Article

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ICJ Ruling on Myanmar: What Must Be Understood?

On November 19, 2026, the International Court of Justice (ICJ) delivered a historic decision, holding that Myanmar was responsible for committing genocide against the Rohingya, failing to prevent and punish the perpetrators, and failing to fulfil its obligations under the 1948 Genocide Convention. Furthermore, the Court ordered remedial measures, including the prosecution of perpetrators, the safe return of Rohingya refugees, the restitution of their properties, compensation, and guarantees that such atrocities will not recur.

There is no doubt that many Muslims, especially the Rohingya themselves, are rightfully pleased with this decision. It began with The Gambia's initiative to file a genocide case against Myanmar in November 2019 under the aforementioned convention, ultimately resulting in an unprecedented legal victory.

The critical question, however, is how far the Myanmar regime will abide by this decision, and to what extent it will guarantee the safety of the Rohingya and the restitution of their properties should they return to their homeland.

While the ICJ's verdict may appear just and protective of Rohingya Muslims, the reality is that the absence of an enforcement mechanism in international law, coupled with the influence and strategic interests of major powers, perpetually casts doubt on the capability of any international body – including the ICJ – to deliver genuine justice to oppressed populations, particularly Muslims.

Should Myanmar refuse to comply with the ICJ's ruling – which is highly probable – no concrete action can be taken, as there is no "world police" capable of enforcing international laws or judicial verdicts. Compliance remains merely a moral obligation.

The most The Gambia can do is refer the matter to the UN Security Council to exert political pressure on Myanmar. Herein lies another obstacle: any permanent member holding veto power whose strategic interests align with the non-compliant state can simply exercise its veto to block punitive measures.

This is precisely what transpired when South Africa brought a case against 'Israel' before the ICJ. Although the Court issued several provisional measures – including ordering 'Israel' to take all measures within its power to prevent the killing and harming of the people of Gaza – 'Israel' blatantly disregarded the Court's orders and continued to receive backing from the United States to persist in its massacre and bombardment of Gaza. Ultimately, South Africa could take no direct enforcement action despite being the prevailing party.

Therefore, there is not the slightest guarantee – even if the Myanmar regime were to permit Rohingya Muslims to return – that they would be safe or have all their rights restored. It is entirely plausible that Rohingya Muslims would face renewed violence and oppression as before, given that the Myanmar regime shares a similar hostility toward Islam as the 'Israeli' regime.

Every Muslim must understand that the central issue is not merely the issuance of a seemingly just court verdict, but rather who holds the power to ensure its

implementation. This exposes the fundamental flaw of what is termed "international justice": it possesses no enforcement mechanism and remains subservient to the strategic interests of major powers.

Another fundamental question is why and how, in the first place, the fate of Rohingya Muslims had to be entrusted to a Kufr (disbelieving) body such as the ICJ, when more than 50 Muslim-majority countries exist with their own military strength – capabilities more than sufficient to deter Myanmar, and rescue Rohingya Muslims from oppression and massacre.

It is evident that this predicament exposes the betrayal and failure of the rulers of the Muslims fulfil their duty of protecting their oppressed brothers and sisters. They actually lack the political will – not the capability – to resolve the Rohingya issue, much like the issue of Palestine.

A further issue lies in the treatment of Rohingya refugees, as well as the diplomatic ties maintained by Muslim-majority countries with the Myanmar regime. Rohingya Muslims are frequently denied basic humanitarian rights in the countries where they seek refuge – such as Bangladesh, Indonesia, and Malaysia – let alone afforded the rights due to fellow Muslims.

The rulers of the Muslims often adopt measures that contravene Islamic principles when confronting the Rohingya issue. The Prime Minister of Malaysia, for example, warmly welcomed Myanmar's President, Min Aung Hlaing, on October 8, 2026, despite having full knowledge of the atrocities committed against the Rohingya. This contradicts what Allah (swt) has forbidden – namely, maintaining cordial relations with those who are hostile toward Islam. He (swt) states: ﴿إِنَّمَا يَنْهَىٰكُمُ ٱللَّهُ عَنِ ٱلَّذِينَ قَٰتَلُوكُمْ فِى ٱلدِّينِ وَأَخْرَجُوكُم مِّن دِيَٰرِكُمْ وَظَٰهَرُوا۟ عَلَىٰٓ إِخْرَاجِكُمْ أَن تَوَلَّوْهُمْ ۚ وَمَن يَتَوَلَّهُمْ فَأُو۟لَٰٓئِكَ هُمُ ٱلظَّٰلِمُونَ﴾ **"Allah only forbids you from befriending those who have fought against you on account of religion, driven you out of your homes, and abetted in your expulsion. And whoever befriends them – it is they who are the wrongdoers."** [Al-Mumtahanah (60): 9].

Muslims must neither pin their hopes on, nor surrender solutions to, international institutions such as the ICJ that do not judge by the laws of Allah (swt). It is obligatory upon the rulers of the Muslims worldwide to protect oppressed Muslims, alongside the obligation to wage Jihad fi Sabilillah (fighting in the cause of Allah) as commanded by Him (swt) against nations that wage war against Muslims.

True justice will never be achieved through international systems or bodies, particularly those dominated by major powers. Every Muslim must strive for the re-establishment of the Khilafah (Caliphate) as a governing institution that implements the laws of Allah (swt) and serves as a shield protecting the Muslim Ummah from oppression – whether in Myanmar, Palestine, Xinjiang, Kashmir, or elsewhere.

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