International Relations · GS - II

The Rohingya genocide proceedings before the International Court of Justice highlight the role of international law in protecting vulnerable populations and ensuring State accountability. Examine the significance and limitations of international judicial mechanisms in addressing genocide.

EXAM YEAR	PAPER	SUBJECT
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MARKS	WORD LIMIT
15	~250 words

Answer Hint

Genocide Convention 1948, Article IX, International Court of Justice, State responsibility, erga omnes partes obligations, provisional measures, enforcement challenges, sovereignty, Rohingya displacement, international accountability

Model Answer

Introduction

The proceedings initiated by The Gambia against Myanmar before the International Court of Justice (ICJ) in 2019 represent an important application of the Genocide Convention, 1948, to allegations of atrocities against the Rohingya population.

Significance of International Judicial Mechanisms

1. **State accountability:** The ICJ can determine whether a State has violated its obligations under the Genocide Convention.

2. **Protection of vulnerable groups:** Provisional measures can require States to prevent prohibited acts and preserve evidence while proceedings continue.
3. **International legal obligations:** The case demonstrates that obligations under the Genocide Convention are not merely bilateral but concern all contracting parties.
4. **Documentation and deterrence:** Judicial proceedings can establish an authoritative legal record and strengthen international scrutiny.
5. **Refugee protection:** The case draws attention to the humanitarian consequences of mass displacement, particularly for Rohingya refugees in Bangladesh.

Limitations

- The ICJ depends substantially on State cooperation for implementation of its judgments.
- It cannot directly prosecute individual perpetrators.
- Political divisions within the UN Security Council can complicate enforcement.
- Lengthy judicial proceedings may delay immediate justice for affected communities.

Way Forward

International cooperation, evidence preservation, humanitarian assistance and complementary criminal accountability mechanisms are essential. States should strengthen compliance with international humanitarian and human rights obligations.

Conclusion

The ICJ provides an important legal avenue for holding States accountable, but effective prevention of genocide requires political commitment, enforcement cooperation and protection of affected populations.

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