International Relations · GS - II

The ICJ judgment in The Gambia v. Myanmar marks an important development in international accountability for genocide. Analyse its significance and the challenges in enforcing international judicial decisions.

EXAM YEAR	PAPER	SUBJECT
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MARKS	WORD LIMIT
15	~250 words

Answer Hint

Genocide Convention 1948, State responsibility, Article IX, Rohingya crisis, ICJ jurisdiction, binding judgments, enforcement limitations, international cooperation

Model Answer

Introduction

On 19 November 2026, the International Court of Justice found Myanmar responsible for genocide against the Rohingya during the 2017 clearance operations. The judgment represents a significant development in the enforcement of international humanitarian and human rights obligations.

Significance of the Judgment

1. **State accountability:** It establishes that States can be held internationally responsible for violating the Genocide Convention, reinforcing the principle that sovereignty does not provide immunity from international obligations.
2. **Convention enforcement:** The case demonstrates the importance of Article IX, which enables disputes concerning interpretation, application or fulfilment of the Genocide Convention to be brought before the ICJ.

3. **Victim recognition:** The judgment recognises the suffering of the Rohingya and provides a legal basis for restitution, compensation and safe, voluntary and dignified return.
4. **Preventive responsibility:** It reinforces the obligation of States to prevent genocide and punish those responsible.
5. **International precedent:** It strengthens the normative framework for addressing mass atrocities and encourages greater international scrutiny.

Challenges in Implementation

1. **Limited enforcement capacity:** The ICJ lacks an independent enforcement mechanism and depends substantially on State compliance.
2. **Political considerations:** Geopolitical interests may weaken collective pressure for implementation.
3. **Individual accountability:** Establishing State responsibility does not automatically convict individual perpetrators.
4. **Humanitarian obstacles:** Continuing insecurity and political instability can obstruct refugee repatriation.

Way Forward

1. Strengthen international cooperation and monitoring of compliance.
2. Support independent investigations and accountability mechanisms.
3. Ensure safe and voluntary repatriation with guarantees of citizenship rights and security.
4. Provide adequate humanitarian assistance and reparations to victims.

Conclusion

The judgment strengthens international law by affirming State responsibility for genocide. However, its transformative impact will depend on effective implementation, international cooperation and meaningful justice for survivors.

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