THE ROHINGYA GENOCIDE CASE (THE GAMBIA V MYANMAR): BREACH OF OBLIGATIONS ERGA OMNES PARTES AND THE ISSUE OF STANDING

By: Hamid, AG (Hamid, Abdul Gafur)
IIUM LAW JOURNAL
Volume: 29 Issue: 1 Page: 29-54
DOI: 10.31436/iiumlj.v29i1.630
Published: 2021
Document Type: Article
Abstract

Court, however, do not elaborate more on the concept and are not touch on its details. Since this case had attracted so much international attention, the concept has become a trending topic for legal discourse. This article, therefore, is an attempt to resolve the issues of whether the concept of obligations erga omnes partes has been established as a rule of customary international law and whether such an obligation may arise from any type of multilateral treaty and any provision in a multilateral treaty. To this end, the article analyses the jurisprudence of the International Court of Justice (ICJ), the case law of international human rights courts and the work and the valuable commentary of the International Law Commission on Article 48 of the Articles on the Responsibility of States for Internationally Wrongful Act 2001. The article concludes that the concept of obligations erga omnes partes has been established as a rule of customary international law, that it may arise from any type of multilateral treaty and that it is applicable only in relation to the provision of a treaty that is essential to the accomplishment of object and purpose of the treaty.

Keywords
Author Keywords: obligations erga omnes partes; Rohingya genocide case; interim measures of protection; standing before courts

Author Information
Corresponding Address: Hamid, Abdul Gafur(corresponding author)
Int Islamic Univ Malaysia, Dept Civil Law, Ahmad Ibrahim Kuliyyah Laws, Selangor, Malaysia

Citation Network
In Web of Science Core Collection
0 Citations
Create citation alert

Cited References
43

Shipping between India and China: Shipping through the Great Belt
JOURNAL OF LEGAL AFFAIRS AND DISPUTE RESOLUTION IN ENGINEERING AND CONSTRUCTION
Amann, DM;
Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965
AMERICAN JOURNAL OF INTERNATIONAL LAW
Zhu, LJ;
Chinese Practice in Public International Law: 2010
CHINESE JOURNAL OF INTERNATIONAL LAW
Kammerhofer, J; de Hoogh, A;
All things to all people? The international court of justice and its commentators
EUROPEAN JOURNAL OF INTERNATIONAL LAW
Alvareza-jiménez, A;
Boundary Agreements in the International Court of Justice’s Case Law, 2000-2010
EUROPEAN JOURNAL OF INTERNATIONAL LAW
See all

1/6
Int Islamic Univ Malaysia, Dept Civil Law, Ahmad Ibrahim Kuliyyah, Laws, Selangor, Malaysia

E-mail Addresses: ghafr@iium.edu.my

Categories/Classification

Research Areas: Government & Law

Document Information

Language: English

Accession Number: WOS:00068653000002

ISSN: 0128-2530
eISSN: 2289-7852

Other Information

IDS Number: TCSBH

Use in Web of Science

Web of Science Usage Count

1

Last 180 Days

Since 2013

Learn more

This record is from:

Web of Science Core Collection

- Emerging Sources Citation Index (ESCI)

Suggest a correction

If you would like to improve the quality of the data in this record, please Suggest a correction

43 Cited References

Showing 30 of 43

View as set of results

(from Web of Science Core Collection)