International Relations · GS - II

The ICJ's proceedings under the Genocide Convention highlight the role of international law in addressing mass atrocities. Examine the significance and limitations of international judicial mechanisms in ensuring accountability and facilitating the safe return of displaced populations, with reference to the Rohingya crisis.

EXAM YEAR	PAPER	SUBJECT
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MARKS	WORD LIMIT
15	~250 words

Answer Hint

Genocide Convention 1948, ICJ jurisdiction, State responsibility, erga omnes partes obligations, provisional measures, ICC distinction, non-refoulement, citizenship rights, safe and voluntary repatriation, UNHCR, Security Council enforcement, sovereignty and geopolitical constraints.

Model Answer

Introduction

The Rohingya crisis, involving the displacement of over a million people into Bangladesh, illustrates the challenges of protecting vulnerable populations and enforcing international law. The ICJ proceedings against Myanmar under the Genocide Convention provide an important avenue for State accountability.

Significance of International Judicial Mechanisms

- **Legal accountability:** The ICJ can determine whether a State has violated its obligations under the Genocide Convention and establish international responsibility.
- **Preventive obligations:** Provisional measures can require States to prevent genocidal acts and preserve evidence while proceedings continue.
- **International pressure:** Judicial proceedings increase diplomatic scrutiny and reinforce the prohibition of genocide as a fundamental norm of international law.
- **Protection of rights:** International legal standards support demands for security, citizenship, dignity and protection against persecution.

Limitations

- **Enforcement deficit:** Under Article 94 of the UN Charter, non-compliance with ICJ judgments may be referred to the Security Council, where geopolitical interests and veto powers can constrain enforcement.
- **Jurisdictional limits:** The ICJ addresses State responsibility, whereas individual criminal liability requires separate criminal proceedings.
- **Political obstacles:** Myanmar's internal political situation and regional strategic interests complicate implementation.
- **Repatriation challenges:** A judicial ruling alone cannot ensure safe conditions, citizenship rights or voluntary return.

Way Forward

Repatriation must be voluntary, safe, dignified and sustainable. Bangladesh, Myanmar, UNHCR and other stakeholders should work towards citizenship guarantees, security arrangements, independent monitoring and accountability.

Conclusion

International courts provide essential legal accountability, but durable justice requires political cooperation and effective implementation. The Rohingya must be able to return to Myanmar with equal rights, dignity and security.