-era-rights-violations/.

Tatz, Colin. "Confronting Australian Genocide," *Aboriginal History* 25 (2001): 16-36. https://press-files.anu.edu.au/downloads/press/p72971/pdf/ch0251.pdf.

Toppa, Sabrina. "German President Enrages Turkey by Referring to 1915 Armenian 'Genocide'." *Time*, 24 April 2015. https://time.com/3834015/armenian-genocide-german-president-turkey/.

Van Beukering, Ellen. "Domestic Origins of Australia's Approach to Genocide." *Young Australians in International Affairs*, 1 August 2021. https://www.youngausint.org.au/post/domestic-origins-of-australia-s-approach-to-genocide.

Van den Berg, Sayra, Emmanuel Akwasi Adu-Ampong, and David Mwambari. "Breaking the silence on colonial crimes." *Review of African Political Economy*, 1 September 2023. https://roape.net/2023/09/14/breaking-the-silence-on-colonial-crimes/.

Wongsodikromo, Christa, and Annemarie Toebosch. "Dutch King's 'Apology' for Colonial Slavery Is an Erasure of History," *Truthout*, 10 July 2023. https://truthout.org/articles/dutch-kings-apology-for-colonial-slavery-is-an-erasure-of-history/.

Zarifian, Julien. *The United States and the Armenian Genocide. History, Memory, Politics* (Rutgers University Press, 2024).

Documents

Assembleia da República. *Voto de Pesar Nº 819/XIII em evocação das vítimas do genocídio arménio de 1915*, 24 April 2019. https://www.parlamento.pt/ActividadeParlamentar/Paginas/DetalheProjetoVoto.aspx?BID=112313.

Camera dei Deputati. Discussione della mozione Formentini, Sabrina De Carlo, Delmastro Delle Vedove, Quartapelle Procopio, Colucci ed altri n. 1-00139 concernente il riconoscimento del genocidio del popolo armeno (ore 14,03). In *Resoconto stenografico dell'Assemblea. Seduta n. 158 di lunedì 8 aprile 2019*, 8 April 2019. https://www.camera.it/leg18/410?idSeduta=0158&tipo=stenografico.

Camera dei Deputati. *Mozione 1-00139*, 11 March 2019. https://aic.camera.it/aic/scheda.html?numero=1-00139&ramo=C&leg=18.

Chambre des Représentants de Belgique. *Commission spéciale chargée d'examiner l'État indépendant du Congo (1885-1908) et le passé colonial de la Belgique au Congo (1908-1960) au Rwanda et au Burundi (1919-1962), ses conséquences et les suites qu'il convient d'y réserver. Constats des experts*, 7 March 2024. Doc. 55 1462/006.

Chambre des Représentants de Belgique. *Compte rendu intégral avec compte rendu analytique traduit des interventions. Séance plénière. Jeudi 18-06-2015. Après-midi*, CRIV 54 PLEN 054.

Chambre des Représentants de Belgique. *Résolution relative à la commémoration du centenaire du génocide arménien*, 23 July 2015. Doc. 54 1207/009.

Convention on the Prevention and Punishment of the Crime of Genocide. General Assembly Resolution 260 A (III), 9 December 1948.

Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law. *Official Journal* L 328, 6 December 2008: 55-58.

Déclaration de M. François Hollande, Président de la République, sur le génocide arménien, à Paris le 24 avril 2014, 24 April 2014. https://www.elysee.fr/francois-hollande/2014/04/24/declaration-de-m-francois-hollande-president-de-la-republique-sur-le-genocide-armenien-a-paris-le-24-avril-2014.

Déclaration de M. Nicolas Sarkozy, Président de la République, sur le Génocide arménien, à Paris le 24 avril 2012, 24 April 2012. https://www.elysee.fr/nicolas-sarkozy/2012/04/24/declaration-de-m-nicolas-sarkozy-president-de-la-republique-sur-le-genocide-armenien-a-paris-le-24-avril-2012.Discours d'Emmanuel Macron au diner du CCAF, 5 February 2019. https://www.elysee.fr/front/pdf/elysee-module-3217-fr.pdf.

Grupo Parlamentario Euskal Herria Bildu, "Proposición no de Ley relativa al reconocimiento del genocidio armenio. (161/004943)," *BOCG. Congreso de los Diputados* D-604, 4 April 2023.

Grupo Parlamentario Plural, "Proposición no de Ley relativa a reconocer el genocidio armenio. (162/000637)," *BOCG. Congreso de los Diputados* D-268, 10 May 2021.

Grupo Parlamentario Republicano, "Proposición no de Ley sobre el reconocimiento del genocidio armenio. (161/000290)," *BOCG. Congreso de los Diputados* D-49, 10 March 2020.

House of Commons. "Genocide (Armenia and Assyria)," debated on Wednesday 7 June 2006. *Official Report* 447.

House of Commons. *Armenian Genocide (Recognition) Bill* (Bill 129 2022-23), 29 June 2022. https://publications.parliament.uk/pa/bills/cbill/58-03/0129/220129.pdf.

House of Commons. *Armenian Genocide (Recognition) Bill* (Bill 90 2021-22), 21 June

2021. https://publications.parliament.uk/pa/bills/cbill/58-02/0090/210090.pdf.

House of Commons. *Armenian Genocide (Recognition) Bill* (Bill 91 2023-24), 11 December 2023, https://publications.parliament.uk/pa/bills/cbill/58-04/0091/230091.pdf.

House of Commons. *Recognition of Armenian Genocide Bill* (Bill 133 2022-23), 30 June 2023. https://publications.parliament.uk/pa/bills/cbill/58-03/0133/220133.pdf.

House of Commons. *Recognition of Armenian Genocide Bill* (Bill 190 2021-22), 9 November 2021. https://publications.parliament.uk/pa/bills/cbill/58-02/0190/210190.pdf.

House of Lords. "Armenia," debated on Monday 29 March 2010. *Official Report* 718.

House of Lords. "Armenia: Genocide," debated on Thursday 16 June 2011. *Official Report* 728.

Human Rights and Equal Opportunity Commission - Commonwealth of Australia. *Bringing them Home. Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*. Human Rights and Equal Opportunity Commission, 1997. https://humanrights.gov.au/our-work/projects/bringing-them-home-report-1997.

International Law Commission. Articles on Responsibility of States for Internationally Wrongful Acts. Annex to General Assembly Resolution 56/83, 12 December 2001.

International Law Commission. Draft Articles on the Law of Treaties with Commentaries. In *Yearbook of the International Law Commission 1966*, vol. 2. United Nations, 1967.

International Law Commission. Draft conclusions on subsequent agreements and subsequent practice in relation to the interpretation of treaties, with commentaries. In United Nations, *Report of the International Law Commission. Seventieth session (30 April–1 June and 2 July–10 August 2018)*. UN Doc. A/73/10.

International Law Commission. Guiding Principles applicable to unilateral declarations of States capable of creating legal obligations. In United Nations, *Report of the International Law Commission. Fifty eighth session (1 May-9 June and 3 July-11 August 2006)*. UN Doc. A/61/10.

International Law Commission. Second report on identification of customary international law, by Michael Wood, Special Rapporteur, 22 May 2014. UN Doc. A/CN.4/672.

International Law Commission. Sixth report on unilateral acts of States. By Victor Rodríguez Cedeño, Special Rapporteur, 30 May 2003, UN Doc. A/CN.4/534.

Joint Declaration by the Federal Republic of Germany and the Republic of Namibia: "United in Remembrance of Our Colonial Past, United in Our Will to Reconcile, United in Our Vision of the Future", 15 May 202. https://www.parliament.na/wp-content/uploads/2021/09/Joint-Declaration-Document-Genocide-rt.pdf.

Law No. (2) of 1377 FDP/2009 AD on ratifying the Treaty of Friendship, Partnership, and Cooperation between the Great Socialist People's Libyan Arab Jamahiriya and the Republic of Italy, 8 April 2009. https://security-legislation.ly/latest-laws/law-no-2-of-2009-on-ratifying-the-treaty-of-friendship-and-cooperation-between-the-great-socialist-peoples-libyan-arab-jamahiriya-and-the-republic-of-italy/.

Legge 6 febbraio 2009, no. 7 - Ratifica ed esecuzione del Trattato di amicizia, partenariato e cooperazione tra la Repubblica italiana e la Grande Giamahiria araba libica popolare socialista, fatto a Bengasi il 30 agosto 2008. *Gazzetta Ufficiale* (Serie Generale) 40, 18 February 2009.

Loi du 30 juillet 1981 tendant à réprimer certains actes inspirés par le racisme ou la xénophobie, *Moniteur Belge*, 8 August 1981.

Loi du 23 mars 1995 tendant à réprimer la négation, la minimisation, la justification ou l'approbation du génocide commis par le régime national-socialiste allemand pendant la seconde guerre mondiale, *Moniteur Belge*, 30 March 1995.

Loi du 5 mai 2019 portant des dispositions diverses en matière pénale et en matière de cultes, et modifiant la loi du 28 mai 2002 relative à l'euthanasie et le Code pénal social. *Moniteur Belge*, 24 May 2019.

Loi n° 2001-70 du 29 janvier 2001 relative à la reconnaissance du génocide arménien de 1915. https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000403928/.

Ministerio de Asuntos Exteriores y Cooperación. Resolution, file nº 001-095798, 8 October 2024.

Représentation Permanente de la France auprès de l'Office des Nations Unies à Genève et des organisations internationales en Suisse. Réponse du Gouvernement français à la communication conjointe des procédures spéciales n° AL FRA 5/2025, 19 June 2025. https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=39057.

Rijksoverheid. *Vertrouwen in de toekomst. Regeerakkoord 2017–2021*, 10 October 2017. https://www.rijksoverheid.nl/documenten/publicaties/2017/10/10/regeerakkoord-2017-vertrouwen-in-de-toekomst.

RuSCCAD. Armenian Massacres 1915-1917, 17 June 2010. https://assets.publishing.service.gov.uk/media/5a7ebab540f0b62305b82ceb/FOI_ref_0298-14_Attachment_23.pdf.

Sub-Commission on Prevention of Discrimination and Protection of Minorities, *Revised and updated report on the question of the prevention and punishment of the crime of genocide prepared by Mr. B. Whitaker*, 2 July 1985. UN Doc. E/CN.4/Sub.2/1985/6.

UK Government. "Standard lines – Armenian Massacres" (n.d.). https://assets.publishing.service.gov.uk/media/5a7ddb96ed915d2acb6ee8e8/FOI_ref_0298-14_Attachment_27.pdf.

United Nations. *Official Records of the Third Session of the General Assembly*, Part I: Legal Questions. Sixth Committee: Summary Records of Meetings, 21 September - 10 December 1948. UN Doc. A/C.6/SR.61-140.

United Nations. *Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel*, 14 August 2025. UN Doc. A/80/337.

United Nations. *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese*, 21 September 2022. UN Doc. A/77/356.

United Nations. *Report of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Durban, 31 August - 8 September 2001*. UN Doc. A/CONF.189/12.

Vienna Convention on the Law of Treaties, 23 May 1969. *United Nations Treaty Series*, vol. 1155, 331.

Yoorrook Justice Commission. *Truth be told*. Parliament of Victoria, 2025. https://www.yoorrook.org.au/reports-and-recommendations/reports.

Case Law

International Court of Justice. *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*. Judgment, I.C.J. Reports 2007.

International Criminal Tribunal for Former Yugoslavia. *The Prosecutor v. Goran Jelisić*. Case no. IT-95-10-T. Judgment, 14 December 1999.

International Military Tribunal. *Trial of the Major War Criminals before the International Military Tribunal*, vol. I (1945). https://www.loc.gov/item/2011525338_NT_Vol-I/.

Acknowledgment

The author wishes to thank Manar Abdallah El Hag for her research assistance and the reviewers for their very insightful comments.

About the Author

Dr. Rosa Ana Alija Fernández is an Associate professor of Public International Law at the Universitat de Barcelona. Her main teaching and research areas are international law, international human rights law, international criminal law, transitional justice, and fight against impunity, publishing widely on these topics. She has been visiting professor and researcher at several universities and research centres in Latin America and Europe. She was a member of the International Association of Genocide Scholars Advisory Board (2020-2022), among other national and international research groups on transitional justice, human rights, and international justice, as well as a member of the Barcelona City Council Assessment Board for Victims of Late Francoism and of the Regional Government of Catalonia Technical Committee for the Recovery and Identification of Disappeared Persons during the Civil War and the Francoist Dictatorship.

Email: ralija@ub.edu

IN THE LEGAL LIMBO? CONSTITUTIONAL DEBATES ON THE RECOGNITION OF THE ARMENIAN GENOCIDE IN FRANCE

Thomas Hochmann
University of Paris Nanterre, Paris, France

Abstract

This paper revisits the legal debates surrounding the recognition of the Armenian Genocide by the French Parliament through the Law of 29 January 2001, as well as the recent challenges brought against this statute. Opponents of this and similar laws have focused heavily on the purported lack of "normativity," arguing that the Constitution permits only statutes that command or prohibit, not those that merely make declarative statements – such as recognizing a historical event as genocide. The paper advances three main arguments:
(1) it is far from evident that the 2001 law recognizing the Armenian Genocide lacks normative value;
(2) even if a statute were non-normative, this would not necessarily render it unconstitutional; and
(3) should such a law be deemed unconstitutional, it would nonetheless remain in a state of "legal limbo," since its non-normative character precludes any concrete legal consequences.

Keywords: constitutional law; Constitutional Council; France; denial; normativity

This article was submitted on 24.11.2024 and accepted for publication on 13.05.2025.

Funding: This work was supported by the Higher Education and Science Committee of the Republic of Armenia (Research project N 22rl-040).

How to cite: Thomas Hochmann, "In the Legal Limbo? Constitutional Debates on the Recognition of the Armenian Genocide in France," *International Journal of Armenian Genocide Studies* 10, no. 2 (2025): 37-51.

Introduction

Over the past twenty years, debates surrounding the Armenian Genocide in France have generated two distinct constitutional controversies. The first, and more widely discussed, concerns non-recognition, specifically, the denial of the genocide and the question of whether such denial can or should be criminalized.[1] The French Parliament's repeated attempts to legislate on this matter have been struck down by the Constitutional Council, which is charged with ensuring that statutes conform to the French Constitution.[2] This article, however, addresses the second and less-examined controversy: the issue of recognition itself. France formally recognized the Armenian Genocide through the Law of 29 January 2001,[3] a statute that has since become the subject of constitutional debate. During the parliamentary deliberations preceding its adoption, opponents advanced two principal objections. The first was diplomatic, claiming that such recognition would hinder efforts toward lasting peace in the South Caucasus. The second was constitutional, asserting that the French Constitution does not empower Parliament to recognize a genocide.[4]

Part I of this paper examines the arguments advanced in support of the claim that the recognition statute is unconstitutional. While most of these arguments prove unconvincing, one, invoking the so-called requirement of "normativity" in parliamentary statutes, has gained some traction in judicial reasoning and will be explored in Part II. Part III investigates whether a law recognizing a genocide can truly be considered devoid of normative content, concluding that such a view is, at best, debatable. Part IV demonstrates that the Constitutional Council nevertheless appeared to endorse this reasoning in a decision concerning a law on genocide denial. Finally, Part V argues that if the recognition law were to be deemed unconstitutional on the grounds of lacking normativity, it would exist in a state of "legal limbo," a paradoxical situation in which its very non-normative nature both renders it unconstitutional and precludes any practical consequences, including its repeal.

The Case for Unconstitutionality

Under the 1958 Constitution of the French Fifth Republic, Parliament exercises an "attributive competence," meaning it may legislate only within areas explicitly assigned to it by the Constitution. Matters not granted to Parliament fall within the "residual

1 Sévane Garibian, "Taking Denial Seriously: Genocide Denial and Freedom of Speech in French Law," *Cardozo Journal of Conflict Resolution* 9 (2008): 479-488; *Genocide Denial and the Law*, edited by Ludovic Hennebel and Thomas Hochmann (Oxford, New York: Oxford University Press, 2011); *L'extension du délit de négationnisme*, edited by Thomas Hochmann and Patrick Kasparian (LGDJ, 2019).

2 Constitutional Council, decision no. 2012-647 DC of 28 February 2012.

3 Law no. 2001-70 of 29 January 2001 recognizing the Armenian Genocide of 1915.

4 For an analysis of parliamentary debates, see Jérôme Nossent, "La reconnaissance du génocide arménien par les parlementaires français de 1998 à 2001," *Cahiers Mémoire et Politique* 7 (2019). See also Jérôme Nossent, *Les parlementaires et le génocide arménien de 1915* (PhD thesis, University of Liège, 2023); Olivier Masseret, "La reconnaissance par le Parlement français du génocide arménien de 1915," *Vingtième Siècle* 73 (2002): 139-155.

competence" of the executive branch. Within this constitutional framework, critics of the Law of 29 January 2001, recognizing the Armenian Genocide, argued that Parliament lacked the authority to enact such a measure.

One strand of this argument sought to give a legal form to a political objection, claiming that recognition of the Armenian Genocide constituted an act of diplomacy, thereby intruding upon the executive's prerogatives in international affairs. Although this interpretation was momentarily popularized by the eminent jurist Georges Vedel,[5] this idea is hardly convincing. Parliament certainly has limited powers in international matters: it does not negotiate treaties but merely ratifies them, it does not decide on the intervention of armed forces, etc. But a law does not encroach on the "reserved domains" of the President of the Republic or the Government for the sole reason that it displeases a foreign State. Parliament's international powers are indeed limited: it ratifies but does not negotiate treaties, and it authorizes but does not command military interventions. Yet a law does not infringe upon executive competences merely because it displeases a foreign state. By this logic, one could have argued that the 1975 law decriminalizing abortion,[6] which provoked strong opposition from the Vatican, was unconstitutional, an argument that, quite tellingly, no one ever made.

A second line of argument claimed that by recognizing the Armenian Genocide, Parliament had encroached upon the jurisdiction of the courts. This view was articulated during the parliamentary debates preceding the adoption of the Law of 29 January 2001, most notably by Senator Jacques-Richard Delong (Haute-Marne), who asserted in December 2000: "In the face of criminal conduct, the establishment of the facts and their legal assessment do not belong to Parliament. Parliament limits itself, and this is all the better, to defining the nature of crimes and setting the terms of their punishment. It never replaces the courts."[7]

This argument was particularly emphasized during the 2011–2012 parliamentary debate on a law aimed at prohibiting the contestation of the existence of the Armenian Genocide.[8] A widely circulated op-ed by the distinguished jurist Robert Badinter, asserting that "Parliament is not a court," significantly contributed to the spread of this notion.[9] According to the former President of the Constitutional Council, the Constitution prevents

5 Georges Vedel, ''Les questions de constitutionnalité posées par la loi du 29 janvier 2001," in *François Luchaire, un républicain au service de la République*, edited by Didier Maus and Jeannette Bougrab (Publications de la Sorbonne, 2005), 47 f.

6 For an anthology of the parliamentary debates on the so-called "Veil law" of 17 January 1975 that decriminalized abortion, see *La loi Veil sur l'avortement,* edited by Stéphanie Hennette-Vauchez and Thomas Hochmann (Dalloz, 2025).

7 Senate, session of 7 November 2000, available at https://www.senat.fr/seances/s200011/s20001107/sc20001107081.html, accessed 13.06.2024.

8 This statute (*Loi visant à réprimer la contestation de l'existence des génocides reconnus par la loi*) was adopted by the French Parliament on 23 January 2012 but was struck down by the Constitutional Council on 28 February 2012 (Decision No. 2012-647 DC of 28 February 2012). The official record of the parliamentary debates is available at https://www.assemblee-nationale.fr/13/dossiers/lutte_racisme_genocide_armenien.asp.

9 Robert Badinter, ''Le Parlement n'est pas un tribunal," *Le Monde*, 15 January 2012.

Parliament from "substituting itself for a national or international jurisdiction to decide that a crime of genocide was committed at a given time and in a given place."

However, the role of judges is not to *decide* whether a crime occurred, but rather to determine whether the individuals prosecuted are guilty of such a crime and, if so, to impose an appropriate sentence. A law recognizing a genocide does not perform this judicial function. As one author observed with regard to the decision by which the International Criminal Tribunal for Rwanda took judicial notice of the genocide perpetrated against the Tutsi,[10] the acknowledgment that a genocide occurred does not make it more likely that a particular defendant is guilty of participation in it.[11] In a criminal proceeding, the conduct of the accused must always be individually established, and the recognition of the genocide does not impede the court from doing so.

The same reasoning applies to other legal contexts where the recognition of genocide might appear relevant. Even if a law prohibits the approval of a genocide (as is the case in French law[12]) or the denial of a genocide recognized by law (which was nearly enacted in France[13]), it remains the duty of the judge to assess whether the statements under prosecution constitute the offense in question – namely, whether they approve of or deny the recognized genocide.

A related, and even more ambiguous, criticism asserts that Parliament has no authority over history. According to this view, history constitutes a reserved domain into which the legislature has no right to intervene. This seemingly appealing idea has been propagated by many historians; however, Marc-Olivier Baruch has convincingly exposed its conceptual weaknesses.[14] From the perspective of constitutional law, which is of particular relevance here, this argument proves equally unconvincing. "Parliament has not been given the power by the Constitution to tell history. It is up to historians, and to them alone, to do so," wrote Robert Badinter in the aforementioned article.[15] Yet the French Constitution likewise makes no reference to combating terrorism or to the protection of animals. It nevertheless entrusts Parliament with broad legislative powers, enabling it to act in numerous fields not expressly mentioned in the constitutional text. For instance, Parliament is competent to regulate the exercise of freedom of expression,[16] and the

10 ICTR, *Prosecutor v. Karemera et al*., ICTR-98-44-AR73(C), 16 June 2006, para. 33-38.

11 Kevin Jon Heller, "Prosecutor v. Karemera," *American Journal of International Law* 101 (2007): 159 f. See also Paul Behrens, "Between Abstract and Individualized Crime: Genocidal Intent in the Case of Croatia," *Leiden Journal of International Law* 28 (2015): 927.

12 Law of 29 July 1881 on Freedom of the Press, Article 24.

13 A statute was voted but struck down by the Constitutional Council, decision no. 2012-647 DC of 28 February 2012.

14 Marc Olivier Baruch, *Des lois indignes ? Les historiens, la politique et le droit* (Tallandier, 2013). On this topic see also Boris Adjemian, "Le débat inachevé des historiens français sur les 'lois mémorielles' et la pénalisation du négationnisme : retour sur une décennie de controverse," *Revue arménienne des questions contemporaines* 15 (2012) : 9-34.

15 Robert Badinter, ''Le Parlement n'est pas un tribunal," *Le Monde*, 15 January 2012.

16 Article 11 of the *Declaration of the Rights of Man and of the Citizen* (1789) provides: "The free communication of ideas and opinions is one of the most precious rights of man. Any citizen may therefore speak, write,

prohibition of genocide denial, against which the same objection has often been raised, falls squarely within this scope of legislative authority.

Most arguments advanced against the legal recognition of the Armenian Genocide are, therefore, unconvincing. Yet another objection has been raised, one that may appear trivial at first glance, but which ultimately became the principal and most significant constitutional argument invoked against the 2001 law.

The "Normativity" Requirement of Legal Statutes

With regard to the recognition of the genocide, the strongest argument for unconstitutionality lies not so much in the historical field into which the legislature intrudes, but rather in the *manner* in which Parliament acts, or, more precisely, in the manner in which it fails to act. According to this reasoning, a parliamentary statute cannot merely acknowledge the existence of a crime; it must prohibit, permit, or prescribe certain conduct. In other words, a statute must establish a normative rule. This argument, concerning the alleged absence of "normativity" in the parliamentary act, emerged early in the debates surrounding the recognition of the Armenian Genocide and would go on to become the central constitutional objection in subsequent discussions.

This argument was already articulated, for instance, by Senator Delong at the end of 2000 during the Senate debate on the recognition law (the Senate being the upper chamber of the French Parliament). He stated: "A law must have effects within the country. The bill is limited to recording facts outside the territorial jurisdiction of the French Parliament. It does not draw any consequences from them in the internal legal order."[17] An attentive reader might be surprised to encounter such an argument from the same senator who, as noted above, had criticized the law for usurping judicial authority. How can a law simultaneously substitute itself for judges and yet produce no legal effect? Such contradictions are, in fact, common in debates concerning so-called "non-normative laws."

The most striking example appears in an article by two law professors who argued that the so-called "memorial laws" were unconstitutional both because they lacked normativity and because they restricted freedom of expression, that is, because they prohibited nothing and, paradoxically, prohibited too much: "They are unconstitutional not only because they are devoid of normative effects, but also because, by their very nature, they unduly restrict freedom of expression."[18] This widespread and deliberate contradiction would later prove

---

and publish freely, except what is tantamount to the abuse of this liberty in the cases determined by law." Similarly, Article 34 of the *Constitution of the French Republic* (4 October 1958) states: "Statutes shall determine the rules concerning civic rights and the fundamental guarantees granted to citizens for the exercise of their civil liberties."

17 Senate, session of 7 November 2000, available at https://www.senat.fr/seances/s200011/s20001107/sc20001107081.html.

18 Anne Levade and Bertrand Mathieu, "Le législateur ne peut fixer des vérités et en sanctionner la contestation," *Semaine Juridique JCP G* 14 (2012): 425.

crucial in the legal debate over the prohibition of genocide denial. For now, however, let us focus on the argument concerning the absence of normativity.

Upon reflection, the significance attributed to this criticism may appear surprising: a law that neither commands nor forbids anything would not, at first glance, seem capable of provoking serious concern. Yet there are several explanations for the wide resonance this argument has found among members of Parliament and legal scholars alike. For politicians, the invocation of "normativity" conveniently lends a veneer of legal legitimacy to objections that are, in truth, motivated by considerations of a different nature. It is undoubtedly easier to oppose the recognition of the Armenian Genocide on ostensibly constitutional grounds, than to admit opposition based on electoral, economic, or diplomatic calculations. A candidate seeking office will, quite naturally, prefer to claim that his hands are tied by a constitutional constraint rather than to acknowledge that he resists recognition of the Armenian Genocide for fear of alienating the Turkish government.

Among legal experts, the argument of a lack of normativity readily integrates into a broader discourse on the so-called "crisis of the law," itself echoing the ever-seductive declinist refrain that "things were better in the past."[19] No one articulated this sentiment more vividly than Pierre Mazeaud, President of the Constitutional Council, in a 2005 speech in which he denounced the rise of non-normative legislation. "This way of softening the law with general considerations and pious wishes is a modern phenomenon," he observed. Giving free rein to what he called his "sacred anger" against these "chatty laws" (*lois bavardes*), Mazeaud declared that the Constitutional Council would henceforth consider such texts to be contrary to the Constitution.[20]

The Constitutional Council applied this reasoning only a few months later, in its review of a provision of the *Orientation and Program Law for the Future of Schools*, which contained several platitudinous statements: "The objective of the school is the success of all students. Given the diversity of students, the school must recognize and promote all forms of intelligence to enable them to develop their talents," and so forth.[21] The Council declared the provision unconstitutional, relying on the legal reasoning articulated earlier by President Mazeaud in his 2005 speech.[22]

The first argument, however, is not particularly convincing. It is grounded in Article 6 of the *Declaration of the Rights of Man and of the Citizen* (1789), which provides that "the law is the expression of the general will."[23] From this, Mazeaud inferred that the vocation

19 David Fonseca, "La métaphysique des constitutionnalistes. Analyse généalogique du discours doctrinal sur la crise de la loi," *Archives de philosophie du droit* 54 (2011), 309 f.

20 New Year's greetings from the President of the Constitutional Council, Pierre Mazeaud, to the President of the Republic, 3 January 2005, available on the website of the Constitutional Council, www.conseil-constitutionnel.fr. In this speech as in the forthcoming quotes from the 1958 Constitution or the 1789 Declaration of the Rights of Man and of the Citizen, "the law" means a statute enacted by the Parliament (in French: "*la loi*") and not a set of legal rules, as when one speaks of "French law" or "criminal law" (in French: "*le droit*.")

21 Constitutional Council, decision no 2005-512 DC of 21 April 2005, para. 16 and 17.

22 New Year's greetings from the President of the Constitutional Council, Pierre Mazeaud, to the President of the Republic, 3 January 2005.

23 *Declaration of the Rights of Man and of the Citizen* (1789), Article 6.

of the law is "to set out norms."[24] Yet he did not explain how such a conclusion follows. Why should the general will be expressed only through normative rules?

The second argument appears more compelling. It rests on the observation that all functions assigned to Parliament by the Constitution are inherently normative: the law "regulates," "sets the rules," "determines the principles," or "defines the limits" of freedoms. The only exception identified by the President of the Constitutional Council lies in Article 1 of the Constitution, which, since the 1999 amendment, provides that "the law shall promote equal access for women and men to elective offices and professional responsibilities."[25]

Is the Law Recognizing the Armenian Genocide Devoid of Normativity?

Let us concede, for the sake of argument, that a law devoid of any normative content would be contrary to the Constitution. The question that then arises is whether the law of 29 January 2001, which recognizes the Armenian Genocide, is in fact devoid of normativity. One could challenge this assumption by asserting that the law may nonetheless produce certain practical effects: its official recognition of the genocide might, for instance, discourage denial, promote education, or encourage commemoration. However, such consequences do not correspond to the conception of normativity reflected in the relevant constitutional provisions. To determine whether a law "sets rules" or "establishes principles," one must examine not its potential effects but its textual content. The inquiry, therefore, concerns the letter of the law, whether it enacts a prohibition, grants a permission, or imposes an obligation. From this standpoint, a law that merely recognizes a genocide must indeed be regarded as devoid of normativity.

Or at least, that is the case if the statute is considered in isolation. A second way to challenge the alleged absence of normativity is to observe that legal norms are not necessarily contained within a single provision; rather, they may arise from the interaction of several related statements. The Danish legal theorist Alf Ross famously illustrated this with the example of a Pacific tribe that held two beliefs: first, that anyone who sleeps with their mother-in-law is *tû-tû*; and second, that anyone who is *tû-tû* must undergo a purification ceremony. Only by combining these two statements does the underlying norm become apparent, namely, that anyone who sleeps with their mother-in-law must be subjected to a purification ceremony.[26]

By analogy, if the 2001 law is examined in conjunction with other legislative provisions, it may be possible to identify a normative dimension. At the time of its enactment, Article 24 of the Law of 29 July 1881 criminalized the public expression of approval of crimes against humanity, while the Criminal Code defined genocide as such a crime. Accordingly, one could argue that the recognition of the Armenian Genocide

24 New Year's greetings from the President of the Constitutional Council, Pierre Mazeaud, to the President of the Republic, 3 January 2005.

25 Ibid.

26 Alf Ross, "Tû-Tû," *Harvard Law Review* 70 (1957): 812.

implicitly gave rise to a normative rule: the prohibition of public apology of the Armenian Genocide.

However, not everyone accepts this systemic or "global" interpretation of the legal order. The French Court of Cassation, the highest court for civil and criminal matters, demonstrated this point emphatically in 2013. The case concerned statements made on television by a businessman from Martinique regarding slavery:

> Historians exaggerate the problems a little. They talk about the bad sides of slavery, but there are good sides too. This is where I disagree with them. There were colonists who were very humane with their slaves, who freed them, who gave them the opportunity to have a career. […] When I see mixed-race families, well, white and black, the children come out in different colors, there is no harmony. There are some who come out with hair like mine, others who come out with frizzy hair, in the same family with different skin colors – I don't think that's right. The idea was to preserve the race.[27]

These remarks, reminiscent of another era, earned their author a conviction for the offense of approving crimes against humanity, as defined in Article 24 of the Law of 29 July 1881. Slavery is indeed recognized as a crime against humanity, and it would seem self-evident that the statements in question amounted to its condonation. The trial judges, however, made the mistake of referring in their decisions to the Law of 21 May 2001, which recognizes that the slave trade and slavery "perpetrated from the fifteenth century onwards, in the Americas and the Caribbean, in the Indian Ocean and in Europe, against African, Amerindian, Malagasy, and Indian populations," constitute crimes against humanity.[28]

However, as the Court of Cassation explained, the Law of 21 May 2001 "cannot be vested with the normativity attached to statutes and [therefore cannot] constitute one of the constituent elements of the offence of approving a crime against humanity."[29] The reference to this 2001 law by the Court of Appeal thus justified the annulment of its decision. According to the Court of Cassation, the absence of normativity is an absolute condition: a non-normative statement cannot be combined with a prohibition to create a norm. This remarkable 2013 judgment, which ultimately prompted Parliament to explicitly criminalize the public approval of slavery,[30] can be understood only in light of a decision rendered a year earlier by the Constitutional Council.

---

27 Court of Cassation, criminal chamber (cass. crim.), *Huyghues-Despointes*, no. 11-85909 (5 February 2013).

28 Law no. 2001-434 of 21 May 2001 recognizing slave trade and slavery as crimes against humanity.

29 Court of Cassation, criminal chamber (cass. crim.), *Huyghues-Despointes*, no. 11-85909 (5 February 2013).

30 Law no. 2017-86 of 27 January 2017, amending Article 24 of the Law of 29 July 1881 on Freedom of the Press. On this question, see Thomas Hochmann, "Reconnaissance, apologie et négation de l'esclavage," in *La prohibition de l'esclavage et de la traite des êtres humains*, ed. Fabien Marchadier (Pedone, 2022), 81-91.

Recognition, Denial, and the Constitutional Council

Even assuming that a lack of normativity renders a law unconstitutional, such a defect is hardly of the utmost gravity. There are undoubtedly greater legislative flaws than statutes that neither command nor prohibit anything. Thus, the declaration of unconstitutionality pronounced in 2005 under the presidency of Pierre Mazeaud remained an isolated instance.[31] Both before and after that decision, the Constitutional Council generally chose to disregard non-normative provisions.[32] On other occasions, it explicitly held that the absence of normativity could not be "usefully" invoked as a ground of unconstitutionality, meaning that it was not for the Council to draw any consequence from it.[33] It was only in 2023 that the Constitutional Council once again declared a law unconstitutional on this basis. The statute in question merely provided that the State "shall promote, through its action, projects for the production of renewable marine energy."[34] The Council found that this provision lacked any normative content and was therefore unconstitutional.[35]

In the meantime, however, the requirement of normativity in statutory law had been the subject of a reminder particularly relevant to our discussion. In 2012, the Constitutional Council was called upon to examine a statute that sought to prohibit the contestation of the existence of a "genocide recognized by law." Beneath this somewhat convoluted formulation, the French Parliament clearly intended to criminalize the denial of the Armenian Genocide. The Constitutional Council declared the law unconstitutional, relying on a line of reasoning that remains, to say the least, difficult to follow.

The Constitutional Council reasoned as follows:

> Considering that a legislative provision having the objective of "recognizing" a crime of genocide would not itself have the normative scope which is characteristic of the law; that nonetheless, Article 1 of the law referred punishes the denial or minimisation of the existence of one or more crimes of genocide "recognised as such under French law"; that in thereby punishing the denial of the existence and the legal classification of crimes which Parliament itself has recognised and classified as such, Parliament has imposed an unconstitutional limitation on the exercise of freedom of expression and communication.[36]

31 Constitutional Council, decision no 2005-512 DC of 21 April 2005, para. 16 and 17.

32 See for instance Constitutional Council, decision no. 2012-657 DC of 29 November 2012.

33 See for instance Constitutional Council, decision no. 98-401 DC of 10 June 1998, para. 19.

34 Constitutional Council, decision no. 2023-848 DC of 9 March 2023, para. 55.

35 Ibid., para. 56.

36 Constitutional Council, decision no. 2012-647 DC of 28 February 2012, para. 6 (official translation from the website of the Constitutional Council). Original version: "*Considérant qu'une disposition législative ayant pour objet de 'reconnaître' un crime de génocide ne saurait, en elle-même, être revêtue de la portée normative qui s'attache à la loi ; que, toutefois, l'article 1er de la loi déférée réprime la contestation ou la minimisation de l'existence d'un ou plusieurs crimes de génocide 'reconnus comme tels par la loi française' ; qu'en réprimant*

This (official) translation of the decision may not, however, suffice, since the Constitutional Council's reasoning in this passage borders on the unintelligible. A further interpretive paraphrase may therefore be useful. The Council's reasoning can be reformulated as follows:

1. A law must be normative – that is, it must prohibit, permit, or prescribe a certain behavior.
2. A statute that merely recognizes a genocide does none of these things and is therefore non-normative.
3. The law adopted by Parliament punishes the denial of a genocide recognized by statute. This implies that a law can "recognize" a genocide – an act which itself constitutes unconstitutional behavior, since it amounts to adopting a non-normative law.
4. Consequently, the criminalization of contesting the existence of a genocide recognized by statute is deemed to infringe upon freedom of expression.

The difficulty in understanding this reasoning stems from the seeming implausibility that the Constitutional Council would ground its decision on such logic. The argument appears inherently contradictory: it is paradoxical to base a finding of infringement upon freedom of expression on the *absence* of normativity. How could a law that prohibits nothing be said to violate freedom of expression? In reality, the statute examined by the Council was, quite evidently, normative – it prohibited a specific behavior (the denial of genocide) and attached a penal sanction to it. If the earlier law recognizing the genocide had indeed been devoid of normativity, this defect was effectively remedied by the subsequent statute, which linked that recognition to a criminal prohibition on its contestation.

This decision marked the beginning of a major shift in France's legal approach to combating the denial of crimes against humanity. It gave rise to the widespread impression that if Parliament could not criminalize the denial of a genocide it had itself recognized, then only the denial of crimes recognized by judicial bodies could be sanctioned. This interpretation led to the adoption of a new law in 2017, followed by a Constitutional Council decision,[37] establishing that the denial of all war crimes, crimes against humanity, genocides, and crimes of slavery adjudicated by French or international courts is punishable by law. In short, the denial of all major crimes – except the Armenian Genocide.[38]

---

ainsi la contestation de l'existence et de la qualification juridique de crimes qu'il aurait lui-même reconnus et qualifiés comme tels, le législateur a porté une atteinte inconstitutionnelle à l'exercice de la liberté d'expression et de communication."

37 The law adopted by the Parliament was partially ruled unconstitutional by the Constitutional Council, decision no. 2016-745 DC of 26 January 2017. The rest of the law entered into force the following day, making it the Law no. 2017-86 of 27 January 2017.

38 For an analysis of the whole process and its result, see Thomas Hochmann, "Le Conseil constitutionnel et l'art de la suggestion. À propos du critère de la condamnation juridictionnelle du crime nié," in *L'extension du délit de négationnisme*, edited by Thomas Hochmann and Patrick Kasparian (LGDJ, 2019), 37-57.

What is crucial to emphasize is that the Constitutional Council never stated, in its 2012 decision, that only crimes resulting in a judicial conviction could be subject to a legal prohibition of their denial. Rather, the Council merely affirmed that Parliament could not prohibit the denial of a crime that it had itself recognized. And if such an act is unconstitutional, it is not because Parliament lacks the authority to intervene in the historical sphere, but solely because a law recognizing a genocide is, supposedly, devoid of normativity. This reasoning therefore implies the unconstitutionality of the law of 29 January 2001. Yet the foundation of this unconstitutionality places that statute in a peculiar position.

In the "Legal Limbo"

Until 2010, the Constitutional Council had no authority to review statutes that had already entered into force. Judicial review of legislation could occur only *a priori*, that is, after a law had been passed by Parliament but before its promulgation by the President of the Republic. Within this framework, the Constitutional Council could be referred to for review by the Head of State, the Prime Minister, the President of the National Assembly, the President of the Senate, and, since 1974, by sixty deputies or sixty senators.[39]

However, in 2001, although many members of Parliament opposed the law recognizing the Armenian Genocide – and although several invoked its alleged unconstitutionality – there was not a sufficient number of parliamentarians to refer the matter to the Constitutional Council. Perhaps they were deterred by the admonition of Roland Blum, the deputy representing the Bouches-du-Rhône region in southern France, who declared: "I cannot see what arguments these authorities would dare to invoke for such a referral, which would be a dishonor to France."[40]

On 28 February 2012, as explained above, the Constitutional Council ruled that a law recognizing a genocide, such as the Law of 29 January 2001 recognizing the Armenian Genocide, was contrary to the Constitution on the grounds that it was devoid of normativity.[41] However, the Council drew no practical consequences from this observation. Its decision prevented the entry into force of the new law intended to punish the "contestation of the existence of a genocide recognized by law," but it left unaffected the earlier statute recognizing the Armenian Genocide.

A constitutional amendment adopted in 2008 that has come into effect in 2010 introduced the possibility of submitting a statute to the Constitutional Council *after* its entry into force. This form of *a posteriori* review, known as the "priority question of constitutionality" (*question prioritaire de constitutionnalité*, or *QPC*), empowers

39 Constitution of 4 October 1958, Article 61.

40 National Assembly, First session of 18 January 2001, available at https://www.assemblee-nationale.fr/11/cra/2000-2001/2001011809.asp.

41 Constitutional Council, decision no. 2012-647 DC of 28 February 2012.

the Council to strike down any provision it deems unconstitutional. Opponents of the recognition of the Armenian Genocide were quick to invoke this new mechanism, seeking to have the 2001 law annulled on the grounds that, as the Council had stated in 2012, such a statute contravened the constitutional requirement of normativity. Yet matters are not so straightforward: the very reasoning that renders the recognition of genocide unconstitutional simultaneously prevents the 2001 law from being referred to the Constitutional Council. The reason for this paradox merits further explanation.

A statute cannot be challenged directly before the Constitutional Council outside the context of judicial proceedings. As Article 61-1 of the Constitution provides, it is only "during proceedings pending before a court" that a party to the dispute may argue that a law "violates the rights and freedoms guaranteed by the Constitution." Opponents of the recognition of the Armenian Genocide therefore initiated legal actions in order to create procedural opportunities to contest the 2001 law. They proceeded in two distinct ways.

First, an "Association for the Neutrality of the Teaching of Turkish History in School Curricula" was established with the purpose of challenging the decree defining the history and geography curriculum in secondary schools, insofar as it included instruction on the Armenian Genocide. This challenge was dismissed by the supreme administrative court, the Council of State (*Conseil d'État*), which held, in particular, that the curriculum aimed to "teach students the state of knowledge as it results from historical research."[42] Prior to this ruling, however, the case had provided an opportunity to raise a *priority question of constitutionality* against the 2001 law recognizing the Armenian Genocide.

A second strategy pursuing the same objective relied on defamation proceedings. A denier of the Armenian Genocide repeatedly filed defamation suits against individuals who had referred to him as a "denier of the Armenian Genocide." The courts acquitted the defendants, finding that they had sufficient factual basis for their characterization.[43] Yet this litigation also served as a vehicle for introducing a *priority question of constitutionality* challenging the validity of the 2001 law.

These attempts were unsuccessful, and indeed could not have succeeded, for a reason that requires a brief digression into procedural matters. Before a *priority question of constitutionality* (*QPC*) can be submitted to the Constitutional Council, it must pass through a procedural filter. The court hearing the case in which the QPC is raised must first determine whether certain admissibility conditions are met before potentially transmitting the question to either the Court of Cassation or the Council of State – depending on whether the dispute falls within the judicial sphere (between private parties) or the administrative sphere (involving challenges to public authorities). The higher court then conducts a further examination to ensure that the same conditions are satisfied before possibly referring the QPC to the Constitutional Council, which alone holds the authority

42 Council of State (*Conseil d'État*), *Association pour la neutralité de l'enseignement de l'histoire turque dans les programmes scolaires*, no. 392400 (4 July 2018).

43 See among others Tribunal of Paris, 17th chamber, *Gauin v. Toranian* (28 November 2017); Appeal Court of Paris, *Gauin v. Leylekian and Toranian* (6 janvier 2022).

to strike down a statute on the ground that it violates the Constitution.[44]

There is no need here to provide a complete account of the conditions that allow a *priority question of constitutionality* (*QPC*) to pass the procedural filters and reach the Constitutional Council. It suffices to note that these conditions are multiple. They include, among others, determining whether the claim of unconstitutionality appears serious, or verifying that the Constitutional Council has not already ruled the relevant statute to be in conformity with the Constitution. Yet, for our purposes, the first condition is the most decisive.

This initial requirement bars the transmission of QPCs directed against the law recognizing the Armenian Genocide. For a QPC to pass the filters, the contested legislative provision must be *applicable to the dispute*. Although courts tend to interpret this condition broadly, their flexibility has limits: a statute devoid of normativity cannot be "applicable" to anything. If a law neither prohibits, authorizes, nor commands any action, it cannot be applied in the legal sense. Consequently, it cannot serve as the object of a *priority question of constitutionality*. Thus, while the Constitutional Council may hold that a law recognizing a genocide is unconstitutional because it lacks normativity, it is procedurally impossible to submit such a claim to the Council within the framework of a QPC.

The supreme administrative court has expressed this point with particular clarity on two occasions:

> The provisions of a law which are devoid of normativity cannot be regarded as applicable to the dispute, within the meaning and for the application of Article 23-5 of the Ordinance of 7 November 1958. A legislative provision whose purpose is to 'recognize' a crime of genocide has no normativity. Consequently, the provisions of Article 1 of the Law of 29 January 2001 cited above cannot be regarded as applicable to the dispute brought by the Association for the Neutrality of the Teaching of Turkish History in School Curricula. Therefore, without there being any need to refer the priority question of constitutionality invoked to the Constitutional Council, the argument based on the fact that these provisions infringe the rights and freedoms guaranteed by the Constitution must be dismissed.[45]

---

44 Constitution of 4 October 1958, Article 61-1; Ordinance of 7 November 1958 constituting an institutional act on the Constitutional Council (*ordonnance portant loi organique sur le Conseil constitutionnel*), Articles 23-2 and 23-5.

45 Council of State (*Conseil d'État*), *Association pour la neutralité de l'enseignement de l'histoire turque dans les programmes scolaires*, no. 392400 (19 October 2015), par. 3: "*Considérant que les dispositions d'une loi qui sont dépourvues de portée normative ne sauraient être regardées comme applicables au litige, au sens et pour l'application de l'article 23-5 de l'ordonnance du 7 novembre 1958 ; qu'une disposition législative ayant pour objet de 'reconnaître' un crime de génocide n'a pas de portée normative ; que, par suite, les dispositions de l'article 1er de la loi du 29 janvier 2001 citées ci-dessus ne peuvent être regardées comme applicables au litige introduit par l'association pour la neutralité de l'enseignement de l'histoire turque dans les programmes sco-*

Conclusion

The alleged unconstitutionality of the law recognizing the Armenian Genocide cannot be grounded in the principles of separation of powers, in any supposed usurpation of judicial or executive authority, or in the claim that Parliament improperly intervened in the domain of history. The only defensible argument concerns the law's alleged lack of normativity. By affirming, in its decision of 28 February 2012, that a statute which merely recognizes a genocide is unconstitutional for this reason, the Constitutional Council effectively placed the 2001 law in a state of legal limbo. The very reason that could render this statute unconstitutional, its absence of normativity, simultaneously prevents its referral to the Constitutional Council, that is, to the only body capable of drawing legal consequences from such unconstitutionality by repealing the law.

Bibliography

Adjemian, Boris. "Le débat inachevé des historiens français sur les 'lois mémorielles' et la pénalisation du négationnisme : retour sur une décennie de controverse." *Revue arménienne des questions contemporaines* 15 (2012): 9–34.

Assemblée nationale. *Première séance du 18 janvier 2001*. https://www.assemblee-nationale.fr/11/cra/2000-2001/2001011809.asp.

Badinter, Robert. "Le Parlement n'est pas un tribunal." *Le Monde*, January 15, 2012.

Baruch, Marc Olivier. *Des lois indignes ? Les historiens, la politique et le droit*. Paris: Tallandier, 2013.

Behrens, Paul. "Between Abstract and Individualized Crime: Genocidal Intent in the Case of Croatia." *Leiden Journal of International Law* 28 (2015): 927–947.

Conseil constitutionnel. *Decision no. 98-401 DC of 10 June 1998*.

Conseil constitutionnel. *Decision no. 2005-512 DC of 21 April 2005*.

Conseil constitutionnel. *Decision no. 2012-647 DC of 28 February 2012*.

Conseil constitutionnel. *Decision no. 2012-657 DC of 29 November 2012*.

Conseil constitutionnel. *Decision no. 2016-745 DC of 26 January 2017*.

Conseil constitutionnel. *Decision no. 2023-848 DC of 9 March 2023*.

Conseil d'État. *Association pour la neutralité de l'enseignement de l'histoire turque dans les programmes scolaires*, no. 392400 (October 19, 2015).

Conseil d'État. *Association pour la neutralité de l'enseignement de l'histoire turque dans les programmes scolaires*, no. 392400 (July 4, 2018).

Conseil d'État. *Association pour la neutralité de l'enseignement de l'histoire turque dans les programmes scolaires*, no. 404850 (January 13, 2017).

laires ; qu'ainsi, sans qu'il soit besoin de renvoyer au Conseil constitutionnel la question prioritaire de constitutionnalité invoquée, le moyen tiré de ce que ces dispositions portent atteinte aux droits et libertés garantis par la Constitution doit être écarté." See also Council of State (*Conseil d'État*), *Association pour la neutralité de l'enseignement de l'histoire turque dans les programmes scolaires*, no. 404850 (13 January 2017), para. 3.

Constitution de la République française du 4 octobre 1958.

Cour de cassation (chambre criminelle). *Huyghues-Despointes*, no. 11-85909 (February 5, 2013).

Déclaration des droits de l'homme et du citoyen de 1789.

Fonseca, David. "La métaphysique des constitutionnalistes. Analyse généalogique du discours doctrinal sur la crise de la loi." *Archives de philosophie du droit* 54 (2011): 309–332.

Garibian, Sévane. "Taking Denial Seriously: Genocide Denial and Freedom of Speech in French Law." *Cardozo Journal of Conflict Resolution* 9 (2008): 479–488.

Heller, Kevin Jon. "Prosecutor v. Karemera." *American Journal of International Law* 101 (2007): 159–162.

Hennebel, Ludovic, and Thomas Hochmann, eds. *Genocide Denial and the Law*. Oxford and New York: Oxford University Press, 2011.

Hennette-Vauchez, Stéphanie, and Thomas Hochmann, eds. *La loi Veil sur l'avortement*. Paris: Dalloz, 2025.

Hochmann, Thomas. "Le Conseil constitutionnel et l'art de la suggestion. À propos du critère de la condamnation juridictionnelle du crime nié." In *L'extension du délit de négationnisme*, edited by Thomas Hochmann and Patrick Kasparian, 37–57. Paris: LGDJ, 2019.

Hochmann, Thomas. "Reconnaissance, apologie et négation de l'esclavage." In *La prohibition de l'esclavage et de la traite des êtres humains*, edited by Fabien Marchadier, 81–91. Paris: Pedone, 2022.

Hochmann, Thomas, and Patrick Kasparian, eds. *L'extension du délit de négationnisme*. Paris: LGDJ, 2019.

ICTR (International Criminal Tribunal for Rwanda). *Prosecutor v. Karemera et al.*, ICTR-98-44-AR73(C) (June 16, 2006).

Levade, Anne, and Bertrand Mathieu. "Le législateur ne peut fixer des vérités et en sanctionner la contestation." *Semaine Juridique JCP G* 14 (2012): 425–429.

Loi no. 2001-70 du 29 janvier 2001 reconnaissant le génocide arménien de 1915.

Loi no. 2001-434 du 21 mai 2001 reconnaissant la traite et l'esclavage en tant que crimes contre l'humanité.

Loi du 29 juillet 1881 sur la liberté de la presse.

Loi no. 2017-86 du 27 janvier 2017 modifiant l'article 24 de la loi du 29 juillet 1881 sur la liberté de la presse.

Masseret, Olivier. "La reconnaissance par le Parlement français du génocide arménien de 1915." *Vingtième Siècle* 73 (2002): 139–155.

Mazeaud, Pierre. *Vœux du président du Conseil constitutionnel au président de la République*, January 3, 2005. Conseil constitutionnel. https://www.conseil-constitutionnel.fr.

Nossent, Jérôme. "La reconnaissance du génocide arménien par les parlementaires français de 1998 à 2001." *Cahiers Mémoire et Politique* 7 (2019).

Nossent, Jérôme. *Les parlementaires et le génocide arménien de 1915*. PhD diss.,

University of Liège, 2023.

Ordonnance du 7 novembre 1958 portant loi organique sur le Conseil constitutionnel.

Ross, Alf. "Tû-Tû." *Harvard Law Review* 70 (1957): 812–825.

Sénat. *Séance du 7 novembre 2000*. https://www.senat.fr/seances/s200011/s20001107/sc20001107081.html.

Tribunal judiciaire de Paris (17e chambre). *Gauin v. Toranian* (November 28, 2017).

Cour d'appel de Paris. *Gauin v. Leylekian et Toranian* (January 6, 2022).

Vedel, Georges. "Les questions de constitutionnalité posées par la loi du 29 janvier 2001." In *François Luchaire, un républicain au service de la République*, edited by Didier Maus and Jeannette Bougrab, 47–52. Paris: Publications de la Sorbonne, 2005.

About the Author

Thomas Hochmann is Professor of Public Law at the University of Paris Nanterre and a member of the *Centre de Théorie et d'Analyse du Droit* (CTAD). He also serves as Adjunct Research Professor at the Armenian Genocide Museum-Institute. His most recent publication, co-authored with Vincent Duclert and Raymond H. Kévorkian, is *Arménie. Un génocide et la justice* (Les Belles Lettres, 2025).

Email: Thomas.Hochmann@gmail.com
ORCID ID: 0000-0002-5143-1949

BRIDGING HISTORIES: ARGENTINA'S TRANSITIONAL JUSTICE PROCESS AND THE RECOGNITION OF THE ARMENIAN GENOCIDE

Federico Gaitan Hairabedian
American University Washington College of Law

Abstract

This article analyzes how the Argentine Transitional Justice Process (ATJP) enabled the judicial recognition of the Armenian Genocide through domestic mechanisms anchored in international human rights law. Argentina's determination in the Armenian Genocide Truth Trial (2001–2011) constitutes the first and most rigorous judicial finding on the genocide by any national court, grounded not in memory politics or diplomatic pressures but in binding legal standards. The article examines how an Argentine federal chamber upheld the right to truth of a descendant of genocide survivors and applied the principle of inapplicability of statute of limitations to state-denied genocidal crimes, issuing an unprecedented ruling despite the absence of an accused before the court. This decision shows that when international or diplomatic routes are blocked, domestic courts can still give effect to international legal norms, especially when backed by sustained civil society engagement. The emphasis is on the transnational application of Argentine jurisprudence to historical atrocities, while selectively referencing Argentina's broader experience in prosecuting crimes against humanity, including the 1985 Juntas Trial and the ESMA III-Death Flight Section Trial. The article asserts that Argentina's definition of the right to truth as an independent legal obligation, conceptualized by Juan E. Méndez and implemented via truth trials, and the intertwined adoption of the five pillars of transitional justice mechanisms (truth justice reparations memory and guarantees of non-recurrence), provides a persuasive avenue for enhancing genocide recognition through legal innovation. The study posits that by positioning domestic adjudication as a venue for global norm creation, Argentina's methodology bolsters the international human rights framework, challenges denialism, and underscores the legal importance of remembrance following mass atrocities.

Keywords: transitional justice; right to truth; crimes against humanity; Argentina; Armenian Genocide; universal jurisdiction; genocide prevention

This article was submitted on 12.03.2024 and accepted for publication on 19.05.2025.

How to cite: Federico Gaitan Hairabedian, "Bridging Histories: Argentina's Transitional Justice Process and the Recognition of the Armenian Genocide," *International Journal of Armenian Genocide Studies* 10, no. 2 (2025): 52-74.

International Journal of Armenian Genocide Studies 10, no. 2 (2025)
https://doi.org/10.51442/ijags.0070

Introduction

This paper examines how the Argentine Transitional Justice Process (ATJP) enabled the legal recognition of the Armenian Genocide through domestic mechanisms grounded in international human rights law. By analyzing the Armenian Genocide Truth Trial (2001–2011),[1] the first judicial determination of the genocide by a national court, the paper argues that Argentina operationalized the right to truth and other international legal principles to address a state-denied atrocity beyond its borders. This case illustrates how domestic courts, when supported by robust constitutional frameworks and civil society mobilization, can contribute to global efforts against denialism and impunity.

Argentina's ability to undertake this form of adjudication emerged from a decades-long process of confronting the crimes of its last military dictatorship (1976–1983).[2] The Juntas Trial and the investigative work of CONADEP,[3] culminating in the Nunca *Más* or *Sábato* report, established a durable legal and moral foundation for accountability.[4]

1 Declarative Resolution of Historic Events Known as Armenian Genocide – Years 1915/1923 (Juzgado Nacional en lo Criminal y Correccional Federal N° 5, Secretaría N° 10 2011).

2 Rather than being a disconnected or isolated episodes, this transitional justice process must be understood as part of an integrated continuum with different phases. See Arthur Paige "How 'Transitions' Reshaped Human Rights: A Conceptual History of Transitional Justice," *Human Rights Quarterly* 31, no. 2 (2009): 321-367 (arguing that "transition" is not a clearly bounded phase but a flexible and evolving process, with transitional justice extending beyond regime change into the consolidation of democratic institutions). See also Aryeh Neier, *The International Human Rights Movement: A History* (Princeton, NJ: Princeton University Press, 2012), 255-258 (noting that transitions often persist beyond the collapse of authoritarian regimes, as legacies of repression require long-term engagement through truth-seeking, justice, and institutional reform efforts that are frequently delayed or obstructed).

3 Decreto del Poder Ejecutivo Nacional No. 187/1983, "Créase la Comisión Nacional sobre la Desaparición de Personas (CONADEP)" *Boletín Oficial de la República Argentina*, 15 December 1983.

4 Ernesto Sábato chaired the National Commission on the Disappearance of Persons (*CONADEP*), established in 1983 to investigate human rights abuses during Argentina's last dictatorship. He played a central role in drafting the *Nunca Mas* report, which documented systematic forced disappearances, torture, and killings perpetrated by the regime. His leadership lent the report significant credibility, as he was a respected intellectual figure. However, the report's framing known as the "Two Demons Theory" presented Argentina's political violence as a conflict between two extremes: the state and guerrilla groups. Its prologue portrayed state terrorism as a reaction to guerrilla violence, suggesting moral equivalence. This framing drew criticism from human rights organizations for downplaying the state's disproportionate violence and systemic repression. Sábato is widely regarded as one of Argentina's most prestigious writers. Although he had a youthful affiliation with the Communist Party, he became a vocal critic of Soviet authoritarianism. During the dictatorship, he initially praised General Jorge Rafael Videla after a personal meeting, describing him as "cultured" (*see* Larry Rohter, "Ernesto Sábato, Novelist and Rights Advocate, Dies at 99," *New York Times*, 1 May 2011, https://www.nytimes.com/2011/05/02/world/americas/02sabato.html), but by 1981, he shifted his stance and led the *Movimiento para la Recuperacion de Ninos Desaparecidos* (Movement for the Recovery of Disappeared Children) alongside Nobel laureate Adolfo Perez Esquivel. He was widely read, respected, and admired across Argentina's political spectrum. Ernesto Sabato's death was mourned by leading intellectuals across the Argentinean political spectrum. Horacio Gonzalez, then director of Argentina's National Library, referred to him as "a voice of a high humanistic tradition" whose cultural and ethical contributions, especially his leadership in CONADEP, were invaluable. (*See* Horacio González, "Era una voz de una alta tradicion humanistica," *Pagina/12*, 30 April 2011, https://www.pagina12.com.ar/diario/ultimas/20-167354-2011-04-30.html.). See also Emilio Crenzel, "Genesis, Uses, and Significations of the Nunca Mas Report in Argentina," *Latin American Perspectives* 42, no. 3 (2015): 20, 24-25. The University of Buenos Aires Press published the report under the title *Nunca Más* (Never Again), signaling

These institutions demonstrated how truth-seeking and criminal justice mechanisms could function in a mutually reinforcing manner, shaping an enduring national commitment to truth, justice, and memory.

The theoretical foundation of this paper draws on Ruti Teitel's understanding of transitional justice as an evolving legal process and on Juan E. Méndez's articulation of the right to truth as an autonomous international obligation essential to accountability and genocide prevention.[5] Together, these frameworks demonstrate how Argentina's transitional justice architecture, through the development of universal jurisdiction, truth trials, reparations, and sustained judicial innovation, generated the normative conditions that later enabled the first judicial recognition of the Armenian Genocide worldwide, grounded in the application of international human rights law and the domestic operationalization of the right to truth.[6]

The right to truth, understood within broader obligations of reparation and non-repetition, requires states to clarify past violations for both victims and society. As Méndez emphasizes, the failure to meet this obligation generates ongoing international responsibility, regardless of domestic amnesty laws or pardon decrees.[7] Increasingly recognized within the atrocity-prevention architecture of the United Nations,[8] the right to

---

that these efforts were neither isolated initiatives nor fragmented responses. Rather, they represented a renewed national commitment to accountability for high-level perpetrators and a decisive state initiative, institutionally supported by the University itself. *See* Emilio Crenzel, "Argentina's National Commission on the Disappearance of Persons: Contributions to Transitional Justice," *International Journal of Transitional Justice* 2, no. 2 (2008): 173-191.

5 Ruti G. Teitel, "Transitional Justice Genealogy," *Harvard Human Rights Journal* 16 (2003): 69-94.

6 Sevane Garibian, "Ghosts Also Die: Resisting Disappearance through the 'Right to the Truth' and the Juicios por la Verdad in Argentina," *Journal of International Criminal Justice* 12, no. 3 (2014): 515-538.

7 Juan E. Mendez, "Accountability for Past Abuses," *Human Rights Quarterly* 19 (1997): 255, 259-265. Juan E. Méndez has consistently advanced the right to truth as a legally enforceable obligation of states, central to both transitional justice and atrocity prevention. Drawing on his work within the Inter-American system and his broader scholarship, Méndez emphasizes that the right to truth is not merely reparative but foundational to accountability and democratic legitimacy. This right, he argues, derives from states' binding duties under international law to investigate, prosecute, and punish gross human rights violations, especially when criminal prosecutions are temporarily blocked or politically obstructed. The Inter-American Court of Human Rights codified this obligation in *Velasquez Rodriguez v. Honduras*, holding that under Article 1(1) of the American Convention, states must "take reasonable steps to prevent human rights violations and… investigate violations committed within their jurisdiction, identify those responsible, impose the appropriate punishment, and ensure the victim adequate compensation." The Court further affirmed that the right to truth belongs not only to victims and their families but also to society at large, especially in the face of systematic state violence such as enforced disappearances). See also *Velasquez Rodriguez v. Honduras*, Judgment, Inter-American Court of Human Rights, Series C, no. 4, 174, 29 July, 1988. Méndez links this doctrine directly to genocide prevention and the Responsibility to Protect (R2P), contending that when embedded in domestic jurisprudence, the right to truth functions as a normative safeguard against the recurrence of mass atrocities see Juan E. Mendez, "Derecho a la verdad frente a las graves violaciones a los derechos humanos," in *Aplicacion de los Derechos Humanos por los Tribunales Locales* (n. p. 1997), 517-540.

8 U.N, Secretary-General, *Report on the Implementation of the Five-Point Action Plan and the Activities of the Special Adviser of the Secretary-General on the Prevention of Genocide*, U.N. Doc. A/HRC/7/37 (18 March 2008).

truth functions as a forward-looking safeguard against the recurrence of mass atrocities.[9] Méndez also underscores that failure to fulfill this obligation exposes states to ongoing international responsibility, regardless of domestic amnesty measures or pardon decrees.

The subsequent analysis situates the Armenian Genocide Truth Trial within two landmark cases of the ATJP: the first domestic response of the Juntas Trial in 1985 and the ESMA III-Death Flight Section Trial between 2012 and 2017.[10] By internalizing international human rights standards, Argentine legal system have become key guarantors of anti-impunity norms, a human rights culture based on deterrence, and democratic stability.[11] This dynamic, evolving, and at times contested process, shaped by legal innovation and sustained societal activism demonstrates how domestic accountability mechanisms can generate transnational legal effects by addressing historical cases of impunity and denial. It provided the legal and social framework that uniquely positioned Argentina to recognize the Armenian Genocide judicially and contributed to the development of international human rights law and contemporary transitional justice mechanisms.[12]

The first part of the article examines the foundational phases of the ATJP, followed by an analysis of the jurisprudential evolution leading to Argentina's recognition of the Armenian Genocide. Then the article evaluates the broader implications for international human rights law and genocide prevention.

Legal Development and Foundational Phases of Argentina's Transitional Justice Process

After an initial period of impunity during which high-ranking commanders Jorge Rafel Videla, Emilio Eduardo Massera and Orlando Ramón Agosti were convicted in the Juntas Trial and then benefited from amnesty laws and presidential pardons that revoked their sentences, a second wave of prosecutions emerged. This renewed phase extended across

9 Juan E. Mendez, "The Importance of Justice in Securing Peace and Fostering a Durable Political Settlement," RC/ST/PJ/INF.3 (International Criminal Court Review Conference, 1 June 2010).

10 Centro de Estudios Legales y Sociales (CELS), *Megacausa ESMA: El Juicio* [ESMA Megacase: The Trial] (Buenos Aires: CELS, 2017), https://www.cels.org.ar/especiales/megacausaesma/en/. See also *Court Case ESMA Trial -Death Flight Section*, Tribunal Oral en lo Federal No. 5 [Federal Oral Criminal Court No. 5 of Buenos Aires] (Argentina, 2018).

11 Francesca Lessa, *Memory and Transitional Justice in Argentina and Uruguay: Against Impunity* (Palgrave Macmillan, 2013), 50-80. Explaining that Argentina's transitional justice process, through truth commissions, trials, and reparations, has aimed not only at accountability but also at reshaping institutions and preventing future abuses by fostering reforms such as police reform and civilian control of the military, thereby illustrating the interaction between legal innovation and social-political action in promoting enduring structural change.

12 Teitel *"Transitional Justice Genealogy,"* (arguing that transitional justice unfolds through historically contingent phases and functions as a dynamic legal response to political flux, in which the law both reflects and shapes conditions of democratic transition). Teitel identifies Argentina's experience as emblematic of a post-Cold War model wherein legal innovation, grassroots mobilization, and international norms coalesce to confront past state crimes, despite periods of regression and contested legitimacy.

the hierarchical command structure and gained momentum in the early 2000's following three landmark rulings by the Argentine Supreme Court: *Simón*, *Mazzeo*, and *Arancibia Clavel*.[13] In these decisions, the Court held that amnesty laws and presidential pardons were incompatible with international law, and that the underlying crimes committed during the dictatorship, contemplated in the Argentine legislation at the time of the events, constituted crimes against humanity. These rulings reaffirmed the State's binding duty to investigate, clarify the truth, and prosecute those responsible.

Transitional justice has frequently been conceptualized as a political choice, influenced by national contexts and the propensity of state actors to pursue accountability.[14] But Argentina's legal, social, and cultural developments over the past two decades, for example, point to a deeper shift: key elements of its transitional justice process like especially victim-centered domestic prosecutions of international crimes are now understood as binding legal obligations under international law, not optional policy tools.[15] In this model, prosecutions are not just one component of transitional justice: they form its backbone. They anchor the evolution of complementary mechanisms demonstrating how legal, institutional, and civil society actors have progressively integrated the five pillars of transitional justice into a coherent and interdependent system.[16]

---

13 It is analytically compelling to examine the progressive and evolving dialogue between international and domestic law in Argentina's post-dictatorship jurisprudence. This development unfolded alongside the "golden age" of international human rights law, the period between the fall of the Berlin Wall (1989) and the September 11 attacks (2001), characterized by the emergence of international criminal justice institutions (e.g., the establishment of the ICC in 1998) and heightened global debates on impunity, exemplified by the Pinochet and Scilingo cases. Argentina's 1994 constitutional reform institutionalized the principles of truth, memory, and justice as foundational elements of its democratic social pact. This reform marked a decisive internalization of *jus cogens* norms aimed at dismantling the structural conditions that enable mass atrocities and attacks on democracy and the rule of law. It also elevated international human rights treaties to constitutional status. Landmark rulings such as *Simón, Julio Héctor y otros s/ privación ilegítima de la libertad,* etc., Corte Suprema de Justicia de la Nación [CSJN] (Arg. June 14, 2005), and *Arancibia Clavel, Enrique Lautaro s/ homicidio calificado y asociación ilícita*, Corte Suprema de Justicia de la Nación [CSJN] (Arg. Aug. 24, 2004), exemplify how Argentine domestic legal institutions internalized and advanced this global normative shift, embedding transitional justice principles within local jurisprudence.

14 Laurel Fletcher and Harvey Weinstein, "Violence and Social Repair: Rethinking the Contribution of Justice to Reconciliation," *Human Rights Quarterly* 24, no. 3 (2002): 573.

15 Bronwyn Anne Leebaw, "The Irreconcilable Goals of Transitional Justice," *Human Rights Quarterly* 30, no. 1 (2008): 95. (She argues that framing transitional justice as a legal obligation reflects a normative shift away from political discretion toward binding international human rights duties).

16 As Pablo de Greiff argues, these pillars, truth, justice, reparation, non-repetition, and memory, must be seen as interdependent legal duties rooted in international and regional human rights law, but as a set of interrelated legal obligations grounded in international and regional legal frameworks. United Nations, Human Rights Council, Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence, prepared by Pablo de Greiff, U.N. Doc. A/HRC/24/42, 26 (28 August 2013). See Jaime Malamud-Goti, "Transitional Governments in the Breach: Why Punish State Criminals?" in *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*, ed. Neil J. Kritz (Washington, DC: United States Institute of Peace Press, 1995), 189. Jaime Malamud-Goti, a legal advisor to President Raúl Alfonsín, and architect of the "Truth & Limited Justice" policy approach of Alfonsin government argued that transitional governments must carefully calibrate their approach to criminal accountability in order to avoid destabilizing democratic consolidation. He contended that, although prosecuting senior military officers for crimes against humanity was a moral imperative essential to reasserting the rule of law, the prosecution of all involved personnel was politically

The legal architecture that enabled Argentina to adjudicate the Armenian Genocide emerged from its monist constitutional framework, which gives international human rights norms direct domestic effect.[17] Through the constitutional hierarchy established in 1994,[18] international human rights treaties acquired superior status, providing Argentine courts with a normative and jurisdictional foundation to confront grave crimes. This framework sustained the reopening of dictatorship-era prosecutions in the 2000s and, critically, created the doctrinal conditions for addressing state-denied atrocities beyond Argentina's borders.

With that situation as a background, Gregorio Hairabedian, a second-generation descendant of Armenian Genocide survivors in Argentina and an active intellectual within the Armenian community and the human rights movement,[19] strategically initiated a judicial action before the Buenos Aires Federal Criminal Chamber, together with his daughter, the human rights lawyer Luisa Hairabedian, to seek legal recognition of the Armenian Genocide. The claim was grounded in the constitutional right to truth and the direct applicability of international law by domestic legal systems courts. Within this architectural framework, the Armenian Genocide Truth Trial – also known as the Hairabedian Case – emerged as the first judicial proceeding worldwide to recognize the Armenian Genocide through a domestic court. The case illustrates how national courts, operating within transitional justice frameworks, can implement international human rights norms to confront entrenched denial and impunity. In doing so, the proceeding demonstrates how domestic adjudication may contribute to the internal development of international law, reinforcing normative structures that adapt over time in response to historical atrocities and contemporary demands for justice and accountability.[20]

untenable. The widespread institutional nature of Argentina's state terror, where nearly all military personnel were complicit by either action or acquiescence, necessitated the development of criteria to distinguish degrees of responsibility. Malamud-Goti ultimately justified the controversial decision to limit prosecutions through laws such as the Full Stop (Ley de Punto Final) and Due Obedience (Ley de Obediencia Debida), contending that these were pragmatic measures designed to prevent backlash from the armed forces while preserving the nascent democratic order.

17 Garibian, *"Ghosts Also Die,"*515-538.

18 Constitución Nacional [National Constitution] art. 75, inc. 22 (Argentina).

19 For more on this see https://aurorahumanitarian.org/en/gregorio-hairabedian.

20 The concept of autopoiesis – from the Greek auto (self) and poiesis (creation) – was originally developed by Humberto Maturana and Francisco Varela to describe self-producing and self-maintaining systems. Legal scholar Anthony D'Amato draws on insights from General Systems Theory to argue that international law evolves through internal normative processes rather than solely through external political or institutional imposition. While D'Amato does not develop a full theory of legal autopoiesis, his systems-based account supports the view of international law as a self-referential and norm-generating legal order. *See* Anthony D'Amato, "Groundwork for International Law," *American Journal of International Law* 108, no. 4 (2014): 650-679.

From Resistance to Justice: Responses from the Civil Society and the Judiciary

During the military regime, the early mobilization of victims and the strategic litigation advanced by human rights organizations, supported by international networks of defenders, religious leaders, NGOs, and allies in politics, the arts, and education, transformed Argentina into a compelling example of how an active civil society, driven by empathy for victims of state terrorism and unified by the call for Nunca Más, contributed to a distinct model of participatory accountability.[21] This process revealed the transformative power of international legal norms when anchored in grassroots activism and supported by an independent judiciary.[22]

The mobilization and persistent demands of relatives of victims of mass atrocities (particularly enforced disappearances, torture, and killings carried out in clandestine detention centers and through death flights) during the late 1970s generated a new political identity that has persisted for more than four decades. By the early 21st century, the Argentine state had developed a structured field of action to confront its recent past, integrating the five pillars of transitional justice and creating a fertile environment for the advancement of human rights litigation. This evolution aligns with Kathryn Sikkink's account of the "justice cascade," which describes the expansion of accountability practices across domestic and international settings.[23]

Over the last forty years, a powerful discursive front emerged in the Argentine society, shaped by a distinct language and representational style grounded in a repertoire of symbols and rituals,[24] as well as innovative political and legal strategies. This new discourse, at once imperative and consoling, challenged and denounced state crimes with a potent narrative of social and political struggle in defense of human rights, achieving significant progress in the fight against impunity, the search for truth, and the punishment of those responsible. This heterogeneous social subject what we may call the "human rights movement" formed its identity around the defense of human rights and the pursuit of justice. Over the past four decades, it not only succeeded in halting a powerful tide of

---

21 See generally Elizabeth Jelin, "The Politics of Memory: The Human Rights Movement and the Construction of Democracy in Argentina," *Latin American Perspectives* 21, no. 2 (1994), 38.

22 Paige "How 'Transitions' Reshaped Human Rights," 321, 323-329. (He argues that Argentina's early post-dictatorship responses were pivotal in transforming global human rights advocacy from "naming and shaming" to pursuing accountability, thereby laying the groundwork for what would become the field of transitional justice). See also Kathryn Sikkink and Carrie Booth Walling, "Argentina's Contribution to Global Trends in Transitional Justice," in *Transitional Justice in the Twenty-First Century: Beyond Truth Versus Justice*, eds. Naomi Roht-Arriaza and Javier Mariezcurrena (Cambridge: Cambridge University Press, 2006). They emphasize how Argentine human rights organizations leveraged international networks to pursue accountability, shaping international norms and influencing the construction of the transitional justice field from the Global South.

23 See generally Kathryn Sikkink, *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics* (New York and London: WW Norton and Company, 2011).

24 Vincent Druliolle, "H.I.J.O.S. and the Spectacular Denunciation of Impunity: The Struggle for Memory, Truth, and Justice and the (Re-)Construction of Democracy in Argentina," *Journal of Human Rights* 12, no. 2 (2013): 259–276.

impunity under the banner of *Juicio y Castigo* [Trial and Punishment] but also crafted a new political agenda with the strength to contest and shape discursive hegemony around issues of human rights violations.[25] In this context, Gregorio Hairabedian asserted his right to ascertain the truth regarding the fate of his family members who succumbed to the extermination policies enacted by the Ottoman Empire and the Young Turk movement against the Armenian population, and he filed a case in the Buenos Aires Federal Chamber to initiate a truth-seeking process to uphold his right to uncover the truth.

Creative Implementation of International Human Rights: The Operability of the Right to Truth through the "Truth Trials"

After the Juntas Trial, during the final years of the Alfonsín presidency and the early Menem administration, the enactment of the Due Obedience and Final Stop Law and the presidential pardons to those perpetrators convicted institutionalized impunity and brought the prosecution of human rights crimes and the broader pursuit of truth and justice to a halt. Yet legal and societal demands for accountability continued to advance, even when formal judicial avenues were blocked. From this impasse emerged the *Juicios por la Verdad* (Truth Trials), a distinctive set of non-punitive, quasi-judicial proceedings developed primarily in federal courts in big cities like La Plata, Rosario and Buenos Aires.

These proceedings, known as truth trials, although lacking the authority to impose criminal sanctions, played a crucial symbolic and reparative role. They enabled victims and survivors to access the judicial system, offer testimony, and contribute to the clarification of the facts and the institutional reconstruction of historical truth. By preserving documentary evidence and reviving the memory of the disappeared, these trials upheld the right to truth and advanced efforts to investigate state-sponsored violence. Most importantly, they gave victims a voice and promoted the principle of integral reparation in the context of state terrorism and mass human rights violations. Crucially, they also functioned as a mechanism to compel the State to fulfill its international obligations to investigate gross human rights violations and to provide victims and society with the answers they were entitled to, even in the absence of formal criminal accountability. Argentine scholar Nora Rabotnikof underscores that these proceedings were crucial in sustaining memory and justice during a period when formal prosecutions were suspended. While these mechanisms lacked the authority to impose criminal sanctions, these trials laid a foundational evidentiary and normative framework that would later support the reactivation of criminal prosecutions following the annulment of impunity laws.[26]

Sevane Garibian notes that these legal strategies functioned as a powerful form of

25 Nora Rabotnikof, "Memoria y Politica a Treinta Años Del Golpe," in *Argentina, 1976: Estudios en torno al Golpe de estado*, eds. Clara E. Linda, Horacio Crespo, and Pablo Yankelevich (Mexico: El Colegio de Mexico, 2007), 259-284.

26 Nora Rabotnikof, "Memoria y Politica."

resistance against the dictatorship's effort to erase historical responsibility.[27]

There is no doubt that these proceedings played an instrumental role in expanding the evidentiary record and in reinforcing the domestic application of Inter-American Court of Human Rights jurisprudence.[28] Although they lacked punitive authority, the *Juicios por la Verdad* allowed courts to formally document facts, preserve historical memory, and uphold the right to the truth.[29] In doing so, they offered a form of institutional accountability within the constraints imposed by the amnesty framework that ruled Argentina between the Juntas Trial and the reopening of trials in the early 2000's.

From a legal standpoint, three interrelated dimensions underscore the normative strength of the right to truth under international law: (1) the legal invalidity of blanket amnesties for gross human rights violations; (2) the obligation to prosecute or extradite, as codified in the principle of *aut dedere aut judicare* [either extradite or prosecute]; and (3) the frequently invoked rationale of reconciliation, which must not supersede victims' rights to truth and accountability. Within this framework, the right to the truth operated not only as a remedial measure for victims and society but also as a legal mechanism to enforce international obligations, prevent impunity, and deter the recurrence of atrocity crimes.[30]

According to Garibian, Argentina has implemented nearly every transitional justice mechanism recognized globally: from early trials, amnesties, and pardons to truth commissions and, most importantly, the repeal of amnesty laws and the reopening of criminal proceedings.[31]

---

27 Garibian, "Ghosts Also Die," 515-538.

28 E.g *Barrios Altos v. Peru*, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 75, 41–44 (14 March 2001) (holding that amnesty laws preventing the investigation and punishment of serious human rights violations are incompatible with the American Convention on Human Rights and lack legal effect). See note 8; U.N. Human Rights Committee, *General Comment No. 31*, U.N. Doc. CCPR/C/21/Rev.1/Add.13, 18 (26 May 2004) (emphasizing that states may not relieve perpetrators from personal responsibility through amnesties and that victims have a right to an effective remedy, including truth). These legal proceedings were grounded in international human rights law, particularly the principle of state responsibility for gross violations. The Inter-American Court of Human Rights has articulated that these proceedings served as effective remedies. This was made explicit in *Barrios Altos v. Peru*, where the Court affirmed that legal instruments granting impunity for these crimes are incompatible with the state's international obligations. Even where criminal prosecutions are obstructed or delayed due to *de facto* amnesties, the state remains under a binding duty to disclose the fate and whereabouts of victims and to fulfill the truth-seeking function as a standalone right, as articulated in *Velásquez Rodríguez v. Honduras*, para. 181. Furthermore, the invocation of reconciliation as a justification for legal leniency cannot override the rights of victims and society to access the truth. On the contrary, reconciliation efforts that omit truth and accountability risk reproducing impunity and undermining the very foundations of democratic legitimacy.

29 Mendez, "Accountability for Past Abuses."

30 United Nations General Assembly, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, GA Res. 60/147, Un Gaor, 60th Sess., Agenda Item 71(a), UN Doc A/RES/60/147 (21 March 2006).

31 Garibian, *"Ghosts Also Die,"* 515-538. (Emphasizing the juridical role of the *Juicios por la Verdad* in resisting impunity and fulfilling the state's duty to guarantee the right to truth under international law, even in the absence of criminal sanctions).

The Second Wave of Judicial Response: The ESMA III Death Flights Trial as a Paradigmatic Framework of Memory, Truth, and Accountability

The reactivation of prosecutions after 2003 marked a decisive juridical shift in Argentina's transitional justice trajectory. The Supreme Court's rulings in *Arancibia Clavel*, *Simón*, and *Mazzeo* established that crimes against humanity are imprescriptible and that amnesty laws and pardons violate binding obligations under international human rights law. By reinstating Point 30 of the 1985 Juntas Trial judgment, these decisions reopened investigations that suspended under the Due Obedience and Final Stop and the presidential pardons regimes. The renewed prosecutions drew on decades of testimonial and documentary evidence preserved by CONADEP, the *Juicios por la Verdad*, and survivors and victim's private archives.[32] These materials formed the evidentiary backbone of the second wave of trials, enabling courts to fulfil the State's duty to investigate and punish enforced disappearance, torture, and other crimes against humanity.

This continuity, as Rabotnikof and Garibian argue, demonstrates that Argentina's human rights movement functioned as a normative agent, ensuring that truth and memory shape the development of domestic and international accountability standards. Within this legal framework, the ESMA III-Death Flight Section Trial epitomizes the institutional consolidation of Argentina's accountability process and stands as a paradigmatic expression of this new phase.[33] While the Juntas Trial established the criminal responsibility of high-ranking commanders, ESMA Trials, specially ESMA III exposed the operational mechanics of clandestine repression.[34] Its findings on systematic extermination practices, in-

32 Recently, during the Month of Cinema, I had the honor of moderating a memorialization event in which Isabel Mignone, sister of Mónica Mignone and daughter of Emilio F. Mignone, founder of the Center for Legal and Social Studies (CELS), donated a collection of family documents to the Academy on Human Rights and Humanitarian Law and the Pence Law Library at American University Washington College of Law. The donation, curated from the Mignone family archive, includes materials gathered by Emilio Mignone himself, most notably detailed diaries from the *Juntas Trial,* offering valuable primary sources for future research on Argentina's transitional justice process. See *Cine, Activismo y Derechos Humanos: 40º Aniversario del Juicio a las Juntas y el Poder de la Memoria en la Justicia Transicional*, panel hosted by the Academy on Human Rights and Humanitarian Law, American University Washington College of Law (30 May 2025).

33 The ESMA III Death Flights Section Trial stands as a testament to Argentina's integrated and sustained accountability efforts. While the Juntas Trial focused on top military commanders, the ESMA trials (I, II, III, among others) uncovered the operational architecture of state terror, prosecuting those directly involved in clandestine exterminations. For a comprehensive overview of the ESMA III Trial, *see* Centro de Estudios Legales y Sociales (CELS), *Megacausa ESMA: El Juicio* (2017). The ESMA proceedings comprise a series of interconnected judicial trials addressing crimes committed at the former Naval School of Mechanics (ESMA) between 1976 and 1983 under Argentina's last military dictatorship. The ESMA III Trial Death Flight Section, concluded in 2017, represents the nation's most extensive prosecution of crimes against humanity. Centered on atrocities committed at the Navy's clandestine detention center, ESMA *(Escuela de Mecánica de la Armada)*, the trial involved 54 defendants and 789 victims. ESMA, originally intended to serve as a naval academy and center for education, became, in stark contrast, a site of terror during Argentina's last military dictatorship. As described by survivor and sociologist Pilar, ESMA operated as a concentration camp, marked by systematic torture, enforced disappearances, and even the theft of infants born in clandestine detention. See Calveiro**,** *Poder y desaparicion.*

34 ESMA III stands as the most comprehensive synthesis of Argentina's three phases of transitional justice,

cluding the judicial confirmation of the "death flights"[35] and the later recognition of sexual violence as crimes against humanity,[36] illustrate how domestic courts internalized and applied international human rights law and international criminal law standards.

The trial's doctrinal impact extends beyond national borders. It reaffirms the international consensus that blanket amnesties for serious human rights violations are incompatible with *jus cogens* norms, a position long advanced by Méndez, the Interamerican jurisprudence and other relevant transitional justice experts.[37] It also reflects Teitel's insight that transitional justice generates new legal meanings during political transformation.[38] Through strategic litigation, victims' participation,[39] and judicial independence, Argentina transformed transitional justice from a discretionary policy vulnerable to political pressures, including the pressures that produced the impunity laws and the presidential pardons intended to appease sectors of the armed forces after the Juntas Trial, into a rights-based obligation grounded in truth, justice, reparation, and guarantees of non-repetition.[40] This reactivated judicial process provided the normative

addressing the core of the Navy's systematic repression and implicating both senior officers and rank-and-file perpetrators, including the infamous Alfredo Astiz. A symbol of state terror, Alfredo Astiz, also known under the aliases "Gustavo Niño" and "Ángel Rubio" (the "Blond Angel"), was identified as one of the key perpetrators of heinous crimes committed at the clandestine detention center located at ESMA. His involvement extended beyond acts of torture and inhumane treatment within the detention facility to include clandestine intelligence operations; for example, at the Santa Cruz Church where families of *despareceidos* gathered to find their relatives. See Leila Guerriero, *La Llamada: Un Retrato* (Barcelona: Anagrama, 2024). This work contributes to the cultural dimension of transitional justice by reconstructing the testimony of Silvia Labayrú, a survivor of the ESMA detention center, where she endured forced labor, torture, and sexual violence perpetrated by members of Task Force 3.3.2, including Alfredo Astiz and Eduardo "El Gato" González. Following the 1985 *Juntas* Trial, Astiz remained at liberty for several years, benefiting from the impunity conferred by the Full Stop *(Ley de Punto Final)* and Due Obedience *(Ley de Obediencia Debida)* laws. During the 1990s, he provoked public outrage by openly participating in nightlife events, granting media interviews in which he declared himself "the best-trained soldier to kill a journalist," thereby deepening the pain of victims and underscoring the enduring legacy of impunity prior to the reactivation of accountability mechanisms in the early 2000s. See Claudia Feld, "Early Photos and Public Visibility of the Repressor Alfredo Astiz: from Undercover Agent 'Visible Face' of Horror (1977-1982)," *Sudamérica: Revista de Ciencias Sociales* 19 (2023): 16-45.

35 While the existence of death flights had been known through exile testimonies since 1979 ESMA III presented irrefutable, court-validated evidence of their systematic planning and execution See 60 Minutes, "Finding Argentina's 'Death Plane,'" *CBS News*, 4 April 2025, transcript, CBS, https://www.cbsnews.com/news/finding-argentina-death-plane-60-minutes-transcript/.

36 Regarding these testimonies and the varied approaches to memory and evidence collection, particularly concerning women victims of sexual crimes at ESMA. See Munu Actis, Cristina Aldini, Liliana Gardella, and Miriam Lewin, *That Inferno: Conversations of Five Women Survivors of an Argentine Torture Camp* (Nashville, TN: Vanderbilt University Press, 2006).

37 Diane F. Orentlicher, "Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime," *Yale Law Journal* 100, no. 8 (1991): 2537.

38 Teitel, "Transitional Justice Genealogy."

39 Valeria Veigh Vega, "The Relevance of Victims' Organizations in the Transitional Justice Process: The Case of the Grandmothers of Plaza de Mayo in Argentina," *Intercultural Human Rights Law Review* 12 (2017): 1-70.

40 Juan E. Mendez, "Victims as Protagonists in Transitional Justice," *International Journal of Transitional Justice* 10, no. 1 (2016): 1, 2-4. Mendez argues that states have a binding legal obligation under international law to investigate, prosecute, and punish gross human rights violations, and that victims must be treated as active participants in justice processes.

and institutional foundation that later enabled innovative proceedings such as the Armenian Genocide Truth Trial.

Breaking Cycles of Impunity: The Hairabedian Case and the Judicial Recognition of the Armenian Genocide

The twentieth century is often described as the "century of genocides,"[41] beginning with the mass extermination of Christian minorities, particularly Armenians,[42] by the collapsing Ottoman Empire under the cover of World War I.[43] This event is widely recognized as a genocide by most global scholars, researchers, states, NGOs, the press, and numerous serious research organizations.[44] However, the perpetrator, or, more precisely, the successor state (the Republic of Turkey) of the one that perpetrated the crime (the Ottoman Empire), continues to deny its classification as genocide, allocating significant efforts to this denial.[45] This denialism has been compounded by recent political and financial support for Armenia's adversaries, further harming the descendants of genocide survivors within

41 Some scholars contend that the first genocide of the twentieth century was the genocide of the Herero and Nama peoples, perpetrated by the German Empire in present-day Namibia. While the chronological debate over which atrocity constitutes the "first genocide" may be analytically superfluous, it nonetheless reveals a noteworthy pattern: in the cases of the Herero and Nama, the Armenian people, and the Holocaust, Germany has demonstrated a measure of historical accountability for its role in these atrocities. See Vahakn Dadrian, *German Responsibility in the Armenian Genocide: A Review of the Historical Evidence of German Complicity* (Watertown, MA: Blue Crane Books, 1996).

42 Raymond Kevorkian, *The Armenian Genocide: A Complete History* (London: I. B. Tauris, 2011), 71-85; Taner Akcam, *A Shameful Act: The Armenian Genocide and the Question of Turkish Responsibility* (New York: Henry Holt and Company, 2006), 4-9; Raphael Lemkin, *Manuscript Notes on the Armenian Genocide*, Box 2, Folder 7, Raphael Lemkin Collection, New York Public Library.

43 Akcam, *A Shameful Act*, 4-6; Raphael Lemkin, *Totally Unpublished Manuscript,* Box 2, Folder 7, Raphael Lemkin Collection, New York Public Library*,* (arguing that the Armenian Genocide was a central event that inspired his formulation of the term "genocide" in 1944 and his subsequent work on the Genocide Convention); Vahakn N. Dadrian, *The History of the Armenian Genocide: Ethnic Conflict form the Balkans to Anatolia to the Caucasus* (Oxford: Berghahn Books 1995); International Association of Genocide Scholars (IAGS), *Letter to Turkish Prime Minister Recep Tayyip Erdogan*, 13 June 2005, https://www.genocidescholars.org (affirming the Armenian Genocide and urging recognition by Turkey and declaring the mass killings of Christian minorities from 1915–1923 as genocide by over 80% of members).

44 Armenian National Institute, "Affirmation," Armenian-Genocide.org, last updated 21 March 2022 (listing 795 official records, including state-level resolutions, laws, and declarations affirming the Armenian Genocide across national legislatures, international bodies, and local institutions) https://www.armenian-genocide.org/News.380/current_category.186/press_detail.html?

45 Richard G. Hovannisian, "Denial of the Armenian Genocide 100 Years Later: The New Practitioners and Their Trade," *Genocide Studies International* 9, no. 2 (2015): 228–247. See IAGS*, The Armenian Genocide Resolution Unanimously Passed by the Association of Genocide Scholars of North America (June 13, 1997) (on file with author)*; A Century of Denial: The Armenian Genocide and the Ongoing Quest for Justice: Hearing Before the Comm'n on Sec. & Coop. in Eur., 114th Cong. (Apr. 23, 2015), https://www.csce.gov; See also *Altuğ Taner Akçam v. Turkey,* App. No. 27520/07, paras. 93–98, Eur. Ct. H.R. (2011) (holding that Turkey's criminal prohibition on "insulting Turkishness" violated Article 10 of the European Convention on Human Rights, emphasizing the chilling effect on academic freedom and open discourse concerning the Armenian Genocide).

the Armenian diaspora.[46]

Almost a century after the Armenian Genocide, a remarkable shift in the fight against impunity occurred in Argentina through the Armenian Genocide Truth Trial. This was the first judicial proceeding in history to recognize the Armenian Genocide through a domestic court investigation grounded in the right to the truth.[47] Because it was impossible to prosecute those responsible for the Armenian Genocide directly, the case employed the innovative framework of the *Juicios por la Verdad* and the universal jurisdiction principle. These proceedings, which began in the same Federal Chamber of Buenos Aires where both the Juntas Trial and the *Juicios por la Verdad* in Buenos Aires city were held, offered a path toward justice and partial reparation.[48]

The Truth Trial of the Armenian Genocide emerged as a direct extension of Argentina's transitional justice innovations. In 2001, Argentine citizen Gregorio Hairabedian, the son of Armenian Genocide survivors, filed a petition before the Federal Criminal Chamber of Buenos Aires requesting a judicial investigation into the fate of his relatives, who had been deported from the towns of Palu and Zeitun in the Ottoman Empire and whose descendants later resettled in Córdoba, Argentina. Represented by his daughter, Luisa Hairabedian, he grounded the petition in the right to the truth, a legally enforceable guarantee under Article 75(22) of the Argentine Constitution and under international human rights law. The petition asked the judiciary to determine whether the mass atrocities committed by the Young Turk regime between 1915 and 1923 constituted genocide in the legal sense, and to establish, as far as possible, the fate of the Hairabedian family members who perished during those events. The prosecutor initially rejected the petition, asserting a lack of territorial jurisdiction because the crimes had occurred abroad, arguing that any potential claims were time-barred, and noting that the alleged perpetrators were no longer alive. However, the petitioners appealed, invoking the autonomous and imprescriptible nature of the right to

46 See Fabián Salvioli, Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence, *Preliminary Observations: Visit to Armenia (16 to 24 November 2023)*, U.N. Doc. A/HRC/56/CRP.2 (2023). This report offers a vital analytical bridge between the ongoing denial of the Armenian Genocide by Turkey and the contemporary crisis between Armenia and Azerbaijan over Nagorno-Karabakh. While the UN Special Rapporteur on Transitional Justice, Fabián Salvioli, does not explicitly name Turkey as a perpetrator of the 1915 genocide, his formal recognition of it as a historical atrocity constitutes a significant step in establishing legal and moral continuity. By situating Armenia's transitional justice needs within a broader narrative of unresolved historical crimes, the report helps contextualize how the legacy of unacknowledged atrocities, particularly the Armenian Genocide, has shaped the structural conditions that contribute to the repetition of mass violence today). See also Luis Moreno Ocampo*, Expert Opinion: The Blockade of Nagorno-Karabakh Is Genocide* (Center for Truth and Justice, 7 August, 2023,), https://www.cftjustice.org/wp-content/uploads/2023/08/Moreno-Ocampo-Expert-Opinion.pdf. See also Juan E. Mendez*, Preliminary Opinion on the Situation in Nagorno-Karabakh and on the Need for the International Community to Adopt Measures to Prevent Atrocity Crimes* (Center for Truth and Justice, 23 August, 2023), at https://www.cftjustice.org/preliminary-opinion-on-the-situation-in-nagorno-karabakh-and-on-the-need-for-the-international-community-to-adopt-measures-to-prevent-atrocity-crimes/.

47 Garibian, "Ghosts Also Die."

48 Declarative Resolution of Historic Events Known as Armenian Genocide – Years 1915/1923. The Armenian Genocide Truth Trial lacked both subject-matter jurisdiction and adjudicative competence to determine the international legal responsibility of the Republic of Turkey.

the truth and drawing on universal jurisdiction principles that had gained renewed force after the Pinochet arrest warrant. They argued that Argentina's judiciary possessed the authority to investigate gross human rights violations and especially genocide, regardless of where they were committed, when no other judicial forum existed, and when the absence of justice perpetuated ongoing harm.

In a decision that became central to the jurisprudential evolution of Argentina's transitional justice process, the Federal Criminal Chamber of Buenos Aires overturned the prosecutor's dismissal. The Chamber held that the judiciary was obligated to examine allegations of genocide within the framework of the right to the truth, even when atrocities occurred outside national territory and in a historical period long preceding contemporary legal mechanism. The Chamber grounded its reasoning in its own institutional history as the tribunal that conducted the Juntas Trial, in the subsequent *Juicios por la Verdad*, and in Argentina's constitutional and international obligations to investigate, clarify, and document serious human rights violations. In this decisive case the Chamber emphasized that denying access to truth would itself constitute a violation of Argentina's human rights commitments. It therefore ordered the opening of a full judicial investigation and assigned a federal judge to gather testimonial, documentary, and archival evidence.

Following the tragic death of Luisa Hairabedian in 2004, her family created the Fundación Luisa Hairabedian, which played a decisive role in sustaining and expanding the litigation. The Foundation coordinated the collection of survivor testimonies from the Armenian community in Argentina and facilitated the acquisition of archival evidence from Germany, France, the Vatican, Belgium, and the United States.[49] In response to judicial requests, the German Foreign Office produced extensive diplomatic archives documenting the systematic deportations and killings of Armenians and revealing explicit statements of intent by Ottoman authorities to eliminate the Armenian population.[50] These documents corroborated core elements of genocide under Article 2 of the 1948 Genocide Convention (killings, infliction of serious bodily and mental harm, deliberate creation of conditions of destruction, prevention of births, and forcible transfer of children) and provided compelling evidence of *dolus specialis*, as it was clarified in international jurisprudence of the ICTR and ICTY.[51]

49 During her lifetime, Luisa Hairabedian had contacted Professor Alejandro Schneider, a historian affiliated with the Oral History Program at the University of Buenos Aires (UBA), to collect oral testimonies of Armenian Genocide survivors residing in Argentina using academic oral history methodology. This effort led to the formation of an interdisciplinary team of young scholars who compiled survivor testimonies. These were subsequently submitted as evidence to the truth trial, alongside international documentation. Additionally, the court summoned various members of the Armenian community, primarily survivors and descendants, to testify in the Truth Trial. See generally Schneider, Alejandro Miguel, and Juan Pablo Artinian, *Las voces de los sobrevivientes: Testimonios sobre el genocidio armenio* (Buenos Aires, 2011).

50 Carlos Federico Gaitán Hairabedian, and Valeria Thus. "El juicio por el derecho a la verdad del Genocidio Armenio: Herramientas contra la negación, por la verdad y la justicia," *Bordes. Revista de Derecho, Política y Actualidad* (2018): 213–220.

51 *Prosecutor v. Akayesu*, Case No. ICTR-96-4-T, Judgment 498–523 (Int'l Crim. Trib. for Rwanda Sept. 2, 1998); *Prosecutor v. Rutaganda*, Case No. ICTR-96-3-T, Judgment 59–62 (Int'l Crim. Trib. for Rwanda Dec. 6, 1999); *Prosecutor v. Jelišić*, Case No. IT-95-10-T, Judgment 105–109 (Int'l Crim. Trib. for the Former Yugosla-

The judicial investigation proceeded over nearly a decade and operated as a paradigmatic instance of how the right to the truth functions as both a procedural mechanism and a form of symbolic reparation. Drawing on survivor testimony, historical documentation, international archives, expert reports,[52] and Argentine law that recognizes the Armenian Genocide through a legislative procedure,[53] the federal court concluded in April 2011 that the Ottoman Empire had committed the crime of genocide against the Armenian people between 1915 and 1923. It recognized the Hairabedian family as a victim of that genocide.[54] As the proceedings advanced, the court expanded the scope of the case beyond the fate of Gregorio Hairabedian's family. This was the first judicial determination worldwide affirming the legal character of the Armenian Genocide through a court-supervised evidentiary process rather than through legislative proclamation or diplomatic acknowledgment.

This proceeding thus represents a profound extension of Argentina's memory, truth, and justice paradigm. It demonstrates how domestic courts can operationalize international human rights law to address historical atrocities beyond their borders when impunity persists and no other judicial mechanism is available. It also illustrates how the right to the truth, which is central to the Argentine transitional justice process (ATJP), can serve as a vehicle for recognition, reparation, and norm generation, reinforcing a global legal framework in which genocide and crimes against humanity demand acknowledgment,

---

via Dec. 14, 1999).

52 According to official documentation obtained from the German Ministry of Foreign Affairs, held by the Documentation Center of the Fundación Luisa Hairabedian, extermination orders targeting the Armenian people were issued in line with the expansionist project of Talaat Pasha, the Ottoman Minister of the Interior, with the support of the German Empire. This alliance laid a foundational ideological basis for Nazism and ultimately the Holocaust. See generally Stephan Ihrig, *Justifying Genocide: Germany and the Armenians from Bismarck to Hitler* (Cambridge, MA: Harvard University Press, 2016). The Fundación Luisa Hairabedian continues to promote the dissemination of the judgment and its broader implications for global human rights education and prevention. This work is carried out in collaboration with international partners through a range of legal, cultural, academic, and educational initiatives. Notably, the Foundation has maintained a long-standing role in the Genocide and Human Rights University Program at the University of Toronto, organized by the International Institute for Genocide and Human Rights Studies (a division of the Zoryan Institute) promoting a new generation of genocide scholars Latin America, see at https://www.verdadyjusticia.org.ar.

53 Argentina – National Law No. 26.199 (2006/2007): On 13 December 2006, the Argentine National Congress enacted Law No. 26.199, which was promulgated on 11 January 2007. The statute officially recognizes the Armenian Genocide and designates April 24 as the "Day of Action for Tolerance and Respect Among Peoples," commemorating the genocide of the Armenian people. The law, passed by both chambers of Congress and signed by the President, promotes remembrance, public participation in commemorative acts, and invites provincial adherence. Although the title of the law refers to "tolerance and respect," some Armenian community organizations criticized its ambiguity during the legislative campaign. Nevertheless, the statute clearly acknowledges the genocide. Notably, the Turkish Embassy in Argentina actively lobbied against its adoption in an effort to mitigate the law's recognition of the Armenian Genocide. See Law No. 26.199, 11 January 2007, [Boletín Oficial de la República Argentina], https://www.argentina.gob.ar/normativa/nacional/ley-26199-124099.

54 As the case moved forward, the court widened its scope beyond the fate of Gregorio Hairabedian's family. What began as an individual petition grew into a proceeding similar to a class action. Major Armenian community organizations in Argentina not only supported the Hairabedian claim but also presented themselves as potential victims. They asked the judge to investigate not just a single family's history, but the fate of the Armenian people as a whole.

documentation, and accountability, irrespective of temporal or territorial distance. As Kathryn Sikkink has argued, Argentina's human rights trajectory transformed from that of a "pariah state" to a global protagonist in the promotion of human rights.[55]

The Argentine experience has helped build a legal ecosystem capable of reaching beyond national borders. In doing so, it has opened pathways for truth and accountability, offering long-denied recognition and forms of symbolic redress to descendants of genocide survivors. In this case, reparation assumed a fundamentally symbolic character, grounded in the satisfaction component of integral reparation under international human rights law. Satisfaction refers to the judicial acknowledgment of the genocide, the establishment of an authoritative historical record, and the formal validation of victims' narratives. These measures offered a form of justice to Armenian-Argentine descendants of genocide survivors by affirming their right to truth within a domestic judicial forum. Despite this broader representational character and the symbolic effect of the reparations, the judgment did not adjudicate Turkey's international responsibility, nor did it engage claims for material, economic, or territorial reparations. Those issues belong to a distinct legal plane involving inter-state responsibility. Because the Argentine proceeding did not compromise Turkey's state responsibility, it could not impose state-level reparations, even though its evidentiary findings and accountability reasoning may hold future relevance for other types of international or inter-state claims. The initiative thus remained a diaspora-led effort to secure access to justice for individuals and communities, while the question of reparations owed by Turkey to the Armenian state continues to rest within the domain of international responsibility.[56] These measures remedy decades of silence by providing what no international tribunal ever delivered for Armenians: a judicial finding that affirms responsibility and restores the dignity of survivors and their families.[57] This case illustrates how Argentina's unique model of transitional justice offers a powerful framework for confronting impunity, even in cases long denied by their perpetrators, demonstrating that transitional justice is not merely about addressing the past; it's about reshaping legal and moral expectations for the future.

The reception of the Hairabedian decision among different constituencies illustrates how the five pillars of transitional justice, truth, justice, reparation, guarantees of non-repetition, and memory, can operate beyond the territorial boundaries of the forum State. For Armenian descendants in Argentina, the judgment supplied authoritative judicial recognition of a historical truth long preserved within family memory, transforming intergenerational testimony into an officially validated narrative and confirming victims as protagonists of the process, consistent with Méndez's vision of victim-centered transitional justice.[58] Armenian communities worldwide, including actors in Armenia and

55 Lessa, *Memory and Transitional Justice.*

56 Basic UN Principles and Guidelines*,* annex.

57 Garibian, "Ghosts Also Die."

58 "La Justicia argentina reconoció el genocidio del pueblo armenio," *Clarín,* 2 April 2011, at https://www.clarin.com/sociedad/Justicia-argentina-reconocio-genocidio-armenio_0_HyL9FS4awQx.html; "Turkey Slams

the broader diaspora, interpreted the ruling as a form of symbolic justice and satisfaction: even in the absence of surviving perpetrators subject to Argentine jurisdiction, the court affirmed the genocidal nature of the Ottoman-era violence and upheld the State's obligation to investigate and declare the truth, mirroring the "satisfaction" measures articulated in the UN Basic Principles on the Right to a Remedy and Reparation. At the same time, the decision strengthened communal identity and invigorated the educational, cultural, and legal initiatives of Armenian organizations in Argentina.[59] These groups have deployed the judgment as a human rights teaching tool and as a means of enhancing public visibility for Armenians as key actors within Argentina's broader human rights–enforcement community. By aligning themselves with the country's Transitional Justice Process, Armenian organizations emerged as social allies of the human rights movement and actively contributed to the evolving framework of truth, memory, and justice. In doing so, they bridged the history of the Armenian Genocide with the experiences of those affected by mass atrocities in Argentina, creating a shared narrative rooted in solidarity, rights protection, and collective remembrance.[60]

Conclusion

The Hairabedian decision generated significant guarantees of non-repetition and contributed to Argentina's enduring commitment to truth-telling. By incorporating the Armenian Genocide into the country's transitional justice jurisprudence, the ruling reaffirmed an emerging global norm that mass atrocities must be confronted through law, public recognition, and durable memorial practices. Pope Francis's 2015 acknowledgment of the Armenian Genocide further reinforced this normative expectation, framing remembrance as an ethical imperative and promoting dialogue in societies divided by historical violence.[61] In a context of escalating regional conflicts and humanitarian risks, this convergence between judicial recognition and moral leadership underscores the contemporary relevance of the Truth Trial and demonstrates how courts, civil society, and

---

Argentine Ruling on Armenian Genocide," *Radio Free Europe/Radio Liberty*, 5 April 2011, at https://www.azatutyun.am/a/3546772.htm.

59 AGBU, "*Paths to Justice: The Armenian Journey in Argentina and Uruguay*," https://agbu.org/latin-american-armenian/paths-justice; "*97th Anniversary Commemoration of the Armenian Genocide in Montebello, California*," *YouTube*, 28 April 2012, at https://www.youtube.com/watch?v=6aQMq2E5MDQ.

60 Gaitan Hairabedian, *El juicio por el derecho a la verdad del Genocidio Armenio*; Ministerio de Educación de la Nación, "*Educar para no olvidar: El primer genocidio del siglo XX,*" at https://continuemosestudiando.abc.gob.ar/contenido/educar-para-no-olvidar-el-primer-genocidio-del-siglo-xx/; "*Genocidio armenio: los hechos del pasado, las luchas del presente*," at https://www.educ.ar/recursos/158765/genocidio-armenio-los-hechos-del-pasado-las-luchas-del-prese; Aprender, "*Haciendo memoria del genocidio armenio*," at https://aprender.entrerios.edu.ar/haciendo-memoria-del-genocidio-armenio-1/; Fundación Luisa Hairabedian Verdad y Justicia, "*Programa educativo: Derechos Humanos y Genocidios*," at https://verdadyjusticia.org.ar/programa-educativo-derechos-humanos-y-genocidios/cuadernillo/.

61 Pope Francis, "Homily of His Holiness Pope Francis," *VATICAN,* at *https://www.vatican.va/content/francesco/en/homilies/2015/documents/papa-francesco_20150412_omelia-fedeli-rito-armeno.html.*

religious actors can collectively shape a transnational architecture of prevention.

Comparative experiences, especially in Latin America, concerning the diverse domestic responses to the implementation of the Condor Plan,[62] highlight the importance of sustained accountability. Spain's post-Franco amnesties foreclosed judicial scrutiny of civil-war crimes for example; Brazil continues to face institutional resistance that entrenches impunity for dictatorship-era abuses. Colombia's Special Jurisdiction for Peace offers a more ambitious model,[63] yet its conditional amnesties raise concerns regarding alignment with international standards on accountability.[64] These variations confirm that transitional justice is not a uniform formula but a context-dependent legal framework grounded in universal principles of truth, justice, reparation, guarantees of non-repetition, and memory. While prosecutions remain essential to affirm victims' suffering and uphold the rule of law, they cannot alone remedy the structural harms embedded in societies marked by mass atrocity. As Whigham's work on resonant violence demonstrates, the legacies of repression persist across generations and require multidimensional responses.[65]

The Armenian diaspora in Argentina illustrates how domestic mechanisms can address unresolved historical harms beyond national borders.[66] The effectiveness of such measures, however, depends on their integration with international human rights law, an imperative rendered urgent by ongoing conflicts in the Caucasus and the Middle East. The ATJP demonstrates the capacity of domestic courts to operationalize international norms, provide recognition and partial reparation, and advance truth-seeking when global mechanisms falter.

Transitional justice should therefore be understood as a comprehensive project of democratic consolidation, atrocity prevention, and historical redress. Its progress is contingent upon political will, institutional resilience, and sustained civic engagement. Argentina's renewed prosecutions illustrate how criminal accountability can reinforce an integrated policy framework, consistent with the approach outlined by Pablo de Greiff during his mandate as UN Special Rapporteur. De Greiff argues that prosecutions must be

62 Francesca Lessa, *The Condor Trials: Transnational Repression and Human Rights in South America* (Yale University Press, 2022).

63 For a detailed analysis of Spain's transitional justice process, see Felipe Gomez Isa, "Retos de la justicia transicional en contextos no transicionales. El caso espanol," in *Justicia de transicion: el caso de Espana*, ed. Santiago Ripoll Carulla and Carlos Villan Duran (Barcelona: Institut Catala Internacional per la Pau, 2012), 175-177. See also Spain, Law No. 52/2007 of December 26, 2007, *Boletin Oficial del Estado* No. 310 (December 27, 2007); and Spain, Law No. 20/2022 of October 19, 2022, *Boletin Oficial del Estado* No. 250 (October 20, 2022). See also Raphael Minder, "Argentine Judge Orders Arrest of Spanish Ex-Officials," *New York Times,* 1 November 2014, at https://www.nytimes.com/2014/11/02/world/americas/argentine-judge-orders-arrest-of-spanish-ex-officials.html.

64 Max Pensky, "After Impunity: The Anti-Impunity Norm, the Colombian Special Jurisdiction for Peace, and the Future of International Criminal Law," *Genocide Studies and Prevention* 18, no 2. (2024): 46-62.

65 The infringement of fundamental human rights not only affects the descendants of genocide victims but also has broader societal implications. It contributes to ongoing challenges in confronting historical truth and leaves behind traces of resonant or "latent" violence. Kerry Whigham, *Resonant Violence: Affect, Memory, and Activism in Post-Genocide Societies* (New Brunswick, NJ: Rutgers University Press, 2022).

66 Artinian, "Between the Local and the Global South."

accompanied by truth-seeking, reparations, and institutional reform, and that prioritization, transparency, and meaningful victim participation are essential to maintaining public trust. Argentina's reparations policies, memory sites,[67] educational initiatives, and symbolic measures reflect this holistic vision, embedding the intertwined implementation of the five pillars of transitional justice as structural components of democratic life. As both De Greiff and his successor Fabián Salvioli maintain, collective memory functions not merely as symbolic recognition but as an institutional safeguard against future abuses.

In conclusion, Argentina's experience in addressing state terrorism, recognizing the Armenian Genocide, and prosecuting gross human rights violations demonstrates how domestic legal systems, when aligned with international obligations, can break cycles of impunity and build resilient, rights-protective societies. Transitional justice, as a dynamic and evolving framework, must continue adapting to diverse legal and social contexts. Other societies still standing in the shadow of unpunished crimes may find a guiding light in Argentina's long and arduous pursuit of truth, justice, memory, and reparations. For those who continue to seek international recognition of the Armenian Genocide and the acknowledgment of state responsibility by Turkey, Argentina's experience offers more than a legal precedent. It offers a moral compass. It shows that even after generations of silence, suffering does not have to remain unnamed, and impunity is not eternal. By embracing these lessons, a path emerges toward dignity restored, history confronted, and the hope of a final end to the suffering and denial that have haunted the Armenian people for over a century.

Bibliography

Actis, Munu, Cristina Aldini, Liliana Gardella, and Miriam Lewin. *That Inferno: Conversations of Five Women Survivors of an Argentine Torture Camp*. Nashville, TN: Vanderbilt University Press, 2006.

Akcam, Taner. *A Shameful Act: The Armenian Genocide and the Question of Turkish Responsibility*. New York: Henry Holt, 2006.

Arancibia Clavel, Enrique Lautaro s/ homicidio calificado y asociación ilícita. Corte Suprema de Justicia de la Nación (CSJN) (Argentina), August 24, 2004.

Arthur, Paige. "How 'Transitions' Reshaped Human Rights: A Conceptual History of Transitional Justice." *Human Rights Quarterly* 31, no. 2 (2009): 321–367.

Barrios Altos v. Peru. Merits, Judgment. Inter-American Court of Human Rights (ser.

67 By centering on survivors and civil society and transforming the ESMA site into a UNESCO-designated Memory Site, it confirms that participatory justice enhances the legitimacy and sustainability of transitional justice processes. UNESCO, *Convention Concerning the Protection of the World Cultural and Natural Heritage, Nomination: UNESCO World Heritage–ESMA Museum and Site of Memory–Former Clandestine Center of Detention, Torture and Extermination* (Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage 2023), https://whc.unesco.org/archive/2023/whc23-45com-8B-Add-en.pdf.

C) No. 75 (March 14, 2001).

Crenzel, Emilio. "Argentina's National Commission on the Disappearance of Persons: Contributions to Transitional Justice." *International Journal of Transitional Justice* 2, no. 2 (2008): 173–191.

Crenzel, Emilio. "Genesis, Uses, and Significations of the Nunca Más Report in Argentina." *Latin American Perspectives* 42, no. 3 (2015): 20–33.

D'Amato, Anthony. "Groundwork for International Law." *American Journal of International Law* 108, no. 4 (2014): 650–679.

Dadrian, Vahakn N. *German Responsibility in the Armenian Genocide: A Review of the Historical Evidence of German Complicity*. Watertown, MA: Blue Crane Books, 1996.

Druliolle, Vincent. "H.I.J.O.S. and the Spectacular Denunciation of Impunity: The Struggle for Memory, Truth, and Justice and the (Re-)Construction of Democracy in Argentina." *Journal of Human Rights* 12, no. 3 (2013): 259–276.

Feld, Claudia. "Early Photos and Public Visibility of the Repressor Alfredo Astiz: From Undercover Agent to 'Visible Face' of Horror (1977–1982)." *Sudamérica: Revista de Ciencias Sociales* 19 (2023): 16–45.

Fletcher, Laurel, and Harvey Weinstein. "Violence and Social Repair: Rethinking the Contribution of Justice to Reconciliation." *Human Rights Quarterly* 24, no. 3 (2002): 573–639.

Garibian, Sevane. "Ghosts Also Die: Resisting Disappearance through the 'Right to the Truth' and the Juicios por la Verdad in Argentina." *Journal of International Criminal Justice* 12, no. 3 (2014): 515–538.

Gómez Isa, Felipe. "Retos de la justicia transicional en contextos no transicionales. El caso español." In *Justicia de transición: el caso de España*, edited by Santiago Ripoll Carulla and Carlos Villán Durán, 175–177. Barcelona: Institut Català Internacional per la Pau, 2012.

González, Horacio. "Era una voz de una alta tradición humanística." *Página*/12, April 30, 2011.

Guerriero, Leila. *La llamada: Un retrato*. Barcelona: Anagrama, 2024.

Hairabedian, Gregorio. *Aurora Humanitarian Initiative.* Accessed December 13, 2025. https://aurorahumanitarian.org/en/gregorio-hairabedian.

Hovannisian, Richard G. "Denial of the Armenian Genocide 100 Years Later: The New Practitioners and Their Trade." *Genocide Studies International* 9, no. 2 (2015): 228–247.

Inter-American Court of Human Rights. *Velásquez Rodríguez v. Honduras*. Judgment (ser. C) No. 4 (July 29, 1988).

Ihrig, Stephan. *Justifying Genocide: Germany and the Armenians from Bismarck to Hitler.* Cambridge, MA: Harvard University Press, 2016.

Jelin, Elizabeth. "The Politics of Memory: The Human Rights Movement and the Construction of Democracy in Argentina." *Latin American Perspectives* 21, no. 2 (1994): 38–58.

Kévorkian, Raymond H. *The Armenian Genocide: A Complete History*. London: I.B. Tauris, 2011.

Leebaw, Bronwyn Anne. "The Irreconcilable Goals of Transitional Justice." *Human Rights Quarterly* 30, no. 1 (2008): 95–118.

Lessa, Francesca. *Memory and Transitional Justice in Argentina and Uruguay: Against Impunity.* New York: Palgrave Macmillan, 2013.

Lessa, Francesca. *The Condor Trials: Transnational Repression and Human Rights in South America*. New Haven, CT: Yale University Press, 2022.

Malamud-Goti, Jaime. "Transitional Governments in the Breach: Why Punish State Criminals?" In T*ransitional Justice: How Emerging Democracies Reckon with Former Regimes*, edited by Neil J. Kritz, 189–206. Washington, DC: United States Institute of Peace Press, 1995.

Méndez, Juan E. "Accountability for Past Abuses." *Human Rights Quarterly* 19, no. 2 (1997): 255–282.

Méndez, Juan E. "Derecho a la verdad frente a las graves violaciones a los derechos humanos." In *Aplicación de los Derechos Humanos por los Tribunales Locales*, 517–540. N.p., 1997.

Méndez, Juan E. "The Importance of Justice in Securing Peace and Fostering a Durable Political Settlement." RC/ST/PJ/INF.3. International Criminal Court Review Conference, 1 June 2010.

Méndez, Juan E. "Victims as Protagonists in Transitional Justice." *International Journal of Transitional Justice* 10, no. 1 (2016): 1–17.

Méndez, Juan E. *Preliminary Opinion on the Situation in Nagorno-Karabakh and on the Need for the International Community to Adopt Measures to Prevent Atrocity Crimes*. Center for Truth and Justice, 23 August 2023.

Minder, Raphael. "Argentine Judge Orders Arrest of Spanish Ex-Officials." *New York Times*, 1 November 2014.

Moreno Ocampo, Luis. *Expert Opinion: The Blockade of Nagorno-Karabakh Is Genocide.* Center for Truth and Justice, 7 August 2023.

Neier, Aryeh. *The International Human Rights Movement: A History.* Princeton, NJ: Princeton University Press, 2012.

Orentlicher, Diane F. "Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime." *Yale Law Journal* 100, no. 8 (1991): 2537–2615.

Pensky, Max. "After Impunity: The Anti-Impunity Norm, the Colombian Special Jurisdiction for Peace, and the Future of International Criminal Law." *Genocide Studies and Prevention* 18, no. 2 (2024): 46–62.

Prosecutor v. Akayesu. Case No. ICTR-96-4-T. Judgment (International Criminal Tribunal for Rwanda), 2 September 1998.

Prosecutor v. Jelišić. Case No. IT-95-10-T. Judgment (International Criminal Tribunal for the Former Yugoslavia), 14 December 1999.

Prosecutor v. Rutaganda. Case No. ICTR-96-3-T. Judgment (International Criminal

Tribunal for Rwanda), 6 December 1999.

Rabotnikof, Nora. "Memoria y política a treinta años del golpe." In *Argentina, 1976: Estudios en torno al golpe de estado*, edited by Clara E. Lida, Horacio Crespo, and Pablo Yankelevich. Mexico City: El Colegio de México, 2007, 259–284.

Rohter, Larry. "Ernesto Sábato, Novelist and Rights Advocate, Dies at 99." *New York Times*, 1 May 2011.

Roht-Arriaza, Naomi, and Javier Mariezcurrena, eds. *Transitional Justice in the Twenty-First Century: Beyond Truth Versus Justice*. Cambridge: Cambridge University Press, 2006.

Salvioli, Fabián. Preliminary Observations: Visit to Armenia (16 to 24 November 2023). U.N. Doc. A/HRC/56/CRP.2 (2023).

Schneider, Alejandro Miguel, and Juan Pablo Artinian. *Las voces de los sobrevivientes: Testimonios sobre el genocidio armenio.* Buenos Aires: El Colectivo, 2011.

Sikkink, Kathryn. *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics*. New York: W. W. Norton, 2011.

Sikkink, Kathryn, and Carrie Booth Walling. "Argentina's Contribution to Global Trends in Transitional Justice." In *Transitional Justice in the Twenty-First Century: Beyond Truth Versus Justice*, edited by Naomi Roht-Arriaza and Javier Mariezcurrena, 301-324. Cambridge: Cambridge University Press, 2006.

Simón, Julio Héctor y otros s/ privación ilegítima de la libertad, etc. Corte Suprema de Justicia de la Nación (CSJN) (Argentina), 14 June 2005.

Teitel, Ruti G. "Transitional Justice Genealogy." *Harvard Human Rights Journal* 16 (2003): 69–94.

UNESCO. Convention Concerning the Protection of the World Cultural and Natural Heritage, Nomination: UNESCO World Heritage – ESMA Museum and Site of Memory – Former Clandestine Center of Detention, Torture and Extermination. Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage, 2023. https://whc.unesco.org/archive/2023/whc23-45com-8B-Add-en.pdf.

United Nations. General Assembly. Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. GA Res. 60/147, U.N. Doc. A/RES/60/147 (21 March 2006).

United Nations. Human Rights Committee. General Comment No. 31. U.N. Doc. CCPR/C/21/Rev.1/Add.13 (26 May 2004).

United Nations. Human Rights Council. Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence (Pablo de Greiff). U.N. Doc. A/HRC/24/42 (28 August 2013).

United Nations. Secretary-General. Report on the Implementation of the Five-Point Action Plan and the Activities of the Special Adviser of the Secretary-General on the Prevention of Genocide. U.N. Doc. A/HRC/7/37 (18 March 2008).

Veigh Vega, Valeria. "The Relevance of Victims' Organizations in the Transitional Justice Process: The Case of the Grandmothers of Plaza de Mayo in Argentina." *Intercultural Human Rights Law Review* 12 (2017): 1–70.

Whigham, Kerry. *Resonant Violence: Affect, Memory, and Activism in Post-Genocide Societies.* New Brunswick, NJ: Rutgers University Press, 2022.

About the Author

Federico Gaitán Hairabedian is an S.J.D. candidate at American University Washington College of Law, where he conducts doctoral research under the supervision of Professor Juan E. Méndez. He is an Argentine lawyer specializing in international human rights law, transitional justice, and the prevention of genocide and mass atrocities. He has participated in landmark accountability proceedings in Argentina, including the ESMA Megatrial, and has worked extensively on the judicial recognition of the Armenian Genocide through the right to truth and universal jurisdiction. His research focuses on the interaction between domestic prosecutions, international human rights law, and global norm-development in post-atrocity contexts.

Email: federicogaitan0@gmail.com
ORCID iD: https://orcid.org/0000-0002-9880-049X

ACADEMIC ACTIVISM AND ARMENIAN GENOCIDE RECOGNITION IN AUSTRALIA

Melanie O'Brien
University of Western Australia
University of Minnesota

Abstract

This article draws on the author's firsthand experience of lobbying the Australian federal government to recognize the Armenian Genocide. The article explores the history of Armenian Genocide recognition in Australia and the issues surrounding such recognition. It analyzes the geopolitical and historical issues that seem to present a barrier to the Australian federal government recognizing the Armenian Genocide, such as the specifics of Australia's relationship with Turkey, which date back to World War I and the Gallipoli campaign of 1915. The significance of Gallipoli in Australian military history and culture and how it impacts Australian recognition of the Armenian Genocide will be examined. The article also discusses the work being done to overcome these barriers through the "Joint Justice Initiative" that the author participates in. This paper highlights how academic research and scholarship contribute to this work, situating this advocacy in the realm of academic-activism, demonstrating that academia is a crucial and active participant in activism that seeks to bring about social and political change.

Keywords: Armenian Genocide; recognition; Australia; academia; activism

This article was submitted on 05.02.2025 and accepted for publication on 10.10.2025.

How to cite: Melanie O'Brien, "Academic Activism and Armenian Genocide Recognition in Australia," *International Journal of Armenian Genocide Studies* 10, no. 2 (2025): 75-102.

Introduction

This article is based on a conference presentation at the conference titled *The International Recognition of the Armenian Genocide: Memorial, Political, and Geopolitical Stakes of a Decades-Long Unfinished Struggle*, held in Yerevan in October 2024. 109 years after the Armenian Genocide of 1915, this conference brought together scholars from all over the world to discuss genocide recognition in their countries. Despite being 109 years after the genocide, this conference highlighted the challenge of recognizing the Armenian Genocide, which may be a given to scholars but is far from a standard response from governments. Scholars detailed years of struggle and lobbying from Armenian diaspora communities around the world for recognition of the Genocide from their governments. While some of these communities have been successful, with their governments uttering the term "genocide" instead of something more generic such as "atrocities," "crimes," or "massacres," for others, the struggle and lobbying continue.

My own country, Australia, falls into the latter category. This article will discuss Armenian Genocide (non)recognition by Australian governments. In doing so, this article draws on the author's firsthand experience of advocating for the Australian federal government to recognize the Armenian Genocide.

The article explores the history of Armenian Genocide recognition in Australia and the issues surrounding such recognition.[1] It analyzes the geopolitical and historical

1 This article will not delve into broader discussions of recognition or denial, which have been well covered in other literature, for example, Bedross Der Matossian, ed., *Denial of Genocides in the Twenty-First Century* (Lincoln: University of Nebraska Press, 2023); Clotilde Pégorier, "Speech and Harm: Genocide Denial, Hate Speech and Freedom of Expression," *International Criminal Law Review* 18, no. 1 (2018): 97–126; Edita Gzoyan, "Genocide Denial under Constitutional Law: Comparative Analysis of Spain, Germany and France," *International Journal of Armenian Genocide Studies* 3, no. 1 (2016): 73–87; Henry R. Huttenbach, "The Psychology and Politics of Genocide Denial: A Comparison of Four Case Studies," in *Studies in Comparative Genocide*, ed. Levon Chorbajian and George Shirinian (London: Palgrave Macmillan, 1999), 216–229; Henry C. Theriault, "Denial and Free Speech: The Case of the Armenian Genocide," in *Looking Backward, Moving Forward: Confronting the Armenian Genocide*, ed. Richard G. Hovannisian (New Brunswick, NJ: Transaction Publishers, 2003), 231–261; Henry C. Theriault, "Universal Social Theory and the Denial of Genocide: Norman Itzkowitz Revisited," *Journal of Genocide Research* 3, no. 2 (2001): 241–256; John Cox, Amal Khoury, and Sarah Minslow, eds., *Denial: The Final Stage of Genocide?* (London: Routledge, 2022); Julien Zarifian, *The United States and the Armenian Genocide: History, Memory, Politics* (New Brunswick, NJ: Rutgers University Press, 2024); Luigi Daniele, "Disputing the Indisputable: Genocide Denial and Freedom of Expression in *Perinçek v. Switzerland*," *Nottingham Law Journal* 25 (2016): 141–151; Paul Behrens, "Genocide Denial and the Law: A Critical Appraisal," *Buffalo Human Rights Law Review* 21, no. 1 (2015): 27–52; Rezarta Bilali, Yeshim Iqbal, and Samuel Freel, "Understanding and Counteracting Genocide Denial," in *Confronting Humanity at Its Worst: Social Psychological Perspectives on Genocide*, ed. Leonard S. Newman (Oxford: Oxford University Press, 2020), 284–311; Sévane Garibian, "On the Breaking of Consensus: The *Perinçek* Case, the Armenian Genocide and International Criminal Law," in *Denialism and Human Rights*, ed. Jan C. M. Willems, Hans Nelen, and Roland Moerland (Cambridge: Intersentia, 2016), 235–250; Sévane Garibian, "Taking Denial Seriously: Genocide Denial and Freedom of Speech in French Law," *Cardozo Journal of Conflict Resolution* 9, no. 2 (2008): 479–488; Stanley Cohen, *States of Denial: Knowing About Atrocities and Suffering* (Cambridge: Polity, 2001); Türkay Salim Nefes, Doğan Gürpınar, and Özgür Kaymak, "Turkish Parliamentary Debates about the International Recognition of the Armenian Genocide: Development and Variations in the Official Denial-

issues that currently represent a barrier to the Australian federal government recognizing the Armenian Genocide, such as the specifics of Australia's relationship with Turkey, which date back to World War I (WWI) and the Gallipoli campaign of 1915. The significance of Gallipoli in Australian military history and culture and how it impacts Australian recognition of the Armenian Genocide will be discussed. The article will also provide an overview of the work being done to overcome these barriers through the "Joint Justice Initiative," in which the author participates. This article will position this discussion in the frame of academia as activism, showing how academic research and scholarship contribute to advocacy for social and political change. It will demonstrate that academia is a crucial civil society participant in activism, with the work of an academic making a difference in what may be perceived as a non-traditional method of impact in academia.

Australian Governments and Genocide Recognition

A Brief Overview of Australian Government Structure

To enable a non-Australian reader to understand the multi-level lobbying for recognition that is outlined in this article, it is necessary to provide a brief overview of the Australian government structure. Australia is a federal commonwealth of states and territories, comprised of two territories: the Australian Capital Territory (ACT) and the Northern Territory (NT), and six states: Queensland (QLD), New South Wales (NSW), Victoria (VIC), Tasmania (TAS), South Australia (SA), and Western Australia (WA). It has three levels of government: local, state, and federal. This article will focus only on state and federal governments. The remit of the state and federal governments is set out in the Australian Constitution,[2] and each state has its own constitution, and territories have self-government acts.[3] Some federal powers of note relevant to the discussion in this article include trade and commerce with other countries, naval and miliary defense, and external (foreign) affairs.[4]

---

ism," *Southeast European and Black Sea Studies* 23, no. 4 (2023): 883–899, https://doi.org/10.1080/14683857.2022.2149042; Vahagn Avedian, *Knowledge and Acknowledgement in the Politics of Memory of the Armenian Genocide* (London: Routledge, 2018); William R. Pruitt, "Understanding Genocide Denial Legislation: A Comparative Analysis," *International Journal of Criminal Justice Sciences* 12, no. 2 (2017): 270–284; and Yair Auron, *The Banality of Denial: Israel and the Armenian Genocide* (New Brunswick, NJ: Transaction Publishers, 2003).

2 *Commonwealth of Australia Constitution Act 1900*, https://www.aph.gov.au/constitution ("the Constitution"). The Constitution sets out the powers of the legislature, the executive, and the judiciary.

3 See https://unimelb.libguides.com/constitutional_law/australia_state for a list of all the state constitutions and territory self-government acts. "Australian and Comparative Constitutional Law," Library Guides, The University of Melbourne, last modified November 12, 2025, https://unimelb.libguides.com/constitutional_law/australia_state.

4 Legislative powers of the Parliament are detailed in Article 51 of the Constitution; for the listed powers, see Article 51(i), (vi), and (xxix).

Do Australian Governments Recognize the Armenian Genocide?

The answer to this question is yes and no. The first recognition came from the NSW state parliament in 1997, in which NSW also called for the federal government to "officially condemn the genocide of the Armenians."[5] NSW has since reconfirmed this recognition in 2013.[6] It was not until 2009 that the SA state parliament was the next to recognize the genocide.[7] There was again a lengthy period until the third recognition in 2023, by the Tasmania state parliament.[8]

There was movement from some states in 2024 towards recognition, with a promise from the Queensland opposition leader to recognize the genocide if they were elected in the 2024 election. It remains to be seen whether this campaign promise will be carried out. In Victoria, a motion was due to be introduced in late 2024 by Victorian Greens leader Samantha Ratnam. This motion was met with "accusations from Turkish Labor politicians and various Turkish community organizations of fostering anti-Muslim and anti-Turkish sentiment, and of damaging social cohesion."[9] Consequently, the Victorian Premier Jacinta Allan confirmed that the state government would oppose the motion, with a spokesperson stating that because of the "war in the Middle East… this is not an appropriate time for the motion."[10] The motion was therefore not put forward by the Victorian Greens party, being formally withdrawn due to the lack of support from the government.[11] However, ethnic and religious community leaders maintain their strong support for the Victorian government to recognize the Armenian, Greek, and Assyrian Genocides.[12]

---

5 "Armenian Genocide Commemoration," Parliament of New South Wales, Archived April 17, 1997, https://www.armenian-genocide.org/Affirmation.75/current_category.13/affirmation_detail.html. See also the archived version of the state Hansard transcript of the Armenian Genocide Commemoration: New South Wales Legislative Assembly, *Parliamentary Debate*, April 17, 1997 ("Armenian Genocide Commemoration") 7737-7742, https://web.archive.org/web/20120204134838/http://www.parliament.nsw.gov.au/prod/parlment/hansart.nsf/V3Key/LA19970417004.

6 New South Wales Legislative Assembly, *Parliamentary Debate*, 8 May 2019 ("Armenian, Assyrian and Greek Genocides," moved by Mr. Barry O'Farrell, Premier), https://www.parliament.nsw.gov.au/permalink?id=HANSARD-1323879322-52555.

7 "South Australia State Legislative Council Resolution," Armenian National Institute, archived 25 March 2009, https://www.armenian-genocide.org/Affirmation.404/current_category.13/affirmation_detail.html.

8 Siranush Ghazanchyan, "Australian State of Tasmania Recognizes the Armenian Genocide," *Public Radio of Armenia*, 11 May 2023, https://en.armradio.am/2023/05/11/australian-state-of-tasmania-recognizes-the-armenian-genocide/.

9 "Greek Organisations Urge Victorian Politicians to Support Motion on Greek, Assyrian, and Armenian Genocides," *Neos Kosmos*, 21 October 2024, https://neoskosmos.com/en/2024/10/21/news/australia/victorian-leaders-urged-to-recognise-greek-assyrian-and-armenian-genocides/.

10 "Victorian Premier Faces Greek Voter Backlash over Stance on Genocide Motion," *The Greek Herald*, 24 October 2024, https://greekherald.com.au/news/politics/victorian-premier-faces-greek-voter-backlash-over-stance-on-genocide-motion/.

11 "Victorian Greens Backflip on Motion to Recognize Greek, Armenian and Assyrian genocides," *The Greek Herald*, 2024, 24 October 2024, https://greekherald.com.au/news/politics/victorian-greens-backflip-on-motion-to-recognise-greek-armenian-and-assyrian-genocides/. The Victorian Greens recognize the Armenian Genocide; see the "Statement on Armenia," The Greens Victoria, accessed 24 November 2025, https://greens.org.au/vic/statement-on-armenia.

12 Bill Giannopolouos, "Community Leaders Across Australia Support Motion to Recognize 1915 Genocides,"

Unfortunately, no other state or territory parliaments have recognized the genocide, and more importantly, neither has the federal government (executive) or parliament. On 24 April every year, the Prime Minister issues a statement, but to date, no such statement has used the term "genocide," even if a Prime Minister had previously used the word "genocide" in their capacity as a Member of Parliament (MP).[13]

Do Australian Governments Recognize Other Genocides?

While this article will not go into detail about Australia's recognition of other genocides (the author has discussed this elsewhere),[14] it is worth at least noting that Australia has an inconsistent and weak practice of acknowledging genocides generally. This begins with the lack of recognition of genocide against Australian Indigenous peoples due to colonial violence and cultural erasure.[15] The author's previous research has determined that Australia has strong rhetoric around preventing atrocities, including genocide, and supporting doctrines such as the Responsibility to Protect[16] and notions such as "Never Again," but such "rhetoric does not always translate into action," nor into a willingness to use the word "genocide."[17] Thus, non-recognition of the Armenian Genocide is not necessarily uncharacteristic of Australian governments.

An exception is the Holocaust: Australia definitively recognizes the Holocaust. There is strong engagement with Holocaust remembrance and education. Australian curricula include Holocaust education, there are Holocaust museums and memorials around the

Greek City Times, 7 November 2024, https://greekcitytimes.com/2024/11/07/community-leaders-across-australia-support-motion-to-recognise-1915-genocides/.

13 E.g., Michael Koziol, "Armenian Leaders Snub Scott Morrison over 'offensive backflip' on genocide declaration," *The Sydney Morning Herald* (Sydney), 23 April 2019, https://www.smh.com.au/politics/federal/armenian-leaders-snub-scott-morrison-over-offensive-backflip-on-genocide-declaration-20190423-p51gg0.html.; "PM Anthony Albanese Bows to Turkey Despite Record Number of Australian Parliamentarians Calling for Federal Recognition of Armenian Genocide," *Armenian National Committee of Australia*, 25 April 2023, https://www.anc.org.au/news/Media-Releases/PM-Anthony-Albanese-Bows-to-Turkey-Despite-Record-Number-of-Australian-Parliamentarians-Calling-for-Federal-Recognition-of-Armenian-Genocide.; Armenian National Committee of Australia, "Armenian-Australians Slam Prime Ministerial Candidates on Cowardly Armenian Genocide Statement Ahead of 2025 Election," 25 April 2025, https://www.anc.org.au/news/Media-Releases/Armenian-Australians-Slam-Prime-Ministerial-Candidates-on-Cowardly-Armenian-Genocide-Statements-Ahead-of-2025-Federal-Election.

14 Melanie O'Brien, "Australia's Response to Contemporary Genocides," in *The Palgrave Handbook on Australia and the Holocaust*, ed. Avril Alba and Jan Lanicek (Palgrave, 2025).

15 Jennifer Balint, "Too Near and Too Far: Australia's Reluctance to Name and Prosecute Genocide," in *Genocide Perspectives V: A Global Crime, Australian Voices*, ed. Nikki Marczak and Kirril Shields (Sydney: UTS ePress, 2017), 51-67, http://dx.doi.org/10.5130/978-0-9945039-7-8; Tony Barta, "After the Holocaust: Consciousness of Genocide in Australia," *Australian Journal of Politics & History* 31, no. 1 (1985): 154-161, https://doi.org/10.1111/j.1467-8497.1985.tb01330.x.

16 See "About the Responsibility to Protect," the United Nations Office on Genocide Prevention and the Responsibility to Protect, accessed 24 November 2025, https://www.un.org/en/genocide-prevention/responsibility-protect/about.

17 O'Brien, "Australia's Response to Contemporary Genocides."

country, and politicians and other prominent persons participate in annual Holocaust remembrance events.[18]

The Campaign for Recognition

In the broader context of continued genocide denial by Turkey,[19] the Armenian community in Australia has, comparable with all Armenian diaspora communities, been advocating for recognition of the Genocide for decades.[20] In 2022, the Joint Justice Initiative (JJI) was created.[21] This is an initiative spearheaded by the Armenian National Committee of Australia (ANCA), alongside the Australian Hellenic Council and the Assyrian National Council (Australia). The JJI brings together the Armenian, Greek, and Assyrian communities in Australia to advocate together towards federal recognition of the "1915 Genocides of the Armenian, Assyrian and Greek populations of the Ottoman Empire, perpetrated by the Ottoman Turkish Government."[22] The JJI also has members who support recognition and the initiative but come from outside these three communities.

18 See, for example, the special issue on Holocaust education in *Australian Humanities Review* 63 (November 2018). Holocaust education is mandated at a national level. See "F-10 curriculum (version 8.4)," *Australian Curriculum, Assessment and Reporting Authority,* accessed 18 January 2022, https://www.australiancurriculum.edu.au/f-10-curriculum/. The Sydney Jewish Museum has a significant portion of its content devoted to the Holocaust, "Our Museum for the Future," Sydney Jewish Museum, accessed 24 October 2025, https://sydneyjewishmuseum.com.au/; and there is a Melbourne Holocaust Museum, "Hear a Witness. Become One." Melbourne Holocaust Museum, accessed October 24, 2025, https://mhm.org.au/. See, for example, the contribution of a remembrance message from Prime Minister Anthony Albanese for International Holocaust Remembrance Day; Anthony Albanese, "International Holocaust Remembrance Day 2023 (Livestream*)," Melbourne Holocaust Museum*, 30 January 2023, 12 min. 55 sec., https://mhm.org.au/event/international-holocaust-remembrance-day-2023/. In 2025, the federal government committed $6.4 million for two Holocaust education centers in Canberra and Perth; "Albanese Government to Help Deliver National Holocaust Education Centers for Future Generations of Australians," Prime Minister of Australia, 27 January 2025, https://www.pm.gov.au/media/albanese-government-help-deliver-national-holocaust-education-centres-future-generations. See O'Brien, "Australia's response to contemporary genocides." for more examples, see footnotes 7, 8 and 9.

19 Of which much has been written. See, for example, Alexis Demirdjian, ed., *The Armenian Genocide Legacy* (Palgrave MacMillan, 2016), Part III *A Century of Denial*, 165-226; Turkay Salim Nefes, Gurpinar Dogan, and Ozgur Kaymak, "Turkish Parliamentary Debates about the International Recognition of the Armenian Genocide: Development and Variations in the Official Denialism," *Southeast European and Black Sea Studies* 23, no. 4 (2023): 883-899, https://doi.org/10.1080/14683857.2022.2149042; Vahagn Avedian, "State Identity, Continuity, and Responsibility: The Ottoman Empire, the Republic of Turkey and the Armenian Genocide," *European Journal of International Law* 23, no. 3 (2012): 797-820, https://doi.org/10.1093/ejil/chs056.

20 Maria Koinova, "Conflict and Cooperation in Armenian Diaspora Mobilisation for Genocide Recognition," in *Diaspora as Cultures of Cooperation: Global and Local Perspectives*, ed. David Carment and Ariane Sadjed (Springer International Publishing, 2017), 111-129. For Australia more specifically, see Francois Adriaan Wolvaardt, "Genocide, Diasporic Identity and Activism: The Narratives, Identity and Activism of Armenian-Australians and Turkish-Australians Regarding the Recognition of the Deaths of Armenians during First World War as Genocide" (PhD diss., University of Western Australia, 2013), http://research-repository.uwa.edu.au/en/publications/record(9f1bf95e-598d-4c93-8619-d7b59835c47d).html.

21 Armenian National Committee of Australia, "Joint Justice Initiative," accessed 24 November 2025, https://www.anc.org.au/joint-justice-initiative.

22 Joint Justice Initiative *Information Kit*, 2024, on file with author.

These persons may be politicians, journalists, academics, or other prominent community leaders.

The JJI works throughout the year on various initiatives. An annual March for Justice is held in Sydney on a date around 24 April, with the aim of calling for recognition by the Australian government.[23] An advocacy week is held each year, which involves a group of representatives from each of the JJI main constitutive groups visiting federal Parliament House to meet with federal politicians to advocate for recognition. A briefing kit is printed and provided to each politician. This kit covers several main subjects: the JJI; an overview of the Armenian, Assyrian, and Greek Genocides; Australia's response to the Genocides and Australian eyewitness accounts of the Genocide; international and Australian recognition and acknowledgment of the Genocides. Thus, the campaign seeks to educate politicians about what happened during the Genocides, provide information about the Australian connection with the Genocides, and inform about recognition and acknowledgement of the Genocides by other countries and Australian individuals.

Highlighting the Australian connection is particularly important and relevant. In WWI, the Australian and New Zealand Army Corps ("Anzacs") were part of an allied expedition tasked with capturing the Gallipoli peninsula in Ottoman Turkey. On 25 April 1915, the Anzacs approached from the water (at a location later named Anzac Cove) and were on the receiving end of a substantial attack from the cliffs above the beach and on the land. The battle stagnated until December 1915 when the allied troops were able to evacuate.[24] Over 8,000 Australian soldiers were killed in the Gallipoli campaign.[25] Australia had only become a nation in 1901. Gallipoli is significant in Australian culture and history because this campaign founded the Australian military legend, wherein the Anzac spirit of endurance, discipline, and courage was formed.[26] Australia's military commemoration day is known as Anzac Day and is held on 25 April 1915 – incidentally, the day after the Armenian Genocide commemoration, which marks the day that Armenian intellectuals were targeted in Constantinople. Therefore, what Australia sees as a significant military campaign in Australian history took place at the same time and in the same place as the Armenian Genocide – which, unsurprisingly, meant that some Australians were witnesses to the genocide of the Christian minorities in the Ottoman Empire.[27] This Australian presence

23 "Sydney's Greeks, Armenians and Assyrians Unite to Demand Recognition of 1915 Genocides," *The Greek Herald*, 12 April 2024, https://greekherald.com.au/community/sydneys-greeks-armenians-and-assyrians-unite-to-demand-recognition-of-1915-genocides/.

24 For an overview, see "Understanding Gallipoli," Australian War Memorial, accessed 24 November 2025, https://www.awm.gov.au/learn/schools/resources/understanding-gallipoli.

25 "Understanding Gallipoli: The Cost," Australian War Memorial, accessed 24 November 2025, https://www.awm.gov.au/learn/schools/resources/understanding-gallipoli/cost.

26 "Gallipoli Campaign: Forging the Nation – Federation: The First 20 years," Australian War Memorial, accessed 24 November 2025, https://www.awm.gov.au/visit/exhibitions/forging/ww1/gallipoli.

27 See, for example, David W.G. Treloar and Panayiotis Diamadis, *From Genocide to Regeneration: The Photographs of George Devine Treloar* (Unity in Philia Press, 2025), which publishes for the first time the photographs of Treloar, who served as the League of Nations Commissioner for Refugees in north-eastern Hellas, the frontline leader of the international relief effort on behalf of the survivors of the Hellenic, Armenian, and Assyr-

meant that Australians at home were aware of the genocide through eyewitness accounts, either from personal communications or in the media. The Australian presence was in fact so significant that by 1922, relief committees operated in every state of Australia, and an orphanage was established in Lebanon, named the Australasian Orphanage, which provided shelter for 1,700 Armenian Genocide orphans. An image of this orphanage, including the Reverend James Cresswell, who was the national secretary of the Armenian Relief Fund of Australia, is even part of the permanent exhibition at the Armenian Genocide Museum Institute in Yerevan. Promoting this connection is thus important to demonstrate that the Armenian Genocide is not something that is far removed from Australians in time and space, but that there is a direct connection between Australians and this Genocide – therefore, it is crucial that Australia recognizes the Genocide, including to honor those Australians who were eyewitnesses, rescuers, and aid providers.

One of the reasons why it is so crucial to feature this connection is that the Gallipoli legend is a contributing factor (and likely the most significant factor) in Australia's lack of recognition. Anzac Day is commemorated in Australia, but significantly, it is also commemorated at Gallipoli, with many Australians traveling to Turkey to commemorate fallen Anzacs *in situ*. The Anzac Day Service at Gallipoli is something that many Australians consider a pilgrimage and part of "being Australian."[28] Many tour companies run tours to Gallipoli and Anzac Cove.[29] Turkey is aware of the importance of Gallipoli and the Anzac legend to Australians and uses this as leverage over Australia's potential recognition of the Armenian Genocide. After the NSW recognition of the Armenian Genocide, Turkey "made it clear that NSW MPs are not welcome to attend the [Anzac Day] ceremony" at the time of the centennial anniversary of Gallipoli (and the Armenian Genocide), threatening to ban members of the NSW Parliament from attending the 2015 centenary commemorations.[30]

---

ian Genocides who had flooded into Greece and other countries. This book publishes the complete collection of photographs taken by Treloar, illustrating the arrival and re-settlement of the genocide survivors.

28 The Anzac Day Service is an official event between the governments of Australia, New Zealand, and Turkey. See Department of Veteran Affairs, "Anzac Day - Gallipoli, Türkiye," Australian Government, accessed 24 November 2025, https://www.dva.gov.au/recognition/commemorations/commemorative-services/overseas-commemorative-services/anzac-day-gallipoli-turkiye.

29 See, for example, "Tours to Gallipoli and ANZAC Cove," *On the Go Tours*, accessed 24 November 2025, https://www.onthegotours.com/au/Türkiye/Best-Places-To-Visit/Gallipoli-and-Anzac-Cove; Emma Calley, "What Visiting Gallipoli Meant to Me, a Young Aussie Traveller," December 25, 2018, https://www.intrepidtravel.com/adventures/travel-to-gallipoli-as-a-young-australian/.

30 Anna Patty and Judith Whelan, "MPs Warned off Armenia with Anzac Threat," *The Sydney Morning Herald* (Sydney), 16 November 2013, https://www.smh.com.au/national/mps-warned-off-armenia-with-anzac-threat-20131115-2xmcc.html; Colin Tatz, "Turkey, the Armenian Genocide and the Politics of Memory," *The Conversation*, 19 December 2013, https://theconversation.com/turkey-the-armenian-genocide-and-the-politics-of-memory-20747; Helen Davidson, "Gallipoli Service: O'Farrell Attacks Turkish Threat to Bar NSW MPs," *The Guardian*, 22 August 2013, https://www.theguardian.com/world/2013/aug/22/gallipoli-ofarrell-turkish-bar-mps; "Turkey Threatens to Ban MPs from Gallipoli Centenary over Genocide Vote," *ABC News*, 21 August 2013, https://www.abc.net.au/news/2013-08-21/turkey-threatens-nsw-parliament-over-armenian-genocide-vote/4903444. While not related to recognition of the Armenian Genocide, Turkish president Recep Tayyip Erdogan has also used Australians' travel to Gallipoli for other threats, such as in 2019, when he threatened

Thus, it can be assumed that Turkey's threats to prevent Australians from visiting Gallipoli to commemorate Anzac Day are a factor, if not the most significant factor, in the federal government's refusal to recognize the Armenian Genocide.[31] Albeit with a specific focus, this would be consistent with Turkish lobbying of other states to discourage recognition of the Armenian Genocide.[32] It is interesting to note, however, the responses from politicians during our conversations in Canberra. Most politicians expressed surprise that such recognition had not already happened. Many could not understand why recognition had not happened. Some suggested possible reasons, such as Gallipoli, or the unwillingness of the government to "turn off the tap" of intelligence from Turkey. Thus, even after discussions with politicians across all political parties, it ultimately seems unclear why recognition has not occurred, but certainly pressure from Turkey is the reason.

Politicians from the sitting government listened but engaged less than others, all determining that they would have to consult the Foreign Minister. A prior study found that the Department of Foreign Affairs pressured sitting government politicians not to recognize the Armenian Genocide, even if they had made recognition an election promise, as "it would be viewed as criticism of Turkey which is contrary to Australian foreign policy."[33] Yet it is unclear why Turkey's pressure is so powerful for Australia, which does not have a significant trade relationship with Turkey, nor a substantial Turkish population,[34] and that same prior study found that the Turkish community in Australia does not significantly mobilize or advocate against recognition.[35] As part of its advocacy, the JJI informs politicians that Turkey's previous "retaliatory" conduct against states that have recognized the genocide has been minimal and short-lived, if there was any response at all.

As part of the advocacy week, there is also media and social media engagement. Live Facebook streams are made in situ at Parliament House to promote the work,[36] and the

to send any anti-Muslim Australians "back in coffins" like their grandfathers in WWI; "Australian PM Denounces Erdogan for 'Reckless' NZ Attack Comments," *AlJazeera*, 20 March 2019, https://www.aljazeera.com/news/2019/3/20/australian-pm-denounces-erdogan-for-reckless-nz-attack-comments.

31 Armoudian and Smits concur that the Anzac myth is also the current principal reason for non-recognition by New Zealand, in which Turks are now positioned as "fellow victims of the evils of war and imperial invasion, and modern-day Turkey as the sacred 'home' of New Zealand's war dead." See Maria Armoudian and Katherine Smits, "How Soon We Forget: National Myth-Making and Recognition of the Armenian Genocide," *Journal of Genocide Research* 27, no. 1 (2025): 91-112, https://doi.org/10.1080/14623528.2023.2268483.

32 See, for example, Julien Zarifian, "The Armenian and Turkish Lobbying, and the (Non-) Recognition of the Armenian Genocide by the United States," in *Congress and Diaspora Politics*, ed. James A. Thurber, Colton C. Campbell, and David A. Dulio (SUNY Press, 2018), 117-138.

33 Wolvaardt, "Genocide, Diasporic Identity and Activism," 286.

34 For population statistics, see Department of Foreign Affairs, "Türkiye Country Brief," accessed 24 November 2025, https://www.dfat.gov.au/geo/t%C3%BCrkiye/t%C3%BCrkiye-country-brief. For top trade relationships (which does not include Türkey), see "International Trade: Supplementary Information, Calendar Year," Australian Bureau of Statistics, accessed 25 November 2025, https://www.abs.gov.au/statistics/economy/international-trade/international-trade-supplementary-information-calendar-year/latest-release.

35 Wolvaardt, "Genocide, Diasporic Identity and Activism," 282-3.

36 For an example of a Facebook live video, see Armenian National Committee of Australia, "Genocide denied = Genocide repeated Today, marks 100 days of the #ArtsakhBlockade orchestrated by Azerbaijan and President

activities are reported in the diaspora Armenian, Greek, and Assyrian media.[37] This is public activism to promote the issue of recognition, and to provide accountability to the Armenian, Greek, and Assyrian communities for the activities undertaken on their behalf.

Beyond Recognition

There have been successes as part of the broader campaign, beyond executive or parliamentary recognition. In February 2024, the New South Wales Legislative Council unanimously passed a motion calling on the state government to expand Holocaust education and to include the Armenian, Assyrian, and Greek Genocides and establish a museum to create further awareness.[38] Statements were made "in support of expanding genocide education to incorporate the Armenian, Assyrian and Greek genocide in the curriculum and establish a museum to create awareness about the genocide," by representatives from all political parties.[39] Chris Rath MLC presented the motion to the Legislative Council and in doing so, acknowledged that there is a high level of Holocaust awareness in Australia,[40] but little knowledge of the Armenian, Assyrian, and Greek Genocides. Mr. Rath presented the motion with the goal of creating more awareness in Australia of these genocides: "They are still not well known and not well taught, which is a very sad thing and exactly what the motion is about."[41] Mr. Rath went on to specifically draw attention to the Australian connection with the Armenian Genocide, a statement that reinforces the need to use this connection as part of the reason why Australia should recognize the genocide:

---

of the International…" Facebook, 21 March 2023, https://www.facebook.com/share/v/1DvbWZTiZD/. See also Armenian National Committee of Australia, "International Association of Genocide Scholars President Melanie O'Brien Headlines Inaugural Joint Justice Initiative Advocacy Week," 20 March 2023, https://www.anc.org.au/news/Media-Releases/International-Association-of-Genocide-Scholars-President-Melanie-OBrien-Headlines-Inaugural-Joint-Justice-Initiative-Advocacy-Week.

37 "Inaugural Joint Justice Initiative Advocacy Week kicks off in Canberra," *The Greek Herald*, 21 March 2023, https://greekherald.com.au/news/inaugural-joint-justice-initiative-advocacy-week-kicks-off-in-canberra/; TNH Staff, "Armenian, Assyrian, and Greek Communities in Australia Call for Genocide Recognition," *The National Herald*, February 28, 2020, https://www.thenationalherald.com/armenian-assyrian-and-greek-communities-in-australia-call-for-genocide-recognition/.

38 "Armenian Genocide Recognition and Education in the News in Australia," *The Armenian Weekly* 2024, 20 February 2024, https://armenianweekly.com/2024/02/20/armenian-genocide-recognition-and-education-in-the-news-in-australia/.

39 Ibid.

40 As evidenced by the Gandel Holocaust Knowledge and Awareness in Australia Survey, "Gandel Holocaust Knowledge and Awareness in Australia Survey," Gandel Foundation, archived January 2020, https://gandelfoundation.org.au/gandel-holocaust-survey/.

41 New South Wales Legislative Council, Parliamentary Debate, 7 February 2024 ("Genocide Education and Awareness," Chris Rath, MLC) 4:58 p.m., https://www.parliament.nsw.gov.au/permalink?id=HANSARD-1820781676-94610. See also Armenian National Committee of Australia, "Armenian Genocide Recognition and Education in the News in Australia," *Armenian Weekly*, 20 February 2024, https://armenianweekly.com/2024/02/20/armenian-genocide-recognition-and-education-in-the-news-in-australia/.

> Educating our younger generations about the 1915 Armenian, Assyrian, and Greek genocides is also a way to honour our own history. It is a way to honour everyday Australians who rallied behind the Armenian people in our nation's first humanitarian relief effort. We should be proud of our nation's generosity and compassion... A substantial amount of aid was raised by the people of Australia and Commonwealth steamers were sent to the Middle East, which helped save the lives of many Armenian refugees fleeing the genocide… Australia's noble role during this dark period of history must not be forgotten, nor should the millions of innocent victims. Instead, it should be honoured. Many people from the Armenian, Greek, and Assyrian communities in Australia are descendants of survivors of those genocides. They are proud of Australia and the humanitarian role it has played in the past.[42]

In September 2024, the NSW history syllabus for years 7 to 10 was amended to include the mandatory study of "Australia's civic action and humanitarian response during World War I." Within the "Depth study (core) – Australia: making a nation – from Federation to WWI (1889 – c. 1919)" component, teachers must guide their students through "Significant groups, individuals, ideas, beliefs, practices and events in Australia: making a nation – from Federation to WWI," including "Australia's civic action and humanitarian response during WWI."[43] All NSW students will learn about the actions of everyday Australians and New Zealanders who participated in humanitarian efforts during WWI, including in initiatives that saved survivors of the Ottoman Empire's Genocide of Christian minorities.

The Academic Contribution in this Context

How does an academic contribute to such advocacy? My contribution has been two-fold. Firstly, the nature of academic work means that academics have extensive expertise in our field, and this expertise can be used to educate others who do not have such expertise. Secondly, we may hold prominent positions that are useful in gaining an audience with people. For me, that position is as president of the International Association of Genocide Scholars (IAGS), an association of over 700 members worldwide, a "global, interdisciplinary, non-partisan organization that seeks to further research and teaching about the nature, causes, and consequences of genocide, and advance policy studies on

42 Hansard, "Genocide Education and Awareness."

43 See History 7-10 Syllabus, "Depth study (core) – Australia: making a nation – from Federation to WWI (1889 – c. 1919)," NSW Government, accessed 24 November 2025, https://curriculum.nsw.edu.au/learning-areas/hsie/history-7-10-2024/content/stage-5/fa417f1d53.

genocide prevention."[44] This role provides visibility and a certain level of privilege that allows me to use my expert voice to support those advocating for justice, including for Armenian Genocide recognition.[45]

With regard to using my expertise for education outside the university, the concept is that as an "objective" outsider (that is, someone with no Armenian, Greek, Assyrian, or Turkish background) and an Australian expert in the Armenian Genocide,[46] and in particular, an international law expert, my perspective is useful to demonstrate to politicians that the Armenian Genocide indeed was a genocide, even if no court had proclaimed it as such. My role is to help educate on facts about the Genocide. For example, I delivered a presentation at Parliament House in Canberra for the commemoration of the burning of Smyrna.[47] Many politicians and their staffers attended. The impact of this presentation was significant, with many expressing surprise at the content, in that they did not have prior knowledge of the Smyrna Catastrophe, nor did they realize that Turkey continues to reference the destruction of Smyrna in current times.[48] The emphasis of my presentation was to highlight that what may seem to be part of history is, in fact, current and relevant today, and that recognition of past atrocities contributes to the prevention of future atrocities.

Other scholars have published on the genocides, especially the Anzac and broader Australian connection to efforts to rescue survivors around the eastern Mediterranean. Such scholarship, including that by Peter Stanley and Vicken Babkenian, who co-authored *Armenia, Australia and the Great War*, has been a cornerstone of recognition efforts.[49] Panayiotis Diamadis has also published scholarship on the connection between Australians and the Greek Genocide.[50] These academics are also active with the movement for recognition in Australia, including Diamadis' direct work as part of the JJI.[51]

---

44 IAGS, "About Us," accessed 25 November 2025, https://genocidescholars.org/about-us/.

45 A title can add to the perception of credibility by policy-makers: "Perceptions of status, authority, and expertise are exceptionally strong filters to make processing of information easier for policy analysts and policy-makers." Carey Doberstein, "The Credibility Chasm in Policy Research from Academics, Think Tanks, and Advocacy Organizations," *Canadian Public Policy* 43, no. 4 (2017), 371, https://muse.jhu.edu/article/680376.

46 Melanie O'Brien, *From Discrimination to Death: Genocide Process Through a Human Rights Lens* (Routledge, 2023).

47 Armenian National Committee of Australia, "Joint Justice Initiative Hosts 100th Commemoration of the Smyrna Catastrophe in Australian Federal Parliament," 22 March 2023, https://www.anc.org.au/news/Media-Releases/Joint-Justice-Initiative-Hosts-100th-Commemoration-of-the-Smyrna-Catastrophe-in-Australian-Federal-Parliament.

48 In 2022, Erdogan had threatened to "come in the night" and said that Greece should "remember its history," which were references to the burning of Smyrna 100 years earlier; "Erdogan Repeats Threat against Greece during G20," *Politico*, 16 November 2022, https://www.politico.eu/article/recep-erdogan-turkey-threat-against-greece-g20/.

49 Vicken Babkenian and Peter Stanley, *Armenia, Australia and the Great War* (NewSouth Publishing, 2016).

50 Panayiotis Diamadis, "Friends in Crisis: Anzacs and Hellenism," *Modern Greek Studies (Australia and New Zealand)* 18 (2017): 211-237, https://openjournals.test.library.sydney.edu.au/MGST/article/view/12688/11644

51 See also the public advocacy of Colin Tatz, e.g., Colin Tatz, "100 Years On, Australia's Still Out of Step on the Armenian Genocide," *The Conversation*, 24 April 2015, https://theconversation.com/100-years-on-austra-

As noted above, the overall advocacy work goes beyond the push for recognition, and that includes academic activism. For example, during the time in Canberra in March 2023, the ANC and I also met separately with politicians to discuss Nagorno-Karabakh. I have also advocated directly to the UK government to act on Nagorno-Karabakh in September 2023, before the ethnic cleansing took place in late September 2023. Having been a research fellow at the Sydney Jewish Museum (SJM) in 2022,[52] I also connected the ANC with the Sydney Jewish Museum to enable the ANC to seek advice on setting up an Armenian Genocide Museum from those with experience in establishing and running a genocide-focused museum.

Academics as Activists

Academic activism is concerned with integrating academic scholarship with social and political activism. It is a critical movement that wants scholars to use their expertise, knowledge, and academic platform to engage in social issues actively… [Academic activism] posits… that academics bear an advantage – if not a responsibility – to employ their knowledge and expertise in non-academic projects that aim to improve life and society.[53]

Many academics want to make a difference and contribute to the greater good, to have a sense of personal and collective purpose, and that desire may expand beyond the traditional concept of academia as represented by tasks such as teaching.[54] Consequently, academic-activists seek to bring themselves "into contact with social movement groups, and to participate with them in research, alongside being involved in social struggles themselves."[55] "[A]ctivism exists in a continuum and is embedded to some extent in all our activity as academics,"[56] particularly for those who seek to create social and/or personal change or tackle injustices. For those of us working in fields that broadly fit

lias-still-out-of-step-on-the-armenian-genocide-39792.

52 "Research Fellows," Sydney Jewish Museum, accessed 25 November 2025, https://sydneyjewishmuseum.com.au/research-fellowships/.

53 Ladan Rahbari et al., "Activism and Academia: An Interdisciplinary Dialogue on Academic Freedom and Social Engagement," *Journal of Higher Education Policy and Management* 47, no. 1 (2025): 2, https://doi.org/10.1080/1360080x.2024.2390197.

54 Although it is important to note that academics can also practice activism across their teaching and service as well as research (for example, by advocating for workers' rights); Mantha Katsikana, "Feminist Scholar-Activism," in *Doing Feminist Urban Research: Insights from the GenUrb Project*, ed. Linda Peake, Nasya S. Razavi, and Araby Smyth (Routledge, 2024), 68-69. See also, Bell Hooks, *Teaching to Transgress: Education as the Practice of Freedom* (Routledge, 1994); Maggie Berg and Barbara K. Seeber, *The Slow Professor: Challenging the Culture of Speed in the Academy* (Toronto: University of Toronto Press, 2016); John Smyth, *The Toxic University: Zombie Leadership, Academic Rock Stars and Neoliberal Ideology* (Palgrave Macmillan, 2017).

55 Kye Askins, "'That's Just What I Do': Placing Emotion in Academic Activism," *Emotion, Space and Society* 2, no. 1 (2009), 6, https://doi.org/10.1016/j.emospa.2009.03.005.

56 Askins, "'That's Just What I Do,'" 6, citing Rachel Pain, "Social Geography: On Action-Orientated Research," *Progress in Human Geography* 27, no. 5 (2003), 649-657, https://doi.org/10.1191/0309132503ph455pr.

under the umbrella of "social justice," and particularly for those of us working in human rights and/or genocide studies, we experience both "remarkable advances and horrendous persecution,"[57] out of which we are "motivated by a desire to achieve equality and acceptance"[58] for the communities with whom our research engages. In general, academic research is grounded in the idea of improving society: we seek to determine why X or Y happens, and how X or Y could be improved.[59] In law, we analyse whether existing laws are sufficient, effective and provide fair and just outcomes, and consider how laws could be changed or judicial decisions made to better support a just and fair society.[60]

Academic work can influence policy and law without an academic necessarily being an overt activist. Our work can inform progressive social change, whether we actively seek it to or not, such as when governments use our research to underpin their policy and law decisions – and I advocate that important policy and law decisions should be based in research, and our research *should* help governments make fair, just and reasonable decisions in law and policy. Government representatives and public servants may even read and implement our research without our knowledge, thereby making us "secret activists," whether we perceive ourselves as activists or not. Of course, academics may also make direct and open contributions to government policy and law, such as by making submissions to government inquiries, appearing before government committees, or providing expert advice to government departments or individual politicians, seeking to create social impact. Studies have shown that decision-makers perceive academic research as having high quality and credibility; thus, it is crucial to ensure that policy-makers can access academic research to inform their decision-making.[61]

There is a long history of academic work influencing social movements. As intellectuals, academics engage in critical thinking and analysis, and "[b]y actively and critically reflecting on the world and our place in it, we are more able to act in creative, constructive ways that challenge oppressive power relations rather than reinforce

57 Dennis Altman, "Academia versus Activism," in *The Oxford Handbook of Global LGBT and Sexual Diversity Politics*, ed. Michael J. Bosia, Momin Rahman, and Sandra M. McEvoy (Oxford University Press, 2019), 457.

58 Altman, "Academia versus Activism," 450.

59 Johnston and Plummer define the research stage as "*Research*, as generally understood by academics, into the existence, causes, and potential solutions of problems and then, if a solution is implemented, into its impact." They define the advocacy component as "involving arguments to various audiences (and in some cases, prior audience identification) regarding the existence and nature of a problem, the identification of viable solutions or resolutions, and the necessity of political action." Ron Johnston and Paul Plummer, "Commentary: What is Policy-Oriented Research?," *Environment and Planning A* 37, no. 9 (2005), 1523, https://doi.org/10.1068/a3845. Here, this is obvious: the problem is the lack of Australian recognition of the Armenian Genocide, and the solution is for the government to do so, which can be easily executed through a Prime Ministerial statement on 24 April, or through a motion in Parliament.

60 Which ultimately produces social change. See Thomas B. Stoddard, "Essay: Bleeding Heart: Reflections on Using the Law to Make Social Change," *New York University Law Review* 72, no. 5 (1997): 967-991.

61 Doberstein, "The Credibility Chasm,"; Carey Doberstein, "Whom Do Bureaucrats Believe? A Randomized Controlled Experiment Testing Perceptions of Credibility of Policy Research," *Policy Studies Journal* 45, no. 2 (2017): 384-405, https://doi.org/https://doi.org/10.1111/psj.12166.

them."[62] Indeed, for "scholars who explicitly identify as activist-academics… there is a recognition that their research interests align with their political values and beliefs, resulting in advocacy being entrenched in their very approach to research."[63] Universities have indeed often "been hubs for organizing of political movements, including as sites for the formation of political consciousness," and "place[s] of knowledge production… at the intersections of activism, teaching, and transformative praxis, making knowledge production and its liberatory possibilities accessible to the world."[64]

In particular, being a legal academic and a lawyer significantly impacts my desire to engage in activism, particularly as my area of legal expertise is broadly human rights law and international criminal law (the latter being about justice and accountability for terrible wrongs). Law has a long history and active engagement as activism. Lawyers and legal advocacy can play a powerful role in social movements, including through lawyers embedded in social movement organizing.[65] Lawyers may make change through impact litigation, providing criminal defense for improperly arrested activists or for those arrested during protests, and offering legal services or representation for social movement groups or individuals such as those targeted by authorities.[66] To me, being a lawyer equates to being an activist (advocate), as it is the role of lawyers to ensure the rule of law is upheld, and that law is applied fairly, justly, and equally.

Another aspect of academic activism is that of being part of a community.[67] We can find pleasure and fulfillment in friendships and alliances with like-minded others and in participating in activist networks and communities, which is a positive social act that emerges from our desires to bring about social, political, and legal change. Indeed, it can otherwise be difficult to transmit our research to policymakers, who simply "do not have the time to cull the literature… and find items identifying potentially important issues which stimulate them into action," and therefore this community advocacy creates interpersonal connections that enable academics as experts to inform policymakers what problems exist and present them with proposed solutions.[68] This aspect of advocacy and activism can create genuine and relational engagement, rather than transactional undertakings.[69]

---

62 Ian Maxey, "Beyond Boundaries? Activism, Academia, Reflexivity and Research," *Area* 31, no. 3 (1999): 201, http://www.jstor.org/stable/20003985.

63 Nasreen S. Jessani et al., "Advocacy, Activism, and Lobbying: How Variations in Interpretation Affects Ability for Academia to Engage with Public Policy," *PLOS Global Public Health* 2, no. 3 (2022) e0000034: 13, https://doi.org/10.1371/journal.pgph.0000034.

64 Katsikana, "Feminist Scholar-Activism," 67.

65 See, for example, the extensive range of strategic litigation being brought against the Trump regime's actions; "Litigation Tracker: Legal Challenges to Trump Administration actions," *Just Security*, accessed 26 November 2025, https://www.justsecurity.org/107087/tracker-litigation-legal-challenges-trump-administration/.

66 Kris van der Pas, "Conceptualising strategic litigation," *Oñati Socio-Legal Series* 11, no. 6(S) (2021): 116-145, https://doi.org/10.35295/osls.iisl/0000-0000-0000-1226.

67 Feminist activists in particular seek to create communities at a grassroots level that involve marginalized groups such as women, LGBTIQ+ people, and minorities; Katsikana, "Feminist scholar-activism."

68 Johnston and Plummer, "Commentary," 1525.

69 Jessani et al., "Advocacy, Activism, and Lobbying," 3.

The traditional academic model requires academics to produce traditional academic outputs, which may suffer if their time is given to other modes of activism.[70] An academic can use research for activism, but also vice versa, use their activism for research, to help minimize this disruption to expectations. Indeed, my own work demonstrates this relationship: I have researched and published on the Armenian Genocide (academia), which I have been able to use to argue for Australian recognition of the Armenian Genocide (activism), and am now writing about that activism for an academic publication (academia). It is important to remember that writing can be a form of resistance: academics can write for resistance and of resistance. Writing itself can be "a call to action, revolution and transgression."[71] In this sense, we position "writing as a tactic of subversion of the gap between the time and place of solidarity and the time and place of writing."[72] Indeed, while I write this as an academic publication, I also write this article as a call to action to the Australian government.

Academics should also embrace the new desire by universities for "non-traditional output," which includes blog posts, and the emphasis on "impact" and "engagement," which activism work can fall into, for example, giving talks to different public groups. This is also taking education outside the classroom, democratizing knowledge by sharing academic expertise with those who would not otherwise have such access. The concept of "impact" is difficult to define,[73] and some forms of measuring impact, such as citations of publications, have been criticized by academics, particularly in the social sciences and humanities, which of course are disciplines that have more apparent social and political aspects.[74] Criticism includes the position of citational "impact" as being part of the neoliberal institutional system that seeks transactional rather than societal or political impact.[75] Others have questioned how we are supposed to *prove* "societal relevance" in practice,[76] and indeed social impact can be difficult to definitively prove.

70 Michael Flood, Brian Martin, and Tanja Dreher, "Combining Academia and Activism: Common Obstacles and Useful Tools," *Australian Universities Review* 55, no. 1 (2013): 20-21.

71 Askins, "That's Just What I Do," 6, citing Hélène Cixous, *"Coming to Writing" and Other Essays*, trans. Deborah Jenson et al. (Harvard University Press, 1991).

72 Paul Routledge, "The Third Space as Critical Engagement," *Antipode* 28, no. 4 (1996): 402, https://doi.org/10.1111/j.1467-8330.1996.tb00533.x.

73 Rhodes et al. criticize neoliberal definitions of impact that focus on capitalist priorities such as economic growth, thereby resulting in funding given to science and engineering projects rather than projects on "critical social and political issues." See Carl Rhodes, Christopher Wright, and Alison Pullen, "Changing the World? The Politics of Activism and Impact in the Neoliberal University," *Organization* 25, no. 1 (2018), 141, https://doi.org/10.1177/1350508417726546.

74 Andrew G. Bonnell, "Tide or Tsunami? The Impact of Metrics on Scholarly Research," *Australian Universities Review* 58, no. 1 (2016): 54-61. For law specifically, see, for example, Kieran Tranter and Timothy D. Peters, "Benchmarks for Australian Law Researchers' H-Index and Citation Count Bibliometrics," *Law, Technology and Humans* 7, no. 1 (2025): 154-174, https://doi.org/10.5204/lthj.3780. For law academics, citation by courts is also a pressure; Katy Barnett, "Citation as a Measure of 'Impact': Female Legal Academics at a Disadvantage?," *Alternative Law Journal* 44, no. 4 (2019): 267-274.

75 Rhodes, Wright, and Pullen, "Changing the World?"

76 Ingo Venzke, "Against Impact," *Leiden Journal of International Law* 37, no. 4 (2024): 757-762.

For example, how can we know and prove that a government decision to change a law was a result (even in part) of *our* submission to the inquiry on that issue? Additionally, knowing and proving may be two different things, as, for example, I know from in-person conversations with government officials that my work has influenced significant decisions of multiple governments in the international law arena, but I have no *proof* of this other than my personal conversations. I would like to hope that if my research has in some way contributed to Australia's eventual (hopefully!) recognition of the Armenian Genocide, that would certainly be considered "impact." I have always advocated that the biggest impact of my work is that I am able to use my position of privilege to advocate for the needs of vulnerable people who may have no other way to do so, or at least to support them to advocate for justice and accountability. Indeed, this perception fits within the feminist activist practice of liberating institutions such as universities from their traditional masculine, transactional nature and now, from their neoliberal, masculine, transactional nature, and instead creating institutions based on relationships of "trust, reciprocity, collaboration, and friendship among scholars and the people they work with" such as research participants and communities that our research seeks to benefit.[77] Positively, there are many institutions that support their academics' activist work, including financially, deeming it to not be an unnecessary, unwarranted or unconnected part of academic work.[78]

Activism may also include recognition, which is not the purpose of such work, but is appreciated when it happens, as it means that our work is valued (including by those whom we aim to help the most). Of course, our employers, the universities, see the honoring of an award, citation or other form of recognition for our work as recognition of that academic work and potentially representative of "impact," and this helps academics' career progression (in a system where promotions are an enormous amount of work and difficult to achieve[79]).

It is, however, important to recall that activism may be unsafe. While it is outside the scope of this article to provide a full discussion of serious security and safety risks in many countries around the world,[80] it is necessary to recognize that even in "safe" countries like Australia,[81] research that criticizes the government or produces a finding

77 Katsikana, "Feminist Scholar-Activism," 67.

78 Audrey Williams June, "When Activism Is Worth the Risk: Academics Who Champion Causes May Be Gambling with Their Careers. But for some dedicated activists, the choice is clear," *The Chronicle of Higher Education*, July 20, 2015, https://www.chronicle.com/article/when-activism-is-worth-the-risk.

79 And contain unrealistic expectations that academics are already performing at the higher level; Troy Heffernan and Kathleen Smithers, "Working at the Level above: University Promotion Policies as a Tool for Wage Theft and Underpayment," *Higher Education Research & Development* 44, no. 3 (2025), 585-599, https://doi.org/10.1080/07294360.2024.2412656.

80 For example, practicing feminist activism in countries such as China or Iran; Katsikana, "Feminist Scholar-Activism," 68.

81 I have been lucky enough that this part of my advocacy has not had significant negative repercussions. That said, I do not travel to, nor do I plan to travel to, Turkey or Azerbaijan, due to the potential safety risks. I have been targeted by the Azerbaijan authorities in online responses to a media story relating to Nagorno-Karabakh, in which I was quoted.

that the government does not like can be publicly denigrated by that government or have funding pulled.[82] Academics who deal with controversial issues may also be targeted through their employer, for example, where contra activist groups write letters with false accusations about a researcher to an employer, a funding body or even the Minister for Education.[83] Some people who work in universities that discourage activism or any opinions other than the so-called "objective, unbiased" view may find their jobs at risk. Others work in the context of strongly neoliberal universities, within which research is "framed in terms of particular economic justifications" rather than "social and environment well-being," and therefore research that does not satisfy commercial interests is deemed unimportant or even unnecessary.[84] Risk also exists for those whose activism work "threatens to destabilize the very power structures [and hierarchies] that the university guards, as a space of privilege."[85] Therefore, academics may need to be cautious about their activism, as it may potentially jeopardize their safety and/or their job or career progression. However, of course, it is exactly such activism and advocacy that is crucial to make changes to unfair, unjust, unequal and imbalanced power structures, to push back against barriers to institutional change.[86] Hence, the balance between "creating and defending space from which to undertake activist scholarship"[87] and safety must be struck. Nevertheless, universities should all "adopt policies that, above all, democratize activism," enabling academics to practice activism freely.[88]

Conclusion

Academia is a career that often lends itself to activism, to the implementation of the knowledge and expertise earnt over years of research into "projects that aim to improve life and society."[89] Indeed, activism may be seen as "a public service inherent to academic citizenship."[90] Academics should give thought to where they sit on the activist praxis, to "develop a critical position in relation to [their] choice of a research framework,

82 See, for example, Marian Baird, "The Academic as Activist: Managing Tension and Creating Impact," *Community, Work and Family* 23, no. 5 (2020): 615, 617, https://doi.org/10.1080/13668803.2020.1807915.

83 Jules Boykoff, "Riding the Lines: Academia, Public Intellectual Work, and Scholar-Activism," *Sociology of Sport Journal* 35, no. 2 (2018): 86, https://doi.org/10.1123/ssj.2018-0017.

84 Rhodes, Wright, and Pullen, "Changing the World?" 145.

85 Katsikana, "Feminist Scholar-Activism," 69. See also Rahbari et al., "Activism and Academia."

86 And of course, there is "the principle of academic freedom, a foundational tenet that allows scholars to pursue research and express ideas without facing restrictions or repercussions… essential for scholars to produce critical ideas without backlash, pressure, or persecution from governments, public interest groups, corporations, States, and other biased/positioned parties." See Rahbari et al., "Activism and Academia," 2-3. Academic freedom is a principle that should always be fought for.

87 Katsikana, "Feminist Scholar-Activism," 72.

88 Rahbari et al., "Activism and Academia," 14.

89 Ibid, 2.

90 Ibid, 13.

agenda, and ethics that align with [their] activist values."[91] Once this position is identified, communities and solidarities can be created, through connecting with groups or individuals with the same values, attending and participating in events or actions, and participating in projects that align with these values: in other words, bringing research and expertise to action.

As someone who has always felt the need to advocate for just causes, and who always wanted to be a lawyer, academia is another way that I can be an activist, in a manner that aligns with my feminist values of equality and justice. My research on the Armenian Genocide has led me to conclude, as it has for other scholars of this significant historical event, that it was, indeed, quite obviously a genocide.[92] It has also led me to be ashamed that my own country has not recognized this, particularly when so many of our allies, including the United States, have done so. I am ashamed that my country has not done the right thing and supported a genocide survivor community, instead caving to pressures of an authoritarian government. I see it as part of my role as an expert in this field to help advocate to the Australian government to *do the right thing* and recognize the Armenian Genocide. On the 100th anniversary of the Armenian Genocide, Australian scholar Colin Tatz wrote, "100 years on, Australia's still out of step on the Armenian Genocide."[93] Now, 110 years on, Australia is *still* out of step on the Armenian Genocide. As an academic-activist, I will continue to work with the Australian Armenian, Greek, and Assyrian communities to pressure the government to be in step, and I look forward to the day when we can appreciate and welcome that the Australian government has finally recognized the Armenian, Greek, and Assyrian Genocides.

Acknowledgements

The author acknowledges funding from the Calouste Gulbenkian Foundation to enable participation in the conference *The International Recognition of the Armenian Genocide: Memorial, Political, and Geopolitical Stakes of a Decades-Long Unfinished Struggle*, at the Armenian Genocide Museum Institute in Yerevan, Armenia, in October 2024.

The author also acknowledges the Armenian National Committee of Australia and the Australian Armenian, Greek, and Assyrian communities, who have always been supportive of the author's research, and who do not give up the struggle for recognition of the Armenian, Greek, and Assyrian Genocides by Australian governments.

BIBLIOGRAPHY

91 Katsikana, "Feminist scholar-activism," 70.

92 O'Brien, *From Discrimination to Death*.

93 Tatz, "100 Years On."

"About the Responsibility to Protect." the United Nations Office on Genocide Prevention and the Responsibility to Protect, accessed 24 November 2025. https://www.un.org/en/genocide-prevention/responsibility-protect/about.

"Albanese Government to Help Deliver National Holocaust Education Centers for Future Generations of Australians." Prime Minister of Australia, 27 January 2025. https://www.pm.gov.au/media/albanese-government-help-deliver-national-holocaust-education-centres-future-generations.

Albanese, Anthony, "International Holocaust Remembrance Day 2023 (Livestream)," *Melbourne Holocaust Museum*, 30 January 2023, 01:06:56, https://mhm.org.au/event/international-holocaust-remembrance-day-2023/

Altman, Dennis. "Academia Versus Activism." In *The Oxford Handbook of Global LGBT and Sexual Diversity Politics*, edited by Michael J. Bosia, Momin Rahman and Sandra M. McEvoy, 450-462. Oxford University Press, 2019.

"Armenian Genocide Commemoration." Parliament of New South Wales, Archived 17 April 1997. https://www.armenian-genocide.org/Affirmation.75/current_category.13/affirmation_detail.html.

Armenian National Committee of Australia. "Genocide denied = Genocide repeated Today, marks 100 days of the #ArtsakhBlockade orchestrated by Azerbaijan and President of the International…" Facebook, 21 March 2023. https://www.facebook.com/share/v/1DvbWZTiZD/.

Armenian National Committee of Australia, "International Association of Genocide Scholars President Melanie O'brien Headlines Inaugural Joint Justice Initiative Advocacy Week." 20 March 2023. https://www.anc.org.au/news/Media-Releases/International-Association-of-Genocide-Scholars-President-Melanie-OBrien-Headlines-Inaugural-Joint-Justice-Initiative-Advocacy-Week.

Armenian National Committee of Australia. "Joint Justice Initiative Hosts 100th Commemoration of the Smyrna Catastrophe in Australian Federal Parliament," 22 March 2023. https://www.anc.org.au/news/Media-Releases/Joint-Justice-Initiative-Hosts-100th-Commemoration-of-the-Smyrna-Catastrophe-in-Australian-Federal-Parliament.

Armenian National Committee of Australia. "Armenian Genocide Recognition and Education in the News in Australia," *Armenian Weekly*, 20 February 2024. https://armenianweekly.com/2024/02/20/armenian-genocide-recognition-and-education-in-the-news-in-australia/. Armenian National Committee of Australia, "Armenian-Australians Slam Prime Ministerial Candidates on Cowardly Armenian Genocide Statement Ahead of 2025 Election." 25 April 2025. https://www.anc.org.au/news/Media-Releases/Armenian-Australians-Slam-Prime-Ministerial-Candidates-on-Cowardly-Armenian-Genocide-Statements-Ahead-of-2025-Federal-Election.

Armenian National Committee of Australia, "Joint Justice Initiative," accessed 24 November 2025. https://www.anc.org.au/joint-justice-initiative.

Armoudian, Maria, and Katherine Smits. "How Soon We Forget: National Myth-Making and Recognition of the Armenian Genocide." *Journal of Genocide Research* 27,

no. 1 (2025): 91-112. https://doi.org/10.1080/14623528.2023.2268483.

Askins, Kye. "'That's Just What I Do': Placing Emotion in Academic Activism." *Emotion, Space and Society* 2, no. 1 (2009): 4-13. https://doi.org/10.1016/j.emospa.2009.03.005.

Auron, Yair. *The Banality of Denial: Israel and the Armenian Genocide*. Routledge, 2003.

"Australian PM Denounces Erdogan for 'Reckless' NZ Attack Comments." *AlJazeera*, 20 March 2019. https://www.aljazeera.com/news/2019/3/20/australian-pm-denounces-erdogan-for-reckless-nz-attack-comments.

Avedian, Vahagn. "State Identity, Continuity, and Responsibility: The Ottoman Empire, the Republic of Turkey and the Armenian Genocide." *European Journal of International Law* 23, no. 3 (2012): 797-820. https://doi.org/10.1093/ejil/chs056.

Avedian, Vahagn. *Knowledge and Acknowledgement in the Politics of Memory of the Armenian Genocide.* Abingdon: Routledge, 2018.

Babkenian, Vicken, and Peter Stanley. *Armenia, Australia and the Great War.* NewSouth Publishing, 2016.

Baird, Marian. "The Academic as Activist: Managing Tension and Creating Impact." *Community, Work and Family* 23, no. 5 (2020): 612-621. https://doi.org/10.1080/13668803.2020.1807915.

Balint, Jennifer. "Too Near and Too Far: Australia's Reluctance to Name and Prosecute Genocide." In *Genocide Perspectives V: A Global Crime, Australian Voices*, edited by Nikki Marczak and Kirril Shields, 51-67. UTS ePress, 2017. http://dx.doi.org/10.5130/978-0-9945039-7-8.

Barnett, Katy. "Citation as a Measure of 'Impact': Female Legal Academics at a Disadvantage?" *Alternative Law Journal* 44, no. 4 (2019): 267-274.

Barta, Tony. "After the Holocaust: Consciousness of Genocide in Australia." *Australian Journal of Politics and History* 31, no. 1 (1985): 154-161. https://doi.org/10.1111/j.1467-8497.1985.tb01330.x.

Behrens, Paul. "Genocide Denial and the Law: A Critical Appraisal." *Buffalo Human Rights Law Review*. 21 (2014-2015): 27-52.

Berg, Maggie, and Barbara K. Seeber. *The Slow Professor: Challenging the Culture of Speed in the Academy.* University of Toronto Press, 2016.

Bilali, Rezarta, Yeshim Iqbal and Samuel Freel. "Understanding and Counteracting Genocide Denial." In *Confronting Humanity at Its Worst: Social Psychological Perspectives on Genocide*, edited by Leonard S. Newman, 284-311. Oxford University Press, 2020.

Bonnell, Andrew G. "Tide or Tsunami? The Impact of Metrics on Scholarly Research." *Australian Universities Review* 58, no. 1 (2016): 54-61.

Boykoff, Jules. "Riding the Lines: Academia, Public Intellectual Work, and Scholar-Activism." *Sociology of Sport Journal* 35, no. 2 (2018): 81-88. https://doi.org/10.1123/ssj.2018-0017.

Calley, Emma. "What Visiting Gallipoli Meant to Me, a Young Aussie Traveller," 25 December 2018. https://www.intrepidtravel.com/adventures/travel-to-gallipoli-as-a-young-australian/.

Cixous, Hélène. *"Coming to Writing" and Other Essays.* Translated by Deborah Jenson, Sarah Cornell, Ann Liddle, and Susan Sellers. Harvard University Press, 1991.

Cohen, Stanley. *States of Denial: Knowing About Atrocities and Suffering*. Cambridge: Polity, 2001.

Commonwealth of Australia Constitution Act 1900. https://www.aph.gov.au/constitution.

Cox, John, Amal Khoury, and Sarah Minslow. *Denial: the Final Stage of Genocide?* Routledge, 2022.

Daniele, Luigi. "Disputing the Indisputable: Genocide Denial and Freedom of Expression in Perincek v. Switzerland." *Nottingham Law Journal* 25 (2016): 141-51.

Davidson, Helen. "Gallipoli Service: O'Farrell Attacks Turkish Threat to Bar NSW MPs." *The Guardian*, 22 August 2013. https://www.theguardian.com/world/2013/aug/22/gallipoli-ofarrell-turkish-bar-mps.

Demirdjian, Alexis, ed. *The Armenian Genocide Legacy*. Palgrave Macmillan, 2016.

Department of Foreign Affairs. "Türkiye Country Brief," accessed 24 November 2025. https://www.dfat.gov.au/geo/t%C3%BCrkiye/t%C3%BCrkiye-country-brief.

Department of Veteran Affairs. "Anzac Day - Gallipoli, Türkiye," Australian Government, accessed 24 November 2025. https://www.dva.gov.au/recognition/commemorations/commemorative-services/overseas-commemorative-services/anzac-day-gallipoli-turkiye.

"Depth study (core) – Australia: making a nation – from Federation to WWI (1889 – c. 1919)." NSW Government, accessed 24 November 2025. https://curriculum.nsw.edu.au/learning-areas/hsie/history-7-10-2024/content/stage-5/fa417f1d53.

Der Matossian, Bedross, ed. *Denial of Genocides in the Twenty-First Century*. Nebraska University Press, 2023.

Diamadis, Panayiotis. "Friends in Crisis: Anzacs and Hellenism." *Modern Greek Studies (Australia and New Zealand)* 18 (2017): 211-237. https://openjournals.test.library.sydney.edu.au/MGST/article/view/12688/11644.

Doberstein, Carey. "Whom Do Bureaucrats Believe? A Randomized Controlled Experiment Testing Perceptions of Credibility of Policy Research." *Policy Studies Journal* 45, no. 2 (2017): 384-405. https://doi.org/https://doi.org/10.1111/psj.12166.

Doberstein, Carey. "The Credibility Chasm in Policy Research from Academics, Think Tanks, and Advocacy Organizations." *Canadian Public Policy* 43, no. 4 (2017): 363-375. https://muse.jhu.edu/article/680376.

"Erdogan Repeats Threat against Greece During G20." *Politico*, 16 November 2022. https://www.politico.eu/article/recep-erdogan-turkey-threat-against-greece-g20/.

"F-10 curriculum (version 8.4)," *Australian Curriculum, Assessment and Reporting*

Authority, accessed 18 January 2022. https://www.australiancurriculum.edu.au/f-10-curriculum/.

Flood, Michael, Martin, Brian, and Dreher, Tanja. "Combining Academia and Activism: Common Obstacles and Useful Tools." *Australian Universities Review* 55, no. 1 (2013): 17-26.

"Gandel Holocaust Knowledge and Awareness in Australia Survey." Gandel Foundation. archived January 2020. https://gandelfoundation.org.au/gandel-holocaust-survey/.

Garibian, Sévane. "Taking Denial Seriously: Genocide Denial and Freedom of Speech in the French Law." *Cardozo Journal of Conflict Resolution* 9, no. 2 (2008): 479-488.

Garibian, Sévane. "On the Breaking of Consensus: The Perinçek Case, the Armenian Genocide and International Criminal Law," In *Denialism and Human Rights*, edited by Jan Willems, Hans Nelen and Roland Moerland, 235-250. Intersentia, 2016.

Ghazanchyan, Siranush. "Australian State of Tasmania Recognizes the Armenian Genocide." *Public Radio of Armenia*, 11 May 2023. https://en.armradio.am/2023/05/11/australian-state-of-tasmania-recognizes-the-armenian-genocide/.

Giannopolouos, Bill. "Community Leaders across Australia Support Motion to Recognize 1915 Genocides." *Greek City Times*, 7 November 2024. https://greekcitytimes.com/2024/11/07/community-leaders-across-australia-support-motion-to-recognise-1915-genocides/.

"Greek Organisations Urge Victorian Politicians to Support Motion on Greek, Assyrian, and Armenian Genocides." *Neos Kosmos*, 21 October 2024. https://neoskosmos.com/en/2024/10/21/news/australia/victorian-leaders-urged-to-recognise-greek-assyrian-and-armenian-genocides/.

"Gallipoli Campaign: Forging the Nation–Federation: The First 20 years." Australian War Memorial, accessed 24 November 2025. https://www.awm.gov.au/visit/exhibitions/forging/ww1/gallipoli.

Gzoyan, Edita. "Genocide Denial under Constitutional Law: Comparative analysis of Spain, Germany and France," *International Journal of Armenian Genocide Studies* 3, no. 1 (2016): 72-87.

"Hear a Witness. Become One." Melbourne Holocaust Museum, accessed 24 October 2025. https://mhm.org.au/.

Heffernan, Troy, and Kathleen Smithers. "Working at the Level Above: University Promotion Policies as a Tool for Wage Theft and Underpayment." *Higher Education Research and Development* 44, no. 3 (2025): 585-599. https://doi.org/10.1080/07294360.2024.2412656.

Hooks, Bell. *Teaching to Transgress: Education as the Practice of Freedom.* Routledge, 1994.

Huttenbach, Henry R. "The Psychology and Politics of Genocide Denial: A Comparison of Four Case Studies." In *Studies in Comparative Genocide*, ed. Levon Chorbajian and George Shirinian, 216-220. Palgrave Macmillan, 1999.

IAGS. "About Us," accessed 25 November 2025. https://genocidescholars.org/about-us/.

"Inaugural Joint Justice Initiative Advocacy Week Kicks Off in Canberra." *The Greek Herald*, 21 March 2023. https://greekherald.com.au/news/inaugural-joint-justice-initiative-advocacy-week-kicks-off-in-canberra/.

"International Trade: Supplementary Information, Calendar Year." Australian Bureau of Statistics, accessed 25 November 2025. https://www.abs.gov.au/statistics/economy/international-trade/international-trade-supplementary-information-calendar-year/latest-release.

Jessani, Nasreen S., Brenton Ling, Carly Babcock, Akshara Valmeekanathan, and David R Holtgrave. "Advocacy, Activism, and Lobbying: How Variations in Interpretation Affects Ability for Academia to Engage with Public Policy." *PLOS Global Public Health* 2, no. 3 (2022) e0000034: 1-21. https://doi.org/10.1371/journal.pgph.0000034.

Johnston, Ron, and Paul Plummer. "Commentary: What Is Policy-Oriented Research?". *Environment and Planning A* 37, no. 9 (2005): 1521-26. https://doi.org/10.1068/a3845.

Katsikana, Mantha. "Feminist Scholar-Activism." In *Doing Feminist Urban Research: Insights from the Genurb Project*, edited by Linda Peake, Nasya S. Razavi, and Araby Smyth, 66-81. Routledge, 2024.

Koinova, Maria. "Conflict and Cooperation in Armenian Diaspora Mobilisation for Genocide Recognition." In *Diaspora as Cultures of Cooperation: Global and Local Perspectives*, edited by David Carment and Ariane Sadjed, 111-129. Springer International Publishing, 2017.

Koziol, Michael. "Armenian Leaders Snub Scott Morrison over 'Offensive Backflip' on Genocide Declaration." *The Sydney Morning Herald* (Sydney), 23 April 2019. https://www.smh.com.au/politics/federal/armenian-leaders-snub-scott-morrison-over-offensive-backflip-on-genocide-declaration-20190423-p51gg0.html.

Maxey, Ian. "Beyond Boundaries? Activism, Academia, Reflexivity, and Research." *Area* 31, no. 3 (1999): 199-208. http://www.jstor.org/stable/20003985.

Nefes, Turkay Salim, Gurpınar Dogan, and Ozgur Kaymak. "Turkish Parliamentary Debates About the International Recognition of the Armenian Genocide: Development and Variations in the Official Denialism." *Southeast European and Black Sea Studies* 23, no. 4 (2023): 883-899. https://doi.org/10.1080/14683857.2022.2149042.

New South Wales Legislative Assembly. Parliamentary Debate, 17 April 1997 ("Armenian Genocide Commemoration") 7737-7742. https://web.archive.org/web/20120204134838/http://www.parliament.nsw.gov.au/prod/parlment/hansart.nsf/V3Key/LA19970417004.

New South Wales Legislative Assembly. *Parliamentary Debate*, 8 May 2019 ("Armenian, Assyrian and Greek Genocides," moved by Mr. Barry O'Farrell, Premier). https://www.parliament.nsw.gov.au/permalink?id=HANSARD-1323879322-52555.

New South Wales Legislative Council. Parliamentary Debate, 7 February 2024 ("Genocide Education and Awareness," Chris Rath, MLC) 4:58 p.m. https://www.parliament.nsw.gov.au/permalink?id=HANSARD-1820781676-94610.

O'Brien, Melanie. *From Discrimination to Death: Genocide Process through a Human Rights Lens.* Routledge, 2023.

O'Brien, Melanie. "Australia's Response to Contemporary Genocides." In *The Palgrave Handbook on Australia and the Holocaust*, edited by Avril Alba and Jan Lanicek. Palgrave, 2025.

"Our Museum for the Future." Sydney Jewish Museum, accessed 24 October 2025. https://sydneyjewishmuseum.com.au/.

Pain, Rachel. "Social Geography: On Action-Orientated Research." *Progress in Human Geography* 27, no. 5 (2003): 649-657. https://doi.org/https://doi.org/10.1191/0309132503ph455pr.

Patty, Anna, and Judith Whelan. "MPs Warned Off Armenia with Anzac Threat." *The Sydney Morning Herald* (Sydney), 16 November 2013. https://www.smh.com.au/national/mps-warned-off-armenia-with-anzac-threat-20131115-2xmcc.html.

Pégorier, Clotilde. "Speech and Harm: Genocide Denial, Hate Speech and Freedom of Expression," *International Criminal Law Review 18*, no. 1 (2018): 97-126.

"PM Anthony Albanese Bows to Turkey Despite Record Number of Australian Parliamentarians Calling for Federal Recognition of Armenian Genocide." *Armenian National Committee of Australia*, 25 April 2023. https://www.anc.org.au/news/Media-Releases/PM-Anthony-Albanese-Bows-to-Turkey-Despite-Record-Number-of-Australian-Parliamentarians-Calling-for-Federal-Recognition-of-Armenian-Genocide.

Pruitt, William R. "Understanding Genocide Denial Legislation: A Comparative Analysis." *International Journal of Criminal Justice Sciences* 12, no. 2 (2017): 270-84.

Rahbari, Ladan, Dion Kramer, Marie Deserno, Tommy Tse, and Tiago R. Matos. "Activism and Academia: An Interdisciplinary Dialogue on Academic Freedom and Social Engagement." *Journal of Higher Education Policy and Management* 47, no. 1 (2025): 73-89. https://doi.org/10.1080/1360080x.2024.2390197.

"Research Fellows." Sydney Jewish Museum, accessed 25 November 2025. https://sydneyjewishmuseum.com.au/research-fellowships/.

Rhodes, Carl, Christopher Wright, and Alison Pullen. "Changing the World? The Politics of Activism and Impact in the Neoliberal University." *Organization* 25, no. 1 (2018): 139-147. https://doi.org/10.1177/1350508417726546.

Routledge, Paul. "The Third Space as Critical Engagement." *Antipode* 28, no. 4 (1996): 399-419. https://doi.org/https://doi.org/10.1111/j.1467-8330.1996.tb00533.x.

Smyth, John. *The Toxic University: Zombie Leadership, Academic Rock Stars and Neoliberal Ideology.* Palgrave Macmillan, 2017.

Staff, TNH. "Armenian, Assyrian, and Greek Communities in Australia Call for Genocide Recognition." *The National Herald*, 28 February 2020. https://www.thenationalherald.com/armenian-assyrian-and-greek-communities-in-australia-call-for-genocide-recognition/.

"South Australia State Legislative Council Resolution." Armenian National Institute, archived 25 March 2009. https://www.armenian-genocide.org/Affirmation.404/current_

category.13/affirmation_detail.html.

"Statement on Armenia." The Greens Victoria, accessed 24 November 2025. https://greens.org.au/vic/statement-on-armenia.

Stoddard, Thomas B. "Essay: Bleeding Heart: Reflections on Using the Law to Make Social Change." *New York University Law Review* 72 (1997): 967-991.

"Sydney's Greeks, Armenians, and Assyrians Unite to Demand Recognition of 1915 Genocides." *The Greek Herald*, 12 April 2024. https://greekherald.com.au/community/sydneys-greeks-armenians-and-assyrians-unite-to-demand-recognition-of-1915-genocides/.

Tatz, Colin. "Turkey, the Armenian Genocide, and the Politics of Memory." *The Conversation*, 19 December 2013. https://theconversation.com/turkey-the-armenian-genocide-and-the-politics-of-memory-20747.

Tatz, Colin. "100 Years on, Australia's Still out of Step on the Armenian Genocide." *The Conversation*, 24 April 2015. https://theconversation.com/100-years-on-australias-still-out-of-step-on-the-armenian-genocide-39792.

The University of Melbourne. "Australian and Comparative Constitutional Law," Library Guides, last modified 12 November 2025. https://unimelb.libguides.com/constitutional_law/australia_state.

Theriault, Henry. "Universal Social Theory and the Denial of Genocide: Norman Itzkowitz Revisited." *Journal of Genocide Research* 3, no. 2 (2001): 241-256.

Theriault, Henry. "Denial and Free Speech: The Case of the Armenian Genocide." In *Looking Backward, Moving Forward: Confronting the Armenian Genocide*, edited by Richard G. Hovannisian, 231-261. Routledge, 2003.

Tranter, Kieran, and Timothy D. Peters. "Benchmarks for Australian Law Researchers' H-Index and Citation Count Bibliometrics." *Law, Technology and Humans* 7, no. 1 (2025): 154-174. https://doi.org/10.5204/lthj.3780. https://lthj.qut.edu.au/article/view/3780.

Treloar, David W.G. and Panayiotis Diamadis. *From Genocide to Regeneration: The Photographs of George Devine Treloar.* Sydney: Unity in Philia Press, 2025.

"Turkey Threatens to Ban MPs from Gallipoli Centenary over Genocide Vote." *ABC News*, 21 August 2013. https://www.abc.net.au/news/2013-08-21/turkey-threatens-nsw-parliament-over-armenian-genocide-vote/4903444.

van der Pas, Kris. "Conceptualising Strategic Litigation." *Oñati Socio-Legal Series* 11, no. 6(S) (2021): S116-S145. https://doi.org/10.35295/osls.iisl/0000-0000-0000-1226.

Venzke, Ingo. "Against Impact." *Leiden Journal of International Law* 37, no. 4 (2024): 757-762.

"Victorian Greens Backflip on Motion to Recognize Greek, Armenian and Assyrian Genocides." *The Greek Herald*, 24 October 2024. https://greekherald.com.au/news/politics/victorian-greens-backflip-on-motion-to-recognise-greek-armenian-and-assyrian-genocides/.

"Victorian Premier Faces Greek Voter Backlash over Stance on Genocide Motion." *The Greek Herald*, October 24, 2024. https://greekherald.com.au/news/politics/victorian-

premier-faces-greek-voter-backlash-over-stance-on-genocide-motion/.

"Understanding Gallipoli." Australian War Memorial, accessed 24 November 2025. https://www.awm.gov.au/learn/schools/resources/understanding-gallipoli.

"Understanding Gallipoli: The Cost." Australian War Memorial, accessed 24 November 2025. https://www.awm.gov.au/learn/schools/resources/understanding-gallipoli/cost.Williams June, Audrey. "When Activism Is Worth the Risk: Academics Who Champion Causes May Be Gambling with Their Careers. But for Some Dedicated Activists, the Choice Is Clear." *The Chronicle of Higher Education*, 20 July 2015. https://www.chronicle.com/article/when-activism-is-worth-the-risk.

Wolvaardt, Francois Adriaan. "Genocide, Diasporic Identity and Activism: The Narratives, Identity and Activisim of Armenian-Australians and Turkish-Australians Regarding the Recognition of the Deaths of Armenians During First World War as Genocide." PhD diss., University of Western Australia, 2013. http://research-repository.uwa.edu.au/en/publications/record(9f1bf95e-598d-4c93-8619-d7b59835c47d).html.

Zarifian, Julien. "The Armenian and Turkish Lobbying, and the (Non-) Recognition of the Armenian Genocide by the United States." In *Congress and Diaspora Politics*, edited by A. Thurber James, C. Campbell Colton and A. Dulio David, 117-137. SUNY Press, 2018.

Zarifian, Julien. *The United States and the Armenian Genocide: History, Memory, Politics*. Rutgers University Press, 2024.

About the Author

Dr Melanie O'Brien is Associate Professor of International Law and Deputy Head of School (Research) at the University of Western Australia, and President of the International Association of Genocide Scholars (IAGS). She was a 2023-34 Visiting Professor at the Center for Holocaust and Genocide Studies, University of Minnesota, USA, and is a Visiting Scholar with the UMN Human Rights Law Center. Dr O'Brien is the recipient of the Aurora Mardiganian Medal from the Armenian Genocide Memorial Institute for her work on the Armenian Genocide and Nagorno-Karabakh. She is a regular speaker at Armenian Genocide Commemorations around the world, and her most recent book is *From Discrimination to Death: Genocide Process through a Human Rights Lens*, which includes the Armenian Genocide as one of its case studies. Her work on forced marriage has been cited by the International Criminal Court, she has appeared before the ICC as an amica curia and been an expert consultant for several UN bodies. Dr O'Brien has conducted research across six continents, including in Türkiye and Armenia on the Armenian Genocide. Dr O'Brien is widely consulted by global media for her expertise on international law and genocide. She posts @DrMelOB.

THE ARMENIAN MODEL: THE RECOGNITION OF GENOCIDES IN FRANCE

Mathieu Soula
University of Paris Nanterre, Paris, France
L'Institut universitaire de France (IUF)

Abstract

This contribution examines how the Armenian Genocide was officially recognized in France and explores the consequences of this recognition. Drawing on draft laws, parliamentary motions, enacted legislation, and presidential speeches, we analyze the political and legal dynamics that shaped this process. Our findings suggest that the French recognition of the Armenian Genocide exerted a significant influence on subsequent recognitions of other genocides, helping to usher in a broader era conducive to formal acknowledgment of mass atrocities.

Keywords: Armenian Genocide; French politics; recognition; symbolic justice

This article was submitted on 24.02.2024 and accepted for publication on 19.05.2025.

How to cite: Mathieu Soula, "The Armenian Model: The Recognition of Genocides in France," *International Journal of Armenian Genocide Studies* 10, no. 2 (2025): 103-124.

Introduction

Since the 1980s, France has officially recognized eight genocides through a combination of parliamentary legislation, resolutions adopted by the National Assembly or the Senate, and official presidential statements.[1] These recognitions include: President Jacques Chirac's speech of 16 July 1995 acknowledging France's responsibility in the genocide of the Jews;[2] Law 2001-70 of 29 January 2001 recognizing the Armenian Genocide;[3] President François Hollande's speech of 29 October 2016 acknowledging France's responsibility in the deportation and extermination of the Roma;[4] the Senate resolution of 6 December 2016 recognizing the genocide of the Yazidis; President Emmanuel Macron's speech of 27 May 2021 recognizing France's political responsibility in the genocide of the Tutsi;[5] the National Assembly resolution of 20 January 2022 recognizing the genocide of the Uyghurs; the Senate resolution of 8 February 2023 addressing the Assyro-Chaldean genocide of 1915; the National Assembly resolution of 28 March 2023 and the Senate resolution of 17 May 2023 recognizing the Holodomor; and finally, the National Assembly resolution of 29 April 2024 recognizing once again the Assyro-Chaldean genocide of 1915.

This paper seeks to examine these official acts of recognition not as isolated or contingent events, but as components of a coherent trajectory within French political and memorial culture. In this context, the 2001 parliamentary recognition of the Armenian Genocide emerges as a foundational moment, or at least as a significant precedent, that has informed France's subsequent approaches to acknowledging other genocides. By situating the Armenian case within this broader genealogy, we can more effectively reassess both the substantive meaning of its recognition and the underlying dynamics that have guided France's progressively expanding acknowledgment of genocides in the decades that followed.

---

1 See the table in the Appendix.

2 "Allocution de M. Jacques Chirac, Président de la République, sur la responsabilité de l'État français dans la déportation des juifs durant la deuxième guerre mondiale et sur les valeurs de liberté, de justice et de tolérance qui fondent l'identité française, Paris le 16 juillet 1995," at https://www.vie-publique.fr/discours/196345-jacques-chirac-16071995-deportation-juif-deuxieme-guerre-mondiale (accessed 13.04.2024); Hubert Strouk, *Vel d'Hiv. Histoire et portée d'un discours* (Paris: Hermann, 2025).

3 *Journal officiel de la République française* (*JORF)*, 30 janvier 2001, 1590; Olivier Masseret, "La reconnaissance par le Parlement français du génocide arménien de 1915," *Vingtième Siècle. Revue d'histoire* 73 (2002/1): 139-155.

4 "Déclaration de M. François Hollande, Président de la République, en hommage aux nomades internés pendant la Deuxième Guerre mondiale, à Montreuil-Bellay le 29 octobre 2016," at https://www.vie-publique.fr/discours/201018-declaration-de-m-francois-hollande-president-de-la-republique-en-homm (accessed 13.04.2024); Lise Foisneau, "Le génocide des «Nomades»: figures du déni," *L'Homme* 249, no. 1 (2024): 113-130.

5 "Discours du Président Emmanuel Macron depuis le Mémorial du génocide perpétré contre les Tutsis en 1994," at https://www.elysee.fr/emmanuel-macron/2021/05/27/discours-du-president-emmanuel-macron-depuis-le-memorial-du-genocide-perpetre-contre-les-tutsis-en-1994, accessed 13.04.2024.

The official recognition of the Armenian Genocide must first be situated within a broader category that may be termed state acts of recognition. Scholarly work devoted specifically to this phenomenon remains limited and often engages only partially with its comparative or historical dimensions. By acts of recognition, we refer to the spectrum of laws, parliamentary resolutions, and official speeches through which a state acknowledges a past atrocity, whether through recognition alone, expressions of regret, formal apologies, or requests for forgiveness.[6] Existing research tends to analyze a single crime or focus on the practice of one state, with particular emphasis on the politics of apology. Yet all these instruments share a common foundation: they entail the recognition of a crime, of perpetrators and victims, and of partial or full responsibility. In doing so, they reconfigure the state's official narrative of the past by explicitly constituting that past as a crime.[7]

This is a global phenomenon that emerged in the 1980s. A pivotal moment was President Ronald Reagan's signing of the Civil Liberties Act in 1988, which offered an official apology to Japanese Americans interned in camps in 1942 following the attack on Pearl Harbor. From the late 1980s into the early 1990s, acts of recognition proliferated worldwide in relation to colonialism, imperialism, World War II, and the genocide of the Jews.

Two intertwined contexts help explain this expanding and increasingly globalized practice. First, the end of bipolarity following the collapse of the Soviet bloc ushered in a new multilateral dynamic in international relations, reshaping interactions between former colonial powers and formerly colonized states. Second, within former empires and imperial states, a growing "imperative of memory" generated pressure for political, moral, and sometimes legal reckoning with past atrocities. This introspective turn opened both a "market" for the recognition of historical wrongs and a discursive space in which states could either validate or reject demands for acknowledgment. The phenomenon is global

6 Jacques Sémelin, "Les excuses d'État en politique étrangère des crimes de masse," *Raison publique. La revue des humanités politiques*, https://raison-publique.fr/2494/; Renaud Hourcade, "La politique des excuses. Repentir officiel et gestion stratégique de la culpabilité dans un ancien port négrier (Liverpool)," *Ethnologie française* 50 (2020/1): 19-29; Magali Bessone, *Faire justice de l'irréparable. Esclavage colonial et responsabilités contemporaines* (Paris: Vrin, L'Esprit des lois, 2019); Antoine Garapon, *Peut-on réparer l'histoire? Colonisation, esclavage, Shoah* (Paris: Odile Jacob, 2006). For further discussion of the notion of recognition, see, for example, Judith Butler, Axel Honneth, Amy Allen, *Recognition and ambivalence* (New York: Columbia University Press, 2021); Axel Honneth, *La reconnaissance. Histoire européenne d'une idée* (Paris: Gallimard, Essais, 2020); Axel Honneth, *La lutte pour la reconnaissance* (Paris: Gallimard, 2013); Nancy Fraser, *Qu'est-ce que la justice sociale?* (Paris: La Découverte, Poche/Sciences Humaines et sociales, 2011); Paul Ricoeur, *Parcours de la reconnaissance. Trois études* (Paris, Stock, Les Essais, 2004); Special Issue of *Revue du Mauss, De la reconnaissance. Don, identité et estime de soi* 23 (2004).

7 Loramy Gerstbauer, *U. S. Foreign Policy and the Politics of Apology* (London: Routledge, 2017); Tom Bentley, *Empires of Remorse. Narrative, Postcolonialism and Apologies for Colonial Atrocity* (London: Routledge, 2016); Ashraf H. A. Rushdy, *A Guilted Age. Apologies for the Past* (Philadelphia: Temple University Press, 2015); Daniël Cuypers, Daniel Janssen, Jacques Haers, Barbara Segaert, *Public Apology between Ritual and Regret. Symbolic Excuses on False Pretenses or True Reconciliation out Sincere Regret?* (Amsterdam: Rodopi, 2013); Elazar Barkan, Alexander Karn (ed.), *Taking Wrongs Seriously. Apologies and Reconciliation* (Stanford: Stanford University Press, 2006); Roy L. Brooks (ed.), *When Sorry isn't Enough. The Controversy over Apologies and Reparations for Human Injustice* (New York: New York University Press, 1999).

in scope, yet its forms, intensity, and political implications vary considerably from one country to another.

By the late 1990s and early 2000s, public debates increasingly addressed slavery as well as genocides and mass atrocities beyond the Holocaust.[8] Since the mid-2010s, and even more intensely after 2020, slavery, colonialism, and the treatment of Indigenous peoples have come to dominate the production of state acts of recognition.[9] In numerous public spheres, debates have emerged over the need to acknowledge historical wrongs and crimes, even when such discussions do not necessarily culminate in apologies or formal acts of recognition. Across North and South America, Europe, and Asia, memory activists have increasingly brought demands for recognition into the public and political arenas.

The case of genocide is particularly significant. Not only have some states acknowledged their own share of responsibility for such crimes, but many have also recognized genocides in which they did not participate. For example, Germany, Austria, France, Switzerland, Latvia, Canada, and Argentina have each acknowledged their responsibility in relation to the Holocaust. Canada, Australia, Chile, and Taiwan have recognized their roles in the treatment of Indigenous peoples, with some explicitly referring to these policies as genocide. Today, thirty-three states recognize the Armenian Genocide, and thirty states recognize the Holodomor as a genocide.[10]

This process should not be understood as a linear or uninterrupted evolution: acts of recognition emerge from slow-moving, complex, and often contradictory dynamics that remain inherently incomplete.[11] Broadly speaking, these acts concern four principal categories of crimes often intertwined: genocides and crimes against humanity; slavery; violence committed within colonial frameworks; and crimes against Indigenous peoples.

Official recognition takes place within a broader struggle against forgetting. Acts of recognition contribute to the construction of collective memory. Through recognition, the state responds to mnemonic demands: it establishes an official relationship with a past that continues to shape the present and seeks to prevent that past from being obscured or erased. In both political and public spheres, forgetting is often resisted; it tends to be understood only as the inverse of memory and thus tends to carry a predominantly negative meaning. The remembrance of a forgotten, marginalized, or reinterpreted past, one that must be revisited in light of contemporary understandings of the social and political world, is often advanced by activists and advocates who aim to render their interpretation of the past collectively shared or publicly legitimate through an official act of recognition. In this perspective, forgetting is framed as an injustice that recognition seeks to repair.

8 Mathieu Soula, "Regrets, excuses et pardons, les actes étatiques de reconnaissance," *Revue du droit public* 2 (2024): 57-63.

9 Ibid.

10 Ibid.

11 See, on October 14, 2023, in Australia, the "no" vote in the referendum aimed at recognizing the Aboriginal people in the Constitution.

The official recognition of the Armenian Genocide must also be situated within a second series: the recognition of other genocides. It is this broader series, and the global context in which it has developed, that we propose to analyze here, focusing on the case of France. A global and diachronic perspective offers a productive analytical vantage point. It complements studies focused on the recognition of a single genocide by identifying historically favorable moments for recognition, and by tracing the emergence of distinct forms or modalities of recognition. In other words, acts of recognition are historically conditioned, and the recognition of any particular genocide is embedded within the specific historical moment that enables or constrains it.

The Armenian Cause: A Long and Uncertain Struggle

The struggle for the recognition of the Armenian Genocide in France was long and marked by considerable uncertainty. As early as the beginning of the 1980s, Communist deputies and senators from cities with significant Armenian diasporic communities, such as Lyon and Marseille, introduced bills seeking the official recognition of the Armenian Genocide.[12] Yet none of these initiatives advanced: the bills were neither debated nor brought to a vote in Parliament. The political and diplomatic climate was not yet conducive to such recognition. A political consensus was lacking, and since the presidency of Charles de Gaulle, French diplomacy had consistently prioritized maintaining cordial relations with Turkey, a stance that effectively constrained any move toward officially recognizing the mass extermination of Armenians as genocide.

Nevertheless, signs of change had begun to emerge. On 7 January 1984, during a speech delivered at the Armenian Christmas celebration in the town hall of Vienne, President François Mitterrand publicly referred to the Armenian Genocide. He stated:

> As for history itself, I have just said it to you: on 23 April 1981, that is to say, a few days before I was elected to the office I hold today, I declared that it is not possible to erase the trace of the genocide that struck you. It must be inscribed in human memory. This sacrifice must, for the younger and the smallest among us, serve both as a lesson and as a will to survive, so that across time one can feel that this people is rich in resources, that it does not belong to the past, that it belongs very much to the present, and that it has a future.[13]

12 Bills in the National Assembly of 16 December 1985 by Guy Ducoloné (PC); bill in the Senate of March 1986 by 21 communist deputies; bill in the Senate of 10 August 1988 by 16 communist deputies.

13 Allocution de M. François Mitterrand, Président de la République, à l'occasion du Noël des Arméniens dans la salle des fêtes de la mairie de Vienne, samedi 7 janvier 1984, at https://www.elysee.fr/francois-mitterrand/1984/01/07/allocution-de-m-francois-mitterrand-president-de-la-republique-a-loccasion-du-noel-des-armeniens-dans-la-salle-des-fetes-de-la-mairie-de-vienne-samedi-7-janvier-1984, accessed 23.09.2024.

This speech, delivered by a sitting president and articulated in unequivocal terms, marked a significant shift. Although it did not immediately translate into legislative action, it signaled an emerging willingness within the highest levels of the French state to engage with the memory of the Armenian Genocide and to acknowledge its enduring historical and moral significance.

At the same time, in April 1984, the eleventh session of the Permanent Peoples' Tribunal convened in Paris to address the question of the Armenian Genocide. The tribunal issued a verdict declaring that "the extermination of the Armenian population through deportation and massacre constitutes an imprescriptible crime of genocide within the meaning of the Convention of 9 December 1948," and found the Young Turk government guilty of committing this genocide.[14]

Although these gestures were symbolic, neither official nor solemn, they nonetheless revealed a gradual politicization of the Armenian cause. Advocates began to find allies within political and public spheres who were capable of transforming the demand for recognition into a legitimate political issue. This dynamic was reinforced by the European Parliament's resolution (A2-33/87) of 18 June 1987, which characterized "the tragic events which took place in 1915–1917 against the Armenians living in the territory of the Ottoman Empire" as "genocide within the meaning of the Convention on the Prevention and Punishment of the Crime of Genocide adopted by the United Nations General Assembly on 9 December 1948."[15]

This resolution was adopted in a specific context: Turkey's prospective accession to the European Union. It made recognition of the genocide by Turkish authorities a prerequisite for any possibility of accession. Thus, in the European arena, the recognition of the Armenian Genocide was closely tied both to diplomatic considerations, especially in relation to Turkey, and to the affirmation of universal values.

Following this resolution, two European parliaments proceeded to recognize the Armenian Genocide, though for distinct reasons and within different political contexts. On 26 April 1996, the Greek Parliament characterized the massacres as genocide and designated 24 April as Armenian Genocide Remembrance Day. This decision followed an earlier act of recognition: on 24 February 1994, the Greek Parliament had formally recognized the genocide of the Pontic Greeks and established 19 May as its official commemoration day. On 26 March 1998, the Belgian Senate likewise adopted a resolution recognizing the Armenian Genocide.

In France during the 1990s, as historian Henry Rousso has observed, the central preoccupation of memory politics remained the question of Vichy collaboration with Nazi Germany, most notably the role played by Philippe Pétain's government in the implementation of the Final Solution.[16] After a period of political hesitation, President

14 *Le crime de silence: le génocide des Arméniens* (Paris: Flammarion, 1984).

15 "Résolution sur une solution politique de la question arménienne (18 juin 1987)," *Journal officiel des Communautés européennes* (JOCE), 20 juillet 1987, N C 190, 119-121.

16 Henry Rousso, *Le syndrome de Vichy* (Paris: Éditions du Seuil, 1987); Henry Rousso et Éric Conan, *Vichy,*

Jacques Chirac officially acknowledged France's responsibility for the deportation of Jews from France, and, by extension, its participation in the genocide of the Jews, in his landmark speech of 16 July 1995 commemorating the Vel' d'Hiv roundup.

By contrast, the issue of the Armenian Genocide entered public debate in France primarily from outside the political sphere, and most notably through the judicial arena. A major controversy erupted following an interview with historian Bernard Lewis published in *Le Monde* on 16 November 1993, in which he claimed that describing the 1915 massacres of Armenians by the Ottoman Turks as genocide constituted "only the Armenian version of this history."[17] He was first prosecuted before a criminal court, but the case was dismissed because, at that time, denial of genocide was punishable in France only in relation to the Holocaust. Subsequently, he was sued in civil court, and on 21 June 1995 the Paris Tribunal de grande instance held him liable on the grounds that "a historian incurs liability towards the persons concerned [victims and victims' associations] when, through distortion or falsification, he presents as true allegations that are manifestly erroneous."[18]

This judgment generated intense debate, particularly within the historical profession, and played a significant role in returning the question of the Armenian Genocide to the forefront of public discussion, precisely on the eve of Jacques Chirac's landmark Vel' d'Hiv speech.[19]

It was only after Chirac's recognition of France's role in the Holocaust that the question of the Armenian Genocide re-emerged fully as a political issue. Between 1997 and 2000, left-wing parties introduced four bills in the National Assembly and the Senate. Ultimately, however, it was a cross-party bill presented in the Senate that succeeded in being adopted by both chambers. This became Law no. 2001-70 of 29 January 2001, whose article 1 stipulates that "France publicly recognizes the Armenian Genocide of 1915."[20]

The Law of 29 January 2001 helped crystallize the terms of the national debate concerning the legitimacy of parliamentary recognition of a genocide. Opposition to such recognition had long been organized around two principal sets of objections, both of which were addressed, at least in part, through the adoption of the law.

The first set of concerns centered on history and freedom of expression. By designating a past crime as genocide, critics asked, was the legislature not "writing history" and thereby restricting the work of historians? Did state recognition not infringe upon freedom of expression by implicitly delegitimizing dissenting scholarly interpretations?

---

un passé qui ne passe pas (Paris: Fayard, 1994).

17 "Un entretien avec Bernard Lewis," *Le Monde*, 16 novembre 1996, 2.

18 Thomas Hochmann, "Les limites à la liberté de l'historien en France et en Allemagne," *Droit et société* 2 nos. 69-70 (2008): 527-548; Jean-Pierre Le Crom, "Juger l'histoire," *Droit et Société* 38 (1998): 33-46.

19 Madeleine Rebérioux, "Les Arméniens, le juge et l'historien," *L'Histoire* 187 (1995), https://www.lhistoire.fr/les-arm%C3%A9niens-le-juge-et-lhistorien.

20 Journal officiel de la République française. Lois et décrets, n° 0025 du 30/01/2001, 1590.

The law itself provided a clear answer. Its text imposed no obligation or prohibition: it neither criminalized denial nor sanctioned alternative interpretations. Rather, it articulated a formal position of the French state, an official statement of fact, that the massacres of Armenians in 1915 constituted genocide. It was therefore not prescriptive, but declaratory.

The second set of objections questioned whether Parliament was entitled to intervene in the realm of diplomatic affairs. From this viewpoint, recognition was conceived as an inherently political act, aimed at shaping France's relationship with Turkey or Armenia. Yet, precisely in this respect, the 2001 law elevated ethical considerations above diplomatic strategy. By recognizing the Armenian Genocide, it affirmed a commitment to historical truth, recalled the monstrous nature of the crime, and thus paid indirect homage to the victims. As Deputy Pierre Lellouche argued at the time, the law was first and foremost an act of morality and justice.[21]

The Multiplication of Recognition Causes

It took seventeen years and eight separate bills before the Armenian Genocide was finally recognized in France. Yet France remained among the first states in the world to take this step. This recognition opened a broader window of opportunity for the acknowledgment of other genocides. In the years that followed, thirty-six bills or resolutions were introduced seeking recognition of other genocides: the Cambodian genocide (2001); the Holodomor (2001, 2006, 2007, 2022, 2023); the genocide of the Roma (2007, 2008, 2011, 2012, 2018); the killings in Vendée during the French Revolution (2007, 2012, 2013, 2018); the genocide of the Assyro-Chaldeans (2015, 2019, 2021, 2022, 2023, 2024); the genocide of the Yazidis (2016, 2024); the genocide of the Tutsi (2017); the genocide of Srebrenica (2020); the genocide of the Uyghurs (2021); the genocide of the Kurds in Iraq (2021); and the genocide of the Rohingya (2022).

Not all of these initiatives were successful. For many years, the Armenian Genocide remained the only genocide recognized by French law, since the term genocide did not appear in President Chirac's 1995 speech acknowledging France's responsibility in the deportation and extermination of the Jews of France. In 2016, the Senate called on the government to recognize the genocide perpetrated by the Islamic State (Daesh) against Christian minorities and the Yazidis in Iraq and Syria; however, this amounted only to an indirect recognition.

This caution can be explained largely by the fear of diluting or trivializing the term genocide. Until around 2020, it was not considered desirable to extend the term beyond those recognized either by law or by international judicial decisions: the genocide of the Jews of Europe, the Armenian Genocide, Srebrenica, the Cambodian genocide, and the genocide of the Tutsi. For example, a 10 May 2001 bill to recognize the Cambodian

21 *Journal official de la République française, Assemblée nationale* 1re séance du 18 janvier 2001, 562-563. please, provide a full reference

genocide was rejected and widely interpreted as a political maneuver rather than a sincere effort to acknowledge the crimes of the Khmer Rouge. Introduced by right-wing deputies exactly twenty years after the election of the first left-wing president, François Mitterrand, it was seen more as a partisan attack on the left than as a serious engagement with the historical record.

By contrast, beginning in 2021, the pace of recognition accelerated, with four new genocides officially acknowledged: those of the Uyghurs, the Assyro-Chaldeans, the Yazidis, and the victims of the Holodomor. This broader application of the concept of genocide was facilitated by the constitutional reform of 23 July 2008, which introduced Article 34-1 into the Constitution and authorized Parliament to adopt resolutions. Unlike laws, resolutions have no normative force and do not require joint adoption by both chambers, making them easier to pass and increasingly the preferred instrument of recognition.

These divergent timelines underscore the fact that the recognition of genocides is a lengthy and uncertain process. Some genocides have still never been officially recognized, such as the Cambodian genocide, the massacres in Vendée, Srebrenica, the genocide of the Kurds in Iraq, and the genocide of the Rohingya. Others were acknowledged only after prolonged advocacy and repeated attempts: the Holodomor, for instance, was recognized after twenty-two years (2001–2023) and five successive bills and resolutions, its final adoption catalyzed by the outbreak of war in Ukraine; the genocide of the Roma was recognized after eight years and six proposals (2007–2016), and ultimately by presidential declaration rather than parliamentary action; and the Assyro-Chaldean genocide was recognized after eight years (2015–2023) and nine separate proposals.

As the first official recognition of a genocide in France, the acknowledgment of the Armenian Genocide opened a new political space of possibilities. The table of attempts at recognition (Annex 1) illustrates that only after this recognition did requests for acknowledging other genocides multiply. Until 2001, the Armenian Genocide was the sole subject of draft legislation; once it was formally recognized, thirteen other events described as "genocides" became the subject of parliamentary initiatives. The recognition of the Armenian Genocide thus served as a precedent, paving the way for a broader and more frequent application of the concept of genocide and facilitating its mobilization in relation to large-scale racist, ethnic, or religious massacres. In comparison, subsequent recognitions have generally proceeded more quickly and with fewer obstacles than the recognition of the Armenian Genocide itself. This acceleration can be explained by two broader contexts. First, the remarkable expansion of genocide studies since the late 1970s, which, through successful institutionalization via specialized journals, academic programs, and research centers, has developed into a dynamic scholarly field.[22] Its interdisciplinarity, methodological diversity, and, in certain currents, activist orientation have broadened the

22 Kerry Whigham, "From Holocaust Studies to Atrocity Prevention: Genocide Studies and the Growth of Transdisciplinary Activist Scholarship," *Social Research: An International Quarterly* 90, no. 4 (2023): 809-836; Samuel Totten, and Steven Leonard Jacobs, eds., *Pioneers of Genocide Studies* (New York: Routledge, 2002).

analytical scope of genocide beyond the strict legal parameters of 1948, allowing an ever-increasing number of massacres, including those in more distant historical periods, to be examined through this conceptual lens.[23]

Second, the term genocide has become a powerful political and social marker. It captures not only the intent to destroy a group but also affirms the existence of that group by defining it through the crime committed against it. Whereas crimes against humanity emphasize human dignity in universal terms, genocide is intrinsically tied to group identity. To designate a past atrocity as genocide is therefore to recognize a collective identity and restore its place in both historical narrative and contemporary public consciousness.

Since the 1980s, a global environment increasingly shaped by the politics of trauma and memory has encouraged societies to reinterpret the past through the prism of individual and collective suffering, prompting diverse forms of recognition.[24] As Yan Thomas famously observed, contemporary pasts are not simply inherited but constructed: "What effects do we decide to attribute to time?"[25] No past is inherently imprescriptible or immutable; its endurance depends on political, legal, and scholarly acts of validation.

Accordingly, since the early 2000s, official acts of recognition of genocides and mass killings have proliferated worldwide. At the same time, as Philippe Sands has demonstrated, the term genocide has become a central lens through which both past and present atrocities are interpreted. More than the category of crimes against humanity, genocide appears most suited to designate the gravest forms of violence, precisely because it functions as a powerful marker of collective identity.[26]

Yet the expansion of the notion of genocide is not without limits. First, none of the recognitions by the French Parliament has been accompanied by the criminalization of genocide denial. Between 2004 and 2024, sixteen bills were introduced in France to penalize denial of the Armenian Genocide, and although one such law was adopted in January 2012, it was struck down by the Constitutional Council.[27] Recognition therefore remains an official and symbolic act, politically significant but lacking legal effect. Second, an examination of parliamentary bills and resolutions reveals that only a limited number of massacres are repeatedly targeted for recognition, with the Armenian and Assyro-Chaldean cases dominating the landscape and together accounting for more than half of all demands for recognition in France. This overrepresentation can be attributed

23 René Lemarchand, ed., *Forgotten Genocides. Oblivion, Denial, and Memory* (Philadelphia: University of Pennsylvania Press, 2011); Dirk A. Moses, ed., *Empire, Colony, Genocide: Conquest, Occupation, and Subaltern Resistance in World History* (New York: Berghahn Books, 2010); Donald Bloxham and Dirk Moses, eds., *The Oxford Handbook of Genocide Studies* (Oxford: Oxford University Press, 2010).

24 Soula, "Regrets, excuses et pardons," 57-63; Mathieu Soula, "Faire justice aux passés irréparables. Reconnaissances, regrets, excuses et demande de pardon," Bénédicte Girard, Étienne Muller, Delphine Porcheron (dir.), *Réparer les « crimes du passé »* (Paris: Dalloz, "Thèmes et Commentaires, 2025), 137-146.

25 Yan Thomas, "La vérité, le temps, le juge et l'historien," *Le Débat* 102, no. 5 (1998): 27.

26 Philippe Sands, *Retour à Lemberg* (Paris: Albin Michel, 2017).

27 Decision n° 2012-647 DC, 28 feb. 2012.

to a combination of factors: the long-standing political resistance to acknowledging these genocides, which necessitated repeated proposals before recognition could be secured; the fluctuations in Franco–Turkish relations, whose periods of deterioration paradoxically facilitated recognition, often serving as an implicit signal of disapproval during moments such as Turkey's bid for EU accession; and, finally, the effectiveness of "moral entrepreneurs," to use Howard Becker's term,[28] that is, actors who actively construct these causes as public problems and succeed in mobilizing determined and influential allies within the political arena.

The recognition, or non-recognition, of a genocide is therefore fundamentally a political matter. Until 2001, the struggle for recognition of the Armenian Genocide in France was carried out primarily by left-wing parties: the Communist Party in the 1980s and the Socialist Party in the 1990s. All bills introduced during this period originated from one of these two parties. After 2000, however, the campaign to criminalize denial of the Armenian Genocide was taken up by both the left and the right, eventually becoming broadly consensual by the 2020s. A similar pattern emerged in the case of the Assyro-Chaldean genocide: demands for recognition came chiefly from the right, particularly from deputies such as Valérie Boyer in Marseille, a city with a substantial Armenian population, who also championed the criminalization of Armenian Genocide denial.

Other cases followed comparable political configurations. The far right regularly called for the recognition of the Vendée massacres as genocide; the right promoted recognition of genocides perpetrated by communist regimes (Cambodia, Ukraine) or by Islamist terrorist groups (the Yazidis in Iraq and Syria); while the communist left repeatedly, though unsuccessfully, pushed for recognition of the genocide of the Roma under Nazism. At times, however, a broad political consensus emerged: the demand for recognition of the Uyghur genocide was endorsed across the entire political spectrum and adopted rapidly.

In France, a clear division of labor has emerged between the President of the Republic and parliament. The two chambers tend to recognize genocides in which France bore no responsibility, while the presidency acknowledges France's own direct or indirect involvement. Thus, in 1995, President Jacques Chirac recognized France's complicity in the genocide of the Jews. On 29 October 2016, President François Hollande acknowledged France's responsibility in the genocide of the Roma. And on 21 May 2021, President Emmanuel Macron delivered an official speech at the memorial of the genocide against the Tutsi, recognizing a moral, though not legal, responsibility on the part of France.

By assuming such responsibility, the president performs what Max Weber termed an "ethic of responsibility"[29]: he accepts accountability for wrongs he did not personally commit, but which implicate France in both its historical trajectory and its future conduct. Parliament, by contrast, does not engage in recognizing France's culpability; rather, it designates foreign mass atrocities as genocides within the national symbolic and political framework.

---

28 Howard Becker, *Outsiders, Études de sociologie de la deviance* (Paris: Métailié, 2024 (1963, 1985)).

29 Max Weber, *Le Savant et le Politique* (Paris: Plon, 1959), 232.

To be sure, recognition by the states that perpetrated these crimes would restore dignity to victims with far greater symbolic force. Yet when the French assemblies recognize these genocides, they give concrete expression to the idea that the debt of justice born of genocide is universal, that genocide wounds humanity as a whole. Parliamentary recognition thus functions as an invitation for all states to acknowledge the same genocide, committing them to pursue forms of justice that, given the temporal distance of these events, can no longer be achieved through other means.

Conclusion

The long struggle that led to France's recognition of the Armenian Genocide opened an entirely new political space: the possibility and legitimacy of officially recognizing genocides perpetrated by other states. While the question of recognition is first and foremost a political one, as the Armenian case demonstrates, it is also intimately tied to questions of justice and moral responsibility. Recognition through a speech, a law, or a parliamentary resolution may not constitute a judicial decision, yet it nonetheless carries significant symbolic weight: it restores, at least in part, the dignity of victims by naming the crime they endured and acknowledging the historical truth suppressed or denied for decades.

Since 2001, France has recognized six additional genocides. These recognitions must be situated within a broader international moment in which an increasing number of states, across Europe, the Americas, and Australia, have become more willing to confront historical wrongs, including colonial violence, slavery, and ongoing genocidal practices. The French case is emblematic of this wider trend: the political and moral framework forged through the recognition of the Armenian Genocide has enabled subsequent recognitions and contributed to a broader global shift toward accountability, memory, and the formal acknowledgment of mass atrocities.

Annex

1. Recognition Projects and Official Recognitions

Date	Legislativ tools	Institution	Project leaders	Genocide	Result
Decembre 16, 1985	Bill	National Assembly	Guy Ducoloné French Communist Party	Recognition of the Armenian Genocide	
March 5, 1986	Bill	Senate	21 MPs of the French Communist Party	Recognition of the Armenian Genocide	Referral to the Committee on Constitutional Laws
August 10, 1988	Bill	Senate	16 MPs of the French Communist Party	Recognition of the Armenian Genocide	Referral to the Committee on Constitutional Laws
July 16, 1995	Speech	President		France's complicity in the genocide of the Jews	Official Ceremony
Novembre, 28 1997	Bill	Senate	16 MPs of the French Communist Party	Recognition of the Armenian Genocide	Referral to the Committee on Constitutional Laws
May 13, 1998	Bill	National Assembly	Didier Miguaud Socialist Party	Recognition of the Armenian Genocide	
May 29, 1998	Law	National Assembly	Proposal of May 13, 1998	Recognition of the Armenian Genocide	Proposal adopted, but not debated in the Senate
March 21, 2000	Bill	Senate	Communist and Socialist Senators	Recognition of the Armenian Genocide	Rejected
Novembre 7, 2000	Bill	Senate	All parties	Recognition of the Armenian Genocide	Adopted
January 18, 2001	Law	National Assembly	Senate Law of November 7, 2000	Recognition of the Armenian Genocide	Adopted

Date	Legislativ tools	Institution	Project leaders	Genocide	Result
January 29, 2001	Law 2001-70			Recognition of the Armenian Genocide	Promulgated
May 10, 2001	Bill	Senate	Serge Mathieu et Jean-Claude Carle UMP (right wing)	Recognition of the Cambodian Genocide	Referral to the Foreign Affairs Committee
May 10, 2001	Bill	Senate	Serge Mathieu et Jean-Claude Carle UMP	Recognition of the Holodomor	Referral to the Foreign Affairs Committee
January 15, 2004	Bill	National Assembly	Philippe Pemezec UMP	Criminalization of the denial of the Armenian Genocide	Referral to the Committee on Laws
June 8, 2004	Bill	National Assembly	83 Socialist MPs	Criminalization of the denial of the Armenian Genocide	Referral to the Committee on Laws
April 12, 2006	Bill	National Assembly	83 Socialist MPs	Criminalization of the denial of the Armenian Genocide	Referral to the Committee on Laws and the adopted
Aprils 26, 2006	Bill	National Assembly	Éric Raoult UMP	Criminalization of the denial of the Armenian Genocide	Referral to the Committee on Constitutional Laws
Octobre 12, 2006	Law	National Assembly	Proposal of April 12, 2006	Criminalization of the denial of the Armenian Genocide	Adopted
Novembre 30, 2006	Bill	National Assembly	Christian Vanneste UMP	Recognition of the Holodomor	Referral to the Foreign Affairs Committee

Date	Legislativ tools	Institution	Project leaders	Genocide	Result
February 15, 2007	Bill	National Assembly	22 Communist MPs	Recognition of the genocide of the Roma	Referral to the Foreign Affairs Committee
February 21, 2007	Bill	National Assembly	9 UMP MPs (Lionel Luca)	Recognition of the genocide of the Vendéens (French Revolution)	Referral to the Committee on Cultural Affairs
Octobre 9, 2007	Bill	National Assembly	Christian Vanneste UMP	Recognition of the Holodomor	Referral to the Foreign Affairs Committee
Novembre 7, 2007	Bill	National Assembly	7 UMP MPs (Included Lionel Luca)	Recognition of the genocide of the Vendéens (French Revolution)	Referral to the Committee on Cultural Affairs
May 15, 2008	Bill	Senate	23 Communist Senators	Recognition of the genocide of the Roma	Referral to the Foreign Affairs Committee
July 5, 2010	Bill	Senate	32 Socialist Senators PS	Criminalization of the denial of the Armenian Genocide	Referral to the Committee on Constitutional Laws
April 13, 2011	Bill	National Assembly	19 Communist MPs	Recognition of the genocide of the Roma	Referral to the Foreign Affairs Committee
May 11, 2011	Bill	National Assembly	Maxime Gremetz French Communist Party	Recognition of the genocide of the Roma	Referral to the Foreign Affairs Committee
Octobre 18, 2011	Bill	National Assembly	Valérie Boyer (UMP)	Criminalization of the denial of genocide	Referral to the Committee on Constitutional Laws

Date	Legislativ tools	Institution	Project leaders	Genocide	Result
Novembre 21, 2011	Bill	Senate	13 Socialist Senators	Criminalization of the denial of the Armenian Genocide	Referral to the Committee on Constitutional Laws
Decembre 22, 2011	Law	National Assembly	Proposal of Octobre 18, 2011	Criminalization of the denial of Genocide	Adopted
January 23, 2012	Law	Senate	National Assembly Law, Decembre 12, 2011	Criminalization of the denial of Genocide	Adopted
March 6, 2012	Bill	National Assembly	9 UMP MPs (Included Lionel Luca)	Recognition of the genocide of the Vendéens (French Revolution)	Referral to the Committee on Cultural Affairs
Octobre 19, 2012	Bill	National Assembly	10 Communists MPs	Recognition of the genocide of the Roma	Referral to the Committee on Constitutional Laws
January 16, 2013	Bill	National Assembly	9 UMP and National Front (Far right) MPs	Recognition of the genocide of the Vendéens (French Revolution)	Referral to the Committee on Cultural Affairs
Octobre 14, 2014	Bill	National Assembly	24 UMP MPs (Included Valérie Boyer)	Criminalization of the denial of Genocide	Referral to the Committee on Constitutional Laws
March 11, 2015	Bill	National Assembly	15 UMP MPs (Included Valérie Boyer)	Recognition of the Assyro-Chaldean genocide	Referral to the Committee on Constitutional Laws
January 19, 2016	Bill	National Assembly	Valérie Boyer UMP	Criminalization of the denial of genocide	Referral to the Committee on Constitutional Laws

Date	Legislativ tools	Institution	Project leaders	Genocide	Result
Octobre 29, 20016	Speech	President		Recognition of the genocide of the Roma	Official Ceremony
Novembre 14, 2016	Proposed resolution	Senate	71 UMP and Centre Senators	Recognition of the genocide in Iraq and Syria (ISIS)	
Decembre 6, 2016	Resolution	Senate	Proposal of Novembre 14, 2016	Recognition of the genocide in Iraq and Syria (ISIS)	Adopted
March 16, 2017	Proposed resolution	National Assembly	2 Socialists et Ecologists MPs	Recognition of the genocide in Rwanda	
February 7, 2018	Bill	National Assembly	2 RN MPs	Recognition of the genocide of the Vendéens (French Revolution)	Referral to the Committee on Cultural Affairs
July 18, 2018	Proposed resolution	National Assembly	3 Communists MPs	Recognition of the genocide of the Roma	
April 10, 2019	Bill	National Assembly	18 LR (former UMP, right wing) MPs	Recognition of the Assyro-Chaldean Genocide	Referral to the Foreign Affairs Committee
July 28, 2020	Bill	National Assembly	3 Presidential Majority MPs	Recognition of the genocide of Srebrenica, 1995	Referral to the Foreign Affairs Committee
Novembre 3, 2020	Bill	National Assembly	34 Presidential Majority, Center and LR MPs	Criminalization of the denial of the Armenian Genocide	Referral to the Committee on Constitutional Laws
March 9, 2021	Bill	National Assembly	20 LR MPs	Criminalization of the denial of the Armenian Genocide	Referral to the Committee on Constitutional Laws

Date	Legislativ tools	Institution	Project leaders	Genocide	Result
April 26, 2021	Bill	National Assembly	31 Presidential Majority and LR MPs	Criminalization of the denial of the Armenian Genocide	Referral to the Committee on Constitutional Laws
May 4, 2021	Bill	National Assembly	31 Presidential Majority and LR MPs	Criminalization of the denial of the Armenian Genocide	Referral to the Committee on Constitutional Laws
May 27, 2021	Speech	President		France's responsibility in the Rwandan Genocide	Official Ceremony
June 17, 2021	Proposed resolution	National Assembly	All Parties	Recognition of the Uyghur Genocide	
Octobre 19, 2021	Bill	National Assembly	15 Presidential Majority MPs	Recognition of the Assyro-Chaldean Genocide	Referral to the Foreign Affairs Committee
Octobre 5, 2021	Proposed resolution	National Assembly	14 Presidential Majority MPs	Recognition of the genocide of the Kurds in Iraq	Project withdrawn on October 21, 2021
Octobre 29, 2021	Proposed resolution	National Assembly	16 Presidential Majority MPs	Recognition of the genocide of the Kurds in Iraq	
Novembre 26, 2021	Resolution	National Assembly	Proposal of Octobre 29, 2021	Recognition of the genocide of the Kurds in Iraq	Not adopted
Novembre 26, 2021	Proposed resolution	National Assembly	All Parties	Recognition of the Uyghur Genocide	
Decembre 2, 2021	Proposed resolution	National Assembly	All Parties	Recognition of the Uyghur Genocide	

Date	Legislativ tools	Institution	Project leaders	Genocide	Result
January 20, 2022	Resolution	National Assembly	Proposal of du Decembre 2, 2021	Recognition of the Uyghur Genocide	Adopted
February 15, 2022	Proposed resolution	National Assembly	11 LFI MPs (left wing)	Recognition of the Rohingya Genocide	
February 22, 2022	Bill	Senate	22 LR Senators (Included Valérie Boyer)	Recognition of the Assyro-Chaldean Genocide	Referral to the Foreign Affairs Committee
Decembre 9, 2022	Proposed resolution	Senate	59 LR Senators	Recognition of the Holodomor	
January 6, 2023	Proposed resolution	Senate	77 LR Senators (Included Valérie Boyer)	Recognition of the Assyro-Chaldean genocide	
January 27, 2023	Proposed resolution	National Assembly	All Parties	Recognition of the Holodomor	
February 8, 2023	Resolution	Senate	Proposal of January 6, 2023	Recognition of the Assyro-Chaldean genocide	Adopted
February 9, 2023	Proposed resolution	National Assembly	All Parties	Recognition of the Assyro-Chaldean Genocide	
February 14, 2023	Bill	National Assembly	Raphaël Schellenber GER (LR)	Recognition of the Assyro-Chaldean Genocide	Referral to the Foreign Affairs Committee
March 28, 2023	Resolution	National Assembly	Proposal of January 27, 2023	Recognition of the Holodomor	Adopted
May 17, 2023	Resolution	Senate	Proposal of du Decembre 9, 2022	Recognition of the Holodomor	Adopted
July 19, 2023	Bill	Senate	Rachid Thémal (PS) et Valérie Boyer (LR)	Recognition of the Assyro-Chaldean Genocide	Referral to the Foreign Affairs Committee

Date	Legislativ tools	Institution	Project leaders	Genocide	Result
April 12, 2024	Proposed resolution	National Assembly	All Parties	Recognition of the Assyro-Chaldean Genocide	
April 17, 2024	Bill	Senate	Nathalie Goulet Union centrist	Recognition of the Yazidi Genocide	Referral to the Foreign Affairs Committee
April 29, 2024	Resolution	National Assembly	Proposal of April 12, 2024	Recognition of the Assyro-Chaldean Genocide	Adopted

2. Official Recognitions

Date	Type	Institution	Provenance	Genocide
July 16, 1995	Speech	President		France's complicity in the genocide of the Jews
January 29, 2001	Law 2001-70			Recognition of the Armenian Genocide
Octobre 29, 2016	Speech	President		Recognition of the genocide of the Roma
Decembre 6, 2016	Resolution	Senate	Proposal of November 14, 2016	Recognition of the genocide in Iraq and Syria (ISIS)
May 27, 2021	Speech	President		France's responsibility in the Rwandan genocide
January 20, 2022	Resolution	National Assembly	Proposal of Decembre 2, 2021	Recognition of the Uyghur genocide
February 8, 2023	Resolution	Senate	Proposal of January 6, 2023	Recognition of the Assyro-Chaldean genocide
March 28, 2023	Resolution	National Assembly	Proposal of January 27, 2023	Recognition of the Holodomor
May 17, 2023	Resolution	Senate	Proposal of December 9, 2022	Recognition of the Holodomor
April 29, 2024	Resolution	National Assembly	Proposal of April 12, 2024	Recognition of the Assyro-Chaldean genocide

Bibliography

Barkan, Elazar, and Alexander Karn, eds. *Taking Wrongs Seriously. Apologies and Reconciliation*. Stanford: Stanford University Press, 2006.

Becker, Howard. *Outsiders, Études de sociologie de la deviance*. Paris: Métailié, 2024.

Bentley, Tom. *Empires of Remorse. Narrative, Postcolonialism and Apologies for Colonial Atrocity*. London: Routledge, 2016.

Bessone, Magali. *Faire justice de l'irréparable. Esclavage colonial et responsabilités contemporaines*. Paris: Vrin, L'Esprit des lois, 2019.

Bloxham, Donald, and Dirk Moses, eds. *The Oxford Handbook of Genocide Studies*. Oxford: Oxford University Press, 2010.

Brooks, Roy L., ed. *When Sorry isn't Enough. The Controversy over Apologies and Reparations for Human Injustice*. New York: New York University Press, 1999.

Butler, Judith, Axel Honneth, and Amy Allen. *Recognition and ambivalence*. New York: Columbia University Press, 2021.

Cuypers, Daniel, Daniel Janssen, Jacques Haers, and Barbara Segaert. *Public Apology between Ritual and Regret. Symbolic Excuses on False Pretenses or True Reconciliation out Sincere Regret?* Amsterdam: Rodopi, 2013.

Dirk, Moses, A., ed. *Empire, Colony, Genocide: Conquest, Occupation, and Subaltern Resistance in World History*. New York: Berghahn Books, 2010.

Fraser, Nancy. *Qu'est-ce que la justice sociale?* Paris: La Découverte, Poche/Sciences Humaines et sociales, 2011.

Garapon, Antoine. *Peut-on réparer l'histoire? Colonisation, esclavage, Shoah*. Paris: Odile Jacob, 2006.

Gerstbauer, Loramy. *U.S. Foreign Policy and the Politics of Apology*. London: Routledge, 2017.

Hochmann, Thomas. "Les limites à la liberté de l'historien en France et en Allemagne." *Droit et société* 2 nos. 69-70 (2008): 527-548.

Honneth, Axel. *La lutte pour la reconnaissance*. Paris: Gallimard, 2013.

Honneth, Axel. *La reconnaissance. Histoire européenne d'une idée*. Paris: Gallimard, Essais, 2020.

Hourcade, Renaud. "La politique des excuses. Repentir officiel et gestion stratégique de la culpabilité dans un ancien port négrier (Liverpool)." *Ethnologie française* 50 (2020/1): 19-29.

Le crime de silence: le génocide des Arméniens. Paris: Flammarion, 1984.

Le Crom, Jean-Pierre. "Juger l'histoire." *Droit et Société* 38 (1998): 33-46.

Lemarchand, René, ed. *Forgotten Genocides. Oblivion, Denial, and Memory*. Philadelphia: University of Pennsylvania Press, 2011.

Rebérioux, Madeleine. "Les Arméniens, le juge et l'historien." *L'Histoire* 187 (1995), at https://www.lhistoire.fr/les-arm%C3%A9niens-le-juge-et-lhistorien.

Ricoeur, Paul. *Parcours de la reconnaissance. Trois études*. Paris: Stock, Les Essais, 2004.

Rousso, Henry, and Éric Conan. *Vichy, un passé qui ne passe pas*. Paris: Fayard, 1994.

Rousso, Henry. *Le syndrome de Vichy*. Paris: Éditions du Seuil, 1987.

Rushdy, Ashraf H. A. *A Guilted Age. Apologies for the Past*. Philadelphia: Temple University Press, 2015.

Sands, Philippe. *Retour à Lemberg*. Paris: Albin Michel, 2017.

Sémelin, Jacques. "Les excuses d'État en politique étrangère des crimes de masse." *Raison publique. La revue des humanités politiques*, https://raison-publique.fr/2494/.

Soula, Mathieu. "Faire justice aux passés irréparables. Reconnaissances, regrets, excuses et demande de pardon." In Bénédicte Girard, Étienne Muller, Delphine Porcheron (dir.), *Réparer les « crimes du passé»*, 137-146. Paris: Dalloz, "Thèmes et Commentaires, 2025.

Soula, Mathieu. "Regrets, excuses et pardons, les actes étatiques de reconnaissance." *Revue du droit public* 2 (2024): 57-63.

Thomas, Yan. "La vérité, le temps, le juge et l'historien." *Le Débat* 102, no. 5 (1998): 17-36.

Totten, Samuel, and Steven Leonard Jacobs, eds. *Pioneers of Genocide Studies.* New York: Routledge, 2002.

Whigham, Kerry. "From Holocaust Studies to Atrocity Prevention: Genocide Studies and the Growth of Transdisciplinary Activist Scholarship." *Social Research: An International Quarterly* 90, no. 4 (2023): 809-836.

About the Author

Mathieu Soula is a professor of Legal History at Paris Nanterre University. He is a member of the Centre for Legal History and Anthropology (CHAD) and a member of the Institut Universitaire de France (IUF). His current research projects focus on state recognition of genocide.

Email: mth.soula@gmail.com

WHEN ARMENIANS TAKE TO THE STREETS: THE 1979 MARCH FROM LYON AND THE STRUGGLE FOR GENOCIDE RECOGNITION IN FRANCE

Sophie-Zoé Toulajian
Le laboratoire de recherche historique Rhône-Alpes (LARHRA)

Abstract

This article examines how and why French Armenian activists mobilized around the recognition of the Armenian Genocide in late 1970s France. It suggests that Armenian street protests had a performative impact, consistently inserting the genocide issue into the French public sphere through a transnational repertoire of activism. These actions reflected overlapping identities, French, Armenian, diasporic, and global, and demonstrated how diasporic communities respond to both local and international events. By situating the Armenian case within the broader protest culture of the 1970s, the article highlights the value of using connected histories and multiple chronologies to understand diasporic political engagement.

Keywords: diaspora; Armenians; mobilization; genocide; march

This article was submitted on 10.07.2024 and accepted for publication on 05.05.2025.

How to cite: Sophie-Zoé Toulajian, "When Armenians Take to the Streets: The 1979 March from Lyon and the Struggle for Genocide Recognition in France," *International Journal of Armenian Genocide Studies* 10, no. 2 (2025): 125-141.

Introduction

Since the 1970s, decades after their displacement resulting from the 1915 genocide, Armenians have become increasingly active in the public articulation and political mobilization of the Armenian Genocide within their host societies. This activism has reflected global protest trends by focusing on two new fronts. First, after decolonization in the 1950s-1960s, the scope of protests became more limited and centered on human rights. Consequently, Armenians began to advocate for the recognition of the Armenian Genocide. Second, street activism became a prominent method for making demands visible, particularly in France. The first wave of Armenian migrants arrived in France in the 1920s, following the Armenian Genocide. Many first-generation survivors, born in the Ottoman Empire, remained within their own community, driven by a desire for cultural preservation and difficulties to integrate to the host society.[1] After World War II, the repatriation effort to Soviet Armenia (*nerkaght*) from 1946 to 1948 left many disillusioned with the rigid Communist system.[2] As a result, naturalized Armenian immigrants and their descendants began to view their new country as their permanent home. For many of these Armenians, the genocide was central to their experience and identity, and so was its mourning. That was true in the first decades that followed the events, but the second and third generations' mourning became more public.

The Armenian presence in the French public sphere has a long history, as illustrated by the funeral of Avedis Aharonian, an Armenian politician and intellectual, and a major public figure, in April 1948, which drew a massive gathering of Armenians following the coffin in Paris and Marseille.[3] However, the Armenian presence in the French public sphere became truly visible on April 24, 1965, the 50th anniversary of the genocide. On that day, Armenians rallied worldwide: 10,000 in Paris, 80,000 in Beirut, and 200,000 in Yerevan.[4]

By the 1970s, Armenian protests became more political, and street demonstrations became more systematic, massive, and politically engaged. These street demonstrations must be understood within international, national, and local contexts. The frame of reference of the Diasporic Armenians was global.[5] The 1970s were a protest decade worldwide. Then Armenian mobilizations were changing fast for a few reasons: the political awakening of the third generation, the armed resistance to Turkish denialism (1975–1985), and new waves of migration from Soviet Armenia and the war-torn

1 Anahide Ter Minassian, "Les Arméniens de France," *Les Temps modernes*, no. 504-505-506 (1988): 204.

2 Jo Laycock, "Armenian Homelands and Homecomings, 1945-1949: The Repatriation of Diaspora Armenians to the Soviet Union," *Cultural and Social History* 9, no. 1 (2012): 103. https://doi.org/10.2752/147800412X13191165983079.

3 Henri Verneuil, *Avédis Aharonian, dernier président arménien* (Bois d'Arcy: Centre National de la Cinématographie, Archives cinématographiques,1949): 30 minutes.

4 *Haratch,* 27 April, 1965; 2 May 1965.

5 Sebouh D. Aslanian, "The Marble of Armenian History: Or Armenian History as World History," *Études arméniennes contemporaines* 4 (2014): 137, https://doi.org/10.4000/eac.707.

Middle East, particularly Lebanon.[6] In France, mobilizations, in general, emerged independently from state institutions and political power but often intersected with other activist movements.[7] Social demands were putting pressure on an embattled right-of-center government, during the presidencies of Georges Pompidou and Valéry Giscard d'Estaing in particular, and were creating a volatile situation at a time of economic crisis. Mobilizations were more connected to specific groups with urban, highly-educated activists such as pacifist and regionalist movements. Armenians were integrated into French society, but they bore the legacy of an unrecognized genocide and a lost homeland, prompting them into political engagement. A new phase of Armenian mobilization began, where memory and mourning were transformed into a public and political issue. Armenian activists converted the emotional side of the Armenian Question. Lyon emerged as a critical site of activism.[8] Street demonstrations, especially on April 24, became a vital tactic in raising awareness and calling for justice. On 24 April 1976, activists staged a sit-in at the Turkish consulate, which led to numerous arrests.[9] These events helped catalyze a more sustained and visible Armenian movement in the public arena. Demonstrations encompassed a broad spectrum of actions – from traditional marches to hunger strikes and symbolic acts of occupation. One such moment was the 1979 march, from Lyon to Saint-Julien-en-Genevois, an event that crystallized the determination of the activists and contributed to publicizing the Armenian Question in the public space.

This article draws on my doctoral research, "When Armenians Take to the Streets: Fifteen Years of Activism Combining Heritages, Borrowings, and Reappropriations (Paris and Lyon / Early 1970s – Mid-1980s)." Inspired by Charles Tilly's work on repertoires of contention,[10] this article argues that street demonstrations were central to elevating the Armenian Question to national and international visibility.[11] I also stress the necessity of using connected history and multiple chronologies to study these protests because the identities of the activists were mixed: the host country–France; ancestral Armenia; and the wider Armenian diaspora. This analysis is based on interviews with activists, the Armenian press (*Haïastan, Haratch*) and untapped public records, including police and diplomatic documents. The first part explains why French Armenian activists positioned themselves on the matter of the recognition of the Genocide at the end of the 1970s. The second part aims to demonstrate how they focused on the Genocide and how the march played a role in it. The third part studies why it was effective in France, especially in Lyon.

---

6 Ara Sanjian, "Armenians in the Midst of Civil Wars: Lebanon and Syria Compared," *Massis Weekly* 35, no. 49 (2016): 2.

7 Lilian Mathieu, *Les années 1970: un âge d'or des luttes?* (Paris: Textuel, 2009), 11-16.

8 Sophie Toulajian, "Commémorer le génocide des Arméniens à Lyon en 1985. Emprunts et réappropriations d'une pratique protestataire," *20 et 21. Revue d'histoire* 150, no. 2 (2021): 33-34, https://doi.org/10.3917/vin.150.0033.

9 "*Nor Seround* de Saint-Étienne, '24 avril : pour qui ?,'" *Haïastan*, no. 371-372 (1976): 3.

10 Charles Tilly*, From Mobilisation to Revolution* (Reading, MA: Addison-Wesley, 1978), 1-10.

11 Charles Tilly, "Spaces of Contention," *Mobilization: An International Journal* 5, no. 2 (2000): 135, https://doi.org/10.17813/maiq.5.2.j6321h02n200h764.

The Recognition of the Armenian Genocide: A Question of Justice and Dignity

In 1945, following the conceptualization of the crime of genocide by the jurist Raphael Lemkin, Shavarsh Missakian used the Armenian term *tseghasbanoutioun* [genocide] in France, in an editorial for the Armenian-language daily *Haratch* [Forward],[12] replacing the earlier use of *Medz Yeghern* [great crime].[13] By 1948, the United Nations had adopted the Convention on the Prevention and Punishment of the Crime of Genocide, offering a potential legal framework, though political obstacles quickly emerged. At that time, two opposing Armenian political movements dominated the diaspora in France. They were divided over attitudes toward Soviet Armenia. The "Reds"–aligned with the French Communist Party–championed Soviet Armenia, as did the Armenian Democratic Liberal Party (ADL *Ramgavar*), while the Armenian Revolutionary Federation (ARF, the *Dashnaktsutyun* party), a transnational,[14] long-standing socialist and nationalist party,[15] active since the late 19th century in the Ottoman and Russian Empires,[16] had fought for an independent Armenian Republic (1918-1920) and opposed the Soviet system. After World War II, tensions ran high between the two political movements due to the Cold War and the question of repatriation. The ARF had become the leading Armenian party across the diaspora. In France, it was close to the French section of the Workers' International (SFIO), later the French Socialist Party (PS).

From 1965 onward, the ARF increasingly prioritized genocide recognition to put pressure on French and international public opinion.[17] The Genocide of the Armenians, they argued, was not just a national concern; it was a universal human rights issue, a matter of people deprived of their land and oppressed by empires, plus an unrecognized genocide.[18] Branching out of this, organizations like the Armenian National Committee of America (ANCA) in the United States[19] and the Comité de Défense de la Cause

12 It is interesting to note that this article was written and published in Armenian, but its title was in French: "Génocide". See Chavarch Missakian, "Génocide," *Haratch,* no. 4479, 9 December 1945, 1.

13 Vartan Matiossian, *The Politics of Naming the Armenian Genocide: Language, History, and "Medz Yeghern,"* (London and New York: IB Tauris, 2021), 2.

14 Khachig Tololyan, "Terrorism in Modern Armenian Political Culture," *Terrorism and Political Violence* 4, no. 2 (1992): 8-22, https://doi.org/10.1080/09546559208427146.

15 Ara Sanjian, "The ARF's First 120 Years: A Brief Review of Available Sources and Historiography," *The Armenian Review* 52, nos. 3-4 (2011): 1-16.

16 Houri Berberian, *Roving Revolutionaries: Armenians and the Connected Revolutions in the Russian, Iranian, and Ottoman Worlds* (Oakland, CA: University of California Press, 2019), 106-143.

17 Ara Krikorian, "La reconnaissance par la France du génocide des Arméniens," *Revue d'histoire de la Shoah*, no. 177-178 (2003): 447.

18 Ibid.

19 Julien Zarifian, "The Armenian American Lobby and Its Impact on U.S Foreign Policy," *Society* 51, no. 5 (2014): 506, https://doi.org/10.1007/s12115-014-9816-8. See also Gevorg Vardanyan, "Remembering Medz Yeghern: Armenian Genocide and Armenian Americans, 1890s–1965" (PhD diss., North Carolina State University, Raleigh, 2023).

arménienne (CDCA) in France were founded to reshape the diaspora's priorities. The CDCA had two defining characteristics: it was open to all Armenians – not just ARF members – and operated autonomously in determining its course of action.[20]

By the late 1970s, Armenian activism had become increasingly sophisticated. Legal and technical expertise were growing in importance, as was historical knowledge of the genocide itself.[21] Activists sought to de-singularize the Armenian Question, framing it not as an isolated event but as a paradigmatic example within a broader global narrative of dignity and injustice. Drawing on Luc Boltanski's sociological framework, activists "grow" the victims by connecting their story to the mainstream. The Armenian cause was "exemplary" because it belonged to a "series" of injustices.[22] The CDCA sought to update the Armenian Question, situating it within international human rights discourse and fighting Turkish denialist narratives.[23] This can also be explained by the rise of mass communication, which opened new fields for influence, with a "systematic use of propaganda for the Armenian cause."[24] Born and educated in France, the activists of the second and third migratory generations became experts in mobilization. They embraced a new form of militancy based on institutional knowledge,[25] strategic communication, and media outreach. They wrote articles in French, participated in meetings, such as the one in Paris on 6 June 1975 (3,500 attendees) and the one in Lyon on 25 January 1976, and cultivated relationships with politicians and journalists.[26] This evolution reflected a broader transformation in French activism at the time, marked by professionalization and agendas. Armenian activists positioned themselves as the "sole defenders of the Armenian cause"[27] and capitalized on the anniversary of the genocide. They delivered speeches on April 24, organized demonstration itineraries, forged links with French politicians, and engaged in lobbying. This more institutional approach corresponded to a transformation in militancy in France, which was more focused on sectoral demands. The activists wanted to make public opinion aware of their case, and the march was another means of street protest. In this context, in February 1979, they accordingly organized a march in Lyon. By taking to the streets, they honored the memory of the victims of the genocide and sought

20 Krikorian, "La reconnaissance par la France du génocide des Arméniens," 447.

21 Stephan Astourian, "Armenian Genocide Studies: Development as a Field, Historiographic Appraisal, and the Road Ahead," *Genocide Studies International* 15, no. 2 (2023): 101, https://doi.org/10.3138/GSI-2023-0001.

22 Luc Boltanski, Yann Darré and Marie-Ange Schiltz, "La dénonciation," *Actes de la recherche en sciences sociales* 51, no. 1 (1984): 22, https://doi.org/10.3406/arss.1984.2212.

23 Boris Adjemian and Julien Zarifian, "The International Recognition of the Armenian Genocide: History, Stakes, and Practices," *20 & 21. Revue d'histoire 158,* no. 2 (2023): 152, https://doi.org/10.3917/vin.158.0149.

24 Archives Nationales (AN). 20030072/1. Communautés et organisations (1970-1999), quatre études sur les Arméniens en France. Rapport des RG, avril 1983.

25 Daniel Mouchard, "Expertise," in *Dictionnaire des mouvements sociaux*, eds. Olivier Fillieule, Lilian Mathieu, and Cécile Péchu (Paris: Presses de Sciences Po, 2020), 258-263.

26 "Meeting du 25 janvier 1976 à Lyon," *Haïastan*, no. 67–68 (1976): 4–7.

27 AN, 20030072/5, *Commémorations annuelles de l'anniversaire du génocide des Arméniens*, Rapport de la Direction Centrale des Renseignements Généraux (DCRG), "Commémoration du 70e anniversaire du génocide le 24 avril," 25 April 1985.

to influence both the French state and international organizations, to make visible a long-silenced injustice and to harness public opinion to their cause.[28] They ushered in a new era of diasporic political engagement.

How French Armenian Activists Focused on the Genocide through the 1979 March?

A Performative Action

From the early 1970s onward, public demonstrations by Armenian activists in France stood on equal footing with diplomatic efforts and, later, with armed resistance. Such street actions – including the 1979 march – preceded and prepared the ground for lobbying efforts that would become central from the 1980s. They paved the way for it. These demonstrations had a powerful performative effect. They brought the Armenian Question into public space, understood here in its geographic, rather than symbolic sense, as put by Jurgen Habermas (i.e., not solely through media, public opinion, or political discourse).[29] This can be partly explained by the fact that these actions emerged across the diaspora and were part of a transnational repertoire, even if the forms of protest varied by country.[30] A classical street demonstration is a widely used means of protest, so its repetition represents a risk. In Lyon, the activist base was smaller than in Paris, so they needed a push for innovation and originality.

In 1973, the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities, was tasked with producing a report on prevention and punishment of the crime of genocide, known as the Ruhashyankiko Report. It identified the Armenian Genocide as the first genocide of the 20th century (paragraph thirty). The paragraph stated, "Passing to the modern era, one may note the existence of relatively full documentation dealing with the massacres of Armenians, which have been described as 'the first case of genocide in the twentieth century.'"[31] However, under pressure from Turkey, this paragraph was withdrawn in March 1974. Armenian activists did their utmost to see it republished. The report was scheduled for review in Geneva in March 1979.

Because the Human Rights Commission was headquartered in Geneva, the idea emerged through *Nor Seround* [New Generation], a dynamic young organization affiliated with the ARF and the CDCA, to stage a symbolic march tied to paragraph thirty of the aforementioned report, which was withdrawn under Turkish pressure. Thirty walkers

28 Axel Honneth, *La lutte pour la reconnaissance* (Paris: Gallimard, Coll. "Folio Essais", 2017), 98-99.

29 Luc Boltanski, Élisabeth Claverie, Nicolas Offenstadt, and Stéphane Van Damme, *Affaires, scandales et grandes causes: de Socrate à Pinochet* (Paris: Stock, 2007), 13.

30 Donatella Della Porta and Sidney Tarrow (eds.), *Transnational Protest and Global Activism* (Lanham, MD: Rowman & Littlefield, 2005), 2.

31 Julien Zarifian, *The United States and the Armenian Genocide: History, Memory, Politics* (New Brunswick, NJ: Rutgers University Press, 2024), 82.

would march thirty kilometers each day – from Lyon to Saint-Julien-en-Genevois, a French town close to Geneva – over five days, from 21 to 25 February 1979. The route passed through Meximieux, Pont-d'Ain, Nantua, Bellegarde, and finally Viry, where 1,500 additional walkers joined for the final leg of five kilometers. Participants came not only from France but also from England, Switzerland, and Italy. Unlike traditional demonstrations, which are often brief and require large numbers, a march lasts longer and relies on fewer but more committed participants. So the walkers covered 150 kilometers. Initially, they were met with suspicion; locals in Saint-Maurice de Beynost, a stop before Meximieux, alarmed by the banners, alerted the police, who checked IDs.[32] But reception soon improved: in Saint-Maurice, they were welcomed by a delegation from the Blue Cross and in other towns, sometimes by mayors. Participants slept in village halls, with logistics (accommodation and food) organized by the CDCA.[33]

A Political Action

Although the march might appear apolitical at first glance, three dimensions reveal its political weight. First, it was a moral act of protest, requiring significant logistical planning. It was made possible through the grassroots social network of the Armenian community. Participants were diverse in geography – the walkers came from various cities in the Rhône-Alpes region – age (from 10 to 55, but mostly around 20), and social background. Their cohesion contributed to the march's success. Second, the message centered on mourning, dignity, and remembrance, which sounds a far cry from politics. At least, the destination, Saint-Julien-en-Genevois, was not the seat of any diplomatic institutions and lay far from the political centers of Paris, and Geneva. There was internal debate among organizers and activists: some favored a more explicitly political endpoint, while others preferred neutrality. Mihran, a bank employee and CDCA member born in 1948 in Dijon, mentioned the respect toward France and the participants' hesitations about the final destination. He recalled:

> We staged a march from Lyon to Saint-Julien-en-Genevois. There have been debates between us, the most extremist elements – no, they were not extremists, but the most virulent ones – said, "why are you stopping in Saint-Julien-en-Genevois and why not go as far as Geneva?" That shows that we were not a bunch of hot heads: we said, "anyway we will be stopped at the border." But maybe that would have been the interesting part, to be stopped in Geneva. But at the time, we were 30 years old, we were young.[34]

32 Patrick Tchoboian, "Marche des Arméniens de Lyon à Saint-Julien-en Genevois," *Haïastan*, no. 401-402 (1979): 24-25.

33 *Haratch*, 23 February 1979.

34 Interview with Mirhan Amtablian, October 2017.

Marching invokes a language of pacifism and universal human rights; for Armenian activists, this symbolic appropriation became an act of civil disobedience reframed around the denial of the Genocide. The march reasserted the cause in a bold and highly visible manner. Interviews with participants further reveal how identity and political engagement became mutually reinforcing elements of diasporic activism.[35] Patrick, born in 1951 in Vienne (France), worked in footwear and was an ARF member. He emphasized the single-mindedness of the group, its sense of togetherness, and the organization of different actors. He remembered:

> What can we do to make a difference... And this idea of marching had been raised, [we said to ourselves] it can't be done, 150 kilometers is too long, we won't find anyone […]. Why stop us from doing this, since we want to do something to mobilize the Armenian community and draw attention! The idea came from *Nor Seround*, but all the logistics were handled by the CDCA. At the time, the MCA [Maison de la culture arménienne] played a role in the logistics; it is important […]. Those who took part in the march were grassroots activists, and others transformed it into a meeting [...]. It was a great atmosphere. It was the first time this type of event was staged [...]. There was everything in it: the five-day march, a strong militant act, the possibility of communicating over the long term.[36]

Finally, the march, while peaceful, was radical in its endurance and discipline. It demanded physical efforts – like climbing slopes – and participants suffered from blisters, fatigue, bad weather (cold, snow and wind) and moral resilience.[37] Marching requires perseverance.[38] And so, it was an opportunity to display their solidarity. At the beginning, walkers moved together; then, at other times, they stretched into smaller groups. But on arrival, they walked arm in arm, a gesture as symbolic as it was sincere.

Multiple Identities, Chronologies and the Politics of Protests

The 1979 march allowed Armenian activists to make mourning visible and to bring the memory of the genocide – long silenced – into public view. It struck a delicate yet resonant balance between ritual commemoration and political protest. The march gave voice to multiple and layered identities: French, Armenian, diasporic, and global.[39] As members of a global diaspora, Armenians were deeply influenced by the spirit of the 1970s, a decade

35 Julie Pagis, *Mai 68, un pavé dans leur histoire* (Paris: Presses de Science Po, 2014), 21.

36 Interview with Patrick Tchoboian, June 2019.

37 Tchoboian, "Marche des Arméniens de Lyon, " 24-25.

38 Michel Pigenet and Danielle Tartakowsky, "Les marches en France aux XIXe et XXe siècles: récurrence et métamorphose d'une démonstration collective," *Le mouvement social* 202, no. 1 (2003): 79, https://doi.org/10.2307/3780105.

39 William Safran, "Recent French Conceptualizations of Diaspora," *Diaspora: A Journal of Transnational Studies* 12, no. 3 (2003): 437-441, https://doi.org/10.1353/dsp.2011.0032.

steeped in protest and transnational solidarity. Their French identity expressed itself both in the decision to stage the march within national borders and in their use of the French language for placards, media outreach, and banners they carried articulated demands for justice and truth: "Justice for the Armenian people," or "The Turkey must recognize and condemn the Armenian Genocide," or "The UN in the pay of the great powers." The placards also read: "France with us at the UN," or "The UN must recognize the Armenian Genocide," or "March of the Armenians Lyon/Geneva." Marchers carried Armenian flags (red, blue, and orange) of the republic of 1918-1920, asserting both memory and identity, sang *Haratch Nahadag* [Onward, Martyr], the anthem of Armenian volunteer fighters, and of *Homenetmen,* a sports association affiliated with the ARF.

As members of a diaspora, scattered all around the world, Armenian activists were navigating and merging multiple chronologies. The very term "march" carries rich symbolic significance: in France, it recalls the revolutionary march of Parisian women to Versailles in 1789. Within Armenian diasporic memory, the march evoked the trauma of forced exile and the uprooting of a historically agrarian people – who, having fled the Ottoman Empire, were resettled largely in urban France. It conjured up images of forced exile. Symbolically, marchers were creating a territory of conquest. In India, Gandhi's Salt March challenged colonial authority; in the United States, the civil rights marches led by Martin Luther King in the 1960s defined the moral consciousness of a generation. In this way, the 1979 march became a symbolic act of rerouting – a re-appropriation of space and narrative. Locally in Lyon, it resonated with recent activism, such as the hunger strike staged by the ARF in February 1979, in support of dissident movements within Soviet Armenia, which lasted a couple of days and was non-violent. The march on its own didn't have much of an impact. It succeeded because it was part of a carefully orchestrated strategy of visibility. The walkers physically invested space by crossing through forty-six villages, marking each stop with action. The use of media and other actions put the march on the political agenda. First, the departure of the march outside the local FR3 TV station was deliberately staged to allow a revival of the Armenian Question.[40] Then, a press conference was organized, where the CDCA explained its motives.[41] At each stop, 10,000 brochures and flyers were distributed, and at the final meeting, 1,500 participants gathered to hear public motions. These motions were then sent to the UN in Geneva, French President Valéry Giscard d'Estaing, the French Ministry of Foreign-Affairs, and the UN Secretary-General, urging intervention in the upcoming vote on the Genocide report. The event was widely covered in both regional and national press, including *Libération* and *Le Figaro*.[42] As Robert Tchoboian, an ARF member and brother of marcher Patrick Tchoboian, born in 1946 in Vienne and who also worked in footwear, recalled:

> The march was within the framework of paragraph thirty, it concerned

40 Tchoboian, "Marche des Arméniens de Lyon," 24-25.

41 Ibid.

42 *Haratch*, 27 February 1979.

> everyone, in a way, it concerned the Armenian cause, in the sense that it was about the genocide, the recognition of the genocide [...]. It was something that raised a lot of awareness in the community. There, there was no difficulty – if you wanted it –, in being able to mobilize the community around it [...]. The march was to last a while, at least a week, if not more. So every day, at each stopping point, there was a reception by the local municipality, there were articles in the press, it was something we had wanted, like something that was going crescendo, which then ended at the Swiss border in Saint-Julien-en-Genevois.[43]

The march, paired with its media strategy, community outreach, and symbolic power, became a turning point in how the Armenian diaspora framed its past and asserted its demands. It channeled inherited grief into collective action and localized a global struggle for recognition.

The Role of Demonstrations and Grassroot Activism in Influencing French Political Spheres

The Particularities of Lyon

At the national scale, there is a history of France's strident criticism of Ottoman massacres since the end of the 19th century. The Armenian Question had long mobilized French intellectuals, including Jean Jaurès, who took a stand against the massacres of Armenians as early as 1896: "Les odieux massacres d'Arménie" [The Appalling Massacres in Armenia].[44] However, micro-analysis is essential to understand the impact of local activism – particularly in the Rhône-Alpes region. First, Lyon's proximity to Geneva, the seat of the United Nations, positioned it uniquely for transnational connections. This geographic advantage encouraged international involvement.[45] Also, one of the CDCA activists, Varoujan Attarian,[46] a physics researcher born in 1933, was a high-level public employee across the border in Geneva. Armenian migration to France in the 1920s initially settled in Marseille before moving to the Rhône Valley, to Lyon and other cities, then on to Paris. In Lyon, many Armenians would find employment in the silk industry, which fostered communal ties and continuity of traditions – conditions that strengthened the presence and influence of the ARF. By contrast, Armenian communities in Paris were

43 Interview with Robert Tchoboian, February 2019.

44 Vincent Duclert, *La France face au génocide des Arméniens* (Paris: Fayard, 2015), 146.

45 AN. 20030072/2. Situation des communautés arméniennes en France par implantation géographique, Communauté, Études régionales, Rhône-Alpes. Rapport des RG, C-69-H. E.ECJ/N° 40/ 2/BN: "Étude sur la communauté arménienne," 4 février 1983.

46 Varoujan Attarian, *Le génocide des Arméniens devant l'ONU* (Paris: Complexe, 1984), 59.

more fragmented by competing factions. Moreover, the Rhône-Alpes region also fostered cultural rootedness through symbolic infrastructure. Some cities had created houses of Armenian culture (Maison de la culture arménienne, mentioned by activist Patrick), spaces for intertwining memory, civic life, and political engagement. In Décines, for example, a town close to Lyon and home of a strong Armenian community, the 1972 naming of rue du 24 avril – April 24 street – a street commemorating the genocide, marked a significant moment in public recognition. Historian Boris Adjemian refers to this phenomenon as "Memorial Municipalism," the use of urban public space to inscribe collective identity and historical trauma.[47] The participants would interconnect their lives, their works, their relationships, Armenian places, like the church, and their activism. In return, these articulations determined specific configurations. Activists were rooted in the host society.[48]

The Connections between the ARF and the French Socialist Party

A second key factor in the impact of these demonstrations was the network of political alignments between ARF members and the French Socialist Party (PS), especially in cities with socialist mayors. The ARF, part of the Socialist International since 1907, is rooted in non-Marxist socialism emphasizing adaptability and pluralism. Its enduring influence across the diaspora stems from this ideological flexibility and its capacity to embody the expectations of all Armenians to resolve the Armenian Question. It allows activists to draw upon multiple political traditions while remaining centered on the Armenian cause. In France during the 1970s, 90% of Armenians (of the 103 activists whom interviewed) identified as socialists. This was not merely a result of ideological alignment but also of strategic affinity – France's socialist infrastructure provided fertile ground for advancing the Armenian cause. In Lebanon, for example, the ARF was more conservative. As for protest practices, they were left to the free choice of the sections. The socialism of the ARF is based on global, malleable values, that could be viewed as similar to those of the Socialist Party in France.[49] The French Socialist Party itself mirrored the ARF's capacity for ideological plasticity. As political scientists have noted, the Socialist Party often functioned as a "catch-all" party,[50] responsive to social transformation and capable of absorbing new actors and agendas. Both the ARF and PS emphasized values like social justice, worker emancipation, and humanism, principles that had been institutionalized in the short-lived Armenian republic of 1918–1920 through initiatives such as universal suffrage and the eight-hour workday.[51] The ideological axis of the French Socialist Party is

47 Boris Adjemian, *Les Petites Arménies de la vallée du Rhône* (Lyon: Éditions Lieux dits, 2020), 216.

48 Khachig Tololyan, "Restoring the Logic of the Sedentary to Diaspora Studies," in *Les Diasporas. 2000 ans d'histoire,* eds. Lisa Anteby-Yemini, William Berthomière, and Gabriel Sheffer (Rennes: PUR, 2005), 137.

49 Frédéric Sawicki, "Les socialistes," in *Histoire des gauches en France*, vol. 2, eds. Jean-Jacques Becker and Gilles Candar (Paris: La Découverte, 2004), 31.

50 Gilles Morin, "Les socialistes et la société française, réseaux et milieux (1905-1981)," *Vingtième Siècle. Revue d'histoire* 96, no. 4 (2007): 52-53.

51 Sawicki, "Les socialistes," 31.

not rigid, and its values lend themselves easily to reformulation, in line with the ARF.

Another feature shared by the Socialist Party and the ARF is that both had multiplied their networks to extend their sphere of influence and were marked by an ability to bounce back and be joined by new actors. These shared ideals enabled the formation of local alliances. Armenian activists collaborated closely with socialist mayors such as Louis Mermaz in Vienne (elected 1971) and Charles Hernu in Villeurbanne (elected 1977), both influential PS members and future ministers during the presidency of François Mitterrand. Roughly a third of interviewees were PS members based in Décines, Vienne, and Villeurbanne. The Socialists' regional victories in the 1977 municipal elections and the 1978 general elections further solidified this alliance.

These connections bore tangible political outcomes. Since 1978, Socialist officials routinely joined April 24 genocide commemorations in Lyon, delivering public speeches condemning Turkey's denial. In one notable example, Mayor Hernu, who would become Minister of Defense in 1981, declared in 1978 that international institutions had not yet condemned Turkey and that France should recognize the genocide.[52] That same year, Armenian activists were invited to participate in the Socialist Party Congress in Isère – alongside Greek and Chilean delegations. These alliances were essential, they granted the group respectability, which reassured the community, which became aware of its collective power and provided them with a dynamic image. Many second- and third-generation Armenians were French citizens, no longer seen as outsiders but as an emerging electoral bloc. Their integration into municipal political life gave them both voice and visibility.

A Political Group United by Its Leader

As a final point, the leader of a tight-knit ARF group in Lyon, Jules Mardirossian, a company manager and member of the ARF and the French Socialist Party, born in 1938 in Vienne, contributed to the dynamism of Lyon-based militance. Both internal and external sources agree: he was, according to a police report, a "prominent mouthpiece" of the party. "He oversaw various missions in Armenian associations and organizations in Lyon […]. He enjoyed undisputed authority in the community."[53] Vahé, an ARF member born in 1943 in Trevoux (a small town 25 kilometers north to Lyon), who participated in the final meeting of the 1979 march, described the group as "united by his leader."[54] The activist core, who took part in the final meeting, was socially cohesive and was bonded by deep internal links dating back to their student years in the late 1960s; many were members of the Union des étudiants arméniens d'Europe (UEAE). They intentionally

52 AN, 20030072/5, *Commémoration annuelle de l'anniversaire du génocide arménien du 24 avril 1915, anniversaire du génocide de 1978, Lyon*, Ministère de l'Intérieur, Direction générale de la police nationale, DCRG, "Informations générales et étrangers, commémoration du génocide du 24 avril 1915," April 25, 1978.

53 AN. 20030072/1. Communautés et organisations (1970-1999), notes sur la communauté arménienne en France (1970-1988). Fiche des RG, 1 July 1985.

54 Interview with Vahé Muradian, October 2017.

settled in the same neighborhood in different cities in the Rhône-Alpes region, reinforcing daily solidarity and proximity. They were highly integrated into French society and could negotiate easily with the local political elite. As Isabelle, a potter and ARF member, born in 1955 in Épinay-sur-Seine, recalled: "they could speak as equals with politicians."[55] Jules Mardirossian himself put it succinctly: "Nothing resisted us, we were so complementary."[56] Interview testimonies consistently highlighted this camaraderie: collegial decision-making, the joy of shared action, and the sense of purpose anchored in friendship. These trusted networks accounted for the success of the 1979 march and the longevity of Armenian activism in Lyon.

Conclusion

Though a single street protest rarely changes history, sustained and diversified activism sometimes does. The 1979 Lyon march sparked similar initiatives worldwide. On 24 April 1981, 130 *Nor Seround* activists organized a 200-kilometer march from Montreal to Ottawa, which culminated in clashes with police. In France, the famed 1983 *Marche contre le racisme* from Marseille to Paris also drew heavily from Lyon-based networks. And globally, mass demonstrations – like the 1989 Baltic human chain – signaled a broader era of performative, spatial protest.

On 16 March 1979, the question of reintroducing paragraph 30 was raised at the UN Human Rights Sub-Commission, and the session ended with a compromise, leaving hope for change. Two years later, in 1981, the Socialist Party in France won both the presidential and general elections, and all the above-mentioned mayors were promoted to top jobs in the government. This had the effect of boosting the effective lobbying of the ARF. On Saturday, 7 January 1984, during Armenian Christmas celebrated the day before, François Mitterrand, the French Socialist president, publicly used the "G word" in the French town of Vienne, home to an Armenian community, for the first time.[57] In August 1985, the UN Sub-Commission reinserted the term Armenian Genocide thanks to a new rapporteur, Benjamin Whitaker.[58] All this paved the way for the official recognition by the European Parliament in 1987 and the official recognition in France in 2001.

The 1979 march helped mainstream the Armenian Question, linking memory with protest and local space with international justice. It marked a pivotal moment in the transition from communal mourning to human rights discourse, reshaping not just the *chronology* but the *performative function* of diasporic mobilization. In the years that followed, the Armenian presence in the Rhône-Alpes region diversified. Activists of 1979 symbolically *"Armenized"* the landscape – transforming rural roads and urban

55 Interview with Isabelle Bédikian, January 2019.

56 Interview with Jules Mardirossian, August 2017.

57 *Arménia*, no. 81 (1984): 6-7.

58 "La première victoire des Arméniens à l'ONU," *Arménia*, no. 95 (1985): 6-8.

neighborhoods into sites of remembrance and resistance. By appropriating space at the local level, they catalyzed ripple effects across France and the global diaspora.

Patrick Tchoboian's photo, third or fourth day of the march

Patrick Tchoboian's photo, last day (just before the gathering at the Swiss border)

Bibliography

Adjemian, Boris. *Les Petites Arménies de la vallée du Rhône*. Lyon: Éditions Lieux dits, 2020.

Adjemian, Boris, and Julien Zarifian. "La reconnaissance internationale du génocide des Arméniens. Histoire, enjeux, pratiques." *20 et 21 Revue d'histoire*, no.158 (2023): 149-165.

Archives Nationales (AN). 20030072/1. Communautés et organisations (1970-1999), quatre études sur les Arméniens en France. Rapport des RG, avril 1983.

Archives Nationales (AN). 20030072/1. Communautés et organisations (1970-1999), notes sur la communauté arménienne en France (1970-1988). Fiche des RG, 1 July 1985.

Archives Nationales (AN). 20030072/5. *Commémorations annuelles de l'anniversaire du génocide des Arméniens.* Rapport de la Direction Centrale des Renseignements Généraux (DCRG). "Commémoration du 70e anniversaire du génocide le 24 avril." April 25, 1985.

Archives Nationales (AN). 20030072/2. Situation des communautés arméniennes en France par implantation géographique, Communauté, Études régionales, Rhône-Alpes. Rapport des RG, C-69-H. E.ECJ/N° 40/ 2/BN: "Étude sur la communauté arménienne," 4 février 1983.

Arménia, no. 81 (1984): 6-7.

Aslanian, Sebouh D. "The Marble of Armenian History: Or Armenian History as World History." *Études arméniennes contemporaines* 4 (2014): 129–142. https://doi.org/10.4000/eac.707.

Astourian, Stephan. "Armenian Genocide Studies: Development as a Field, Historiographic Appraisal, and The Road Ahead." *Genocide Studies International* 15, no. 2 (2021): 99-120.

Attarian, Varoujan. *Le génocide des Arméniens devant l'ONU*. Paris: Complexe, 1984.

Berberian, Houri. *Roving Revolutionaries. Armenians and the Connected Revolutions in the Russian, Iranian, and Ottoman Worlds*. Oakland, CA: University of California Press, 2019.

Boltanski, Luc, Yann Darré, and Marie-Ange Schiltz. "La dénonciation." *Actes de la recherche en sciences sociales* 51, no. 1(1984): 3- 40.

Boltanski, Luc, Élisabeth Claverie, Nicolas Offenstadt, and Stéphane Van Damme. *Affaires, scandales et grandes causes: de Socrate à Pinochet*. Paris: Stock, Coll. "Les Essais," 2007.

Della Porta, Donatella, and Sidney Tarrow, eds. *Transnational Protest and Global Activism*. Lanham, MD: Rowman & Littlefield, 2005.

Duclert, Vincent. *La France face au génocide des Arméniens*. Paris: Fayard, 2015.

Honneth, Axel. *La lutte pour la reconnaissance*. Paris: Gallimard, Coll. "Folio Essais," 2017.

Hovanissian, Richard G. *The Republic of Armenia*. Vol. 1-4. Berkeley: University of California Press, 1971-1996.

Interview with Jules Mardirossian, August 2017.

Interview with Mirhan Amtablian, October 2017.

Interview with Vahé Muradian, October 2017.

Interview with Isabelle Bédikian, January 2019.

Krikorian, Ara. "La reconnaissance par la France du génocide des Arméniens." *Revue d'histoire de la Shoah*, no. 177-178 (2003): 445-460.

Laycock, Jo. "Armenian Homelands and Homecomings, 1945-9: The Repatriation of Diaspora Armenians to the Soviet Union." *Cultural and Social History* 9, no. 1 (2012): 103-123.

Laycock, Jo. "Survivor or Soviet Stories? Repatriate Narratives in Armenian Histories, Memories and Identities." *History and Memory* 28, no. 2 (2016): 123-151.

"La première victoire des Arméniens à l'ONU", *Arménia*, no. 95 (1985): 6-8.

Mathieu, Lilian. *Les années 1970: un âge d'or des luttes?* Paris: Textuel, 2009.

Matiossian, Vartan. *The Politics of Naming the Armenian Genocide: Language, History, and "Medz Yeghern"*: London and New York: I. B. Tauris, 2021.

Missakian, Chavarch. "Génocide." *Haratch,* no. 4479, 9 December 1945, 1.

Morin, Gilles. "Les socialistes et la société française, réseaux et milieux (1905-1981)." *Vingtième Siècle. Revue d'histoire*, no. 96 (2007): 47-62.

Mouchard, Daniel. "Expertise." In *Dictionnaire des mouvements sociaux*, edited by Olivier Fillieule, Lilian Mathieu and Cécile Péchu. Paris: Presses de Sciences Po, 2020.

Pagis, Julie. *Mai 68, un pavé dans leur histoire*. Paris: Presses de Science Po, 2014.

Pigenet, Michel, and Danielle Tartakowsky. "Les Marches en France au XIX^{e} et XX^{e} siècle: récurrence et métamorphose d'une démonstration collective." *Le Mouvement social*, no. 202 (2003): 69-94.

Safran, William. "Recent french conceptualizations of diasporas." *Diaspora. A Journal of Transational Studies* 12, no. 3 (2003): 437-441.

Sanjian, Ara. "The ARF's First 120 Years. A Brief Review of Available Sources and Historiography." *The Armenian Review* 52, no. 3-4 (2011): 1-16.

Sanjian, Ara. "Armenians in the Midst of Civil Wars: Lebanon and Syria Compared." *Massis Weekly* 35, no. 49 (2016)" 1-7.

Samuelian, Hrant. *Mémorandum*. *Le problème arménien. Nécessité d'un règlement*. Beyrouth, 1965.

Sawicki, Frédéric. "Les socialistes." In *Histoire des gauches en France*, T. 2, edited by Jean-Jacques Becker and Gilles Candar. Paris: La Découverte, 2004.

Tilly, Charles. *From Mobilisation to Revolution.* Reading, MA: Addison-Wesley, 1978.

Tilly, Charles. "Spaces of Contention." *Mobilization: An International Journal* 5, no. 2 (2000): 135-59.

Ter Minassian, Anahide. "Les Arméniens de France." *Les Temps modernes,* no. 504-505-506 (1988): 189-234.

Tchoboian, Patrick. "Marche des Arméniens de Lyon à Saint-Julien-en Genevois." *Haïastan*, no. 401-402 (1979), 24-25.

Toulajian, Sophie. "Commémorer le genocide des Arméniens à Lyon en 1985, Emprunts et réappropriations d'une pratique protestataire." *20 et 21. Revue d'histoire*, no. 150 (2021): 33-47.

Tololyan, Khachig. Terrorism in Modern Armenian Political Culture." *Terrorism and Political Violence* 4, no. 2 (1992): 8-22.

Tololyan, Khachig. "Restoring the Logic of the Sedentary to Diaspora Studies." In *Les Diasporas. 2000 ans d'histoire,* edited by Lisa Anteby-Yemini, William Berthomière and Gabriel Sheffer. Rennes: PUR, 2005.

Vardanyan, Gevorg. "Remembering Medz Yeghern: Armenian Genocide and Armenian Americans, 1890s–1965." PhD diss., North Carolina State University, Raleigh, 2023.

Verneuil, Henri. "Avédis Aharonian, dernier président arménien." CNC. Archives cinématographiques de Bois d'Arcy. 1949. 30 minutes.

Zarifian, Julien. "The Armenian American Lobby and Its Impact on U.S Foreign Policy." *Society* 51, no. 5 (2014): 503-512.

Zarifian, Julien. *The United States and the Armenian Genocide: History, Memory, Politics*. New Brunswick, NJ: Rutgers University Press, 2024.

About the Author

Dr. Sophie-Zoé Toulajian holds a PhD in History and is affiliated with the French History Research Laboratory (LARHRA), where she teaches in High School Preparation Classes (CPGE). Her doctoral thesis examines Armenian mobilizations in the French public sphere, specifically in Paris and Lyon during the 1970s, aimed at raising awareness of the Armenian Question. The thesis is titled "When Armenians Take to the Streets: Fifteen Years of Activism Combining Heritages, Borrowings, and Reappropriations (Paris and Lyon / Early 1970s – Mid-1980s)."

Email: sophie.toulajian@orange.fr

About the Journal

The International Journal of Armenian Genocide Studies (IJAGS) is an international, peer-reviewed journal publishing high-quality, original research.

IJAGS only publishes manuscripts in English.

IJAGS accepts only the original articles.

IJAGS considers all manuscripts on the strict condition that

1. the manuscript is your own original work, and does not duplicate any other previously published work, including your own previously published work;
2. the manuscript has been submitted only to IJAGS; it is not under consideration or peer review or accepted for publication or in press or published elsewhere.

Peer Review

All articles undergo rigorous peer review, based on initial editor screening and double-blind peer review by anonymous expert referees. Book reviews are assessed by the journal's Book review editor.

Preparing Your Paper

Structure

Your paper should be compiled in the following order: title page; abstract; keywords; introduction, main texts (materials and methods, results, discussion); conclusion; acknowledgments; appendices (as appropriate); table(s) with caption(s) (on individual pages); figures; figure captions (as a list).
Please supply a short biographical note for each author (no more than 200 words).

Word Count

A typical paper for this journal should be between 6,000 and 12,000 words.
Book reviews should be between 2,000-4,000 words.

Style Guidelines

Authors should submit their manuscripts as an e-mail attachments (MS Word format is preferred) to handes@genocide-musuem.am.

Manuscripts should follow the *Chicago Manual of Style*, 17th edition.
It is the responsibility of the author to obtain written permission (including payment of fees) to reprint or reproduce any material (including text, charts, tables, photographs, illustrations, etc.) that is under copyright, and to supply such permissions with the manuscript.

Punctuation

Please use double quotation marks, except where "a quotation is 'within' a quotation." Place full stops and commas inside the quotation marks. Please note that long quotations should be indented without quotation marks as a separate insertion. Use italics for titles of books, newspapers, journals and pamphlets, as well as for non-English words.

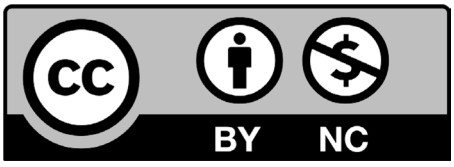
Numbers

Up to ninety-nine in words, 100 upwards in numerals.
Eleven per cent in text, 11% in tables and figures.
7,000; 41,000.

Dates

24 April 1915
1920s
20th century

Copyright



Cover design by Kristine Vardanyan
Layout by Arax Aleksanyan

Printed by