

The Quiet Audience: U.S. Responsibility to Call for an International Investigation into Crimes against Muslims in Burma Rachel Wagley Emory International Law Review, vol. 28

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This Article establishes that the doctrine of the Responsibility to Protect is directly applicable to Burma's Muslim crisis, as institutionalized discrimination and violence against Muslims have created a unique breach of justice in Burma. Part I maintains that the most operational solution to that breach of justice—given the continuation of mass atrocity crimes against Muslims, and the Burmese government's deliberate withholding of justice and accountability for victims and perpetrators of violence—is to implement an international system of justice based on the duty articulated in the doctrine of the Responsibility to Protect. The first step in implementing this system of justice is to establish a UN-sponsored independent investigation into anti-Muslim violence.

Part II examines the U.S. government's unwillingness to call for an international investigation through the lens of U.S. engagement policy with Burma. In light of this policy, U.S. efforts to address anti-Muslim violence have been of secondary importance and accordingly ineffectual at encouraging the Burmese government to address the Muslim crisis. This undermines the U.S.'s own policy goal to support a stable, democratic Burma that can sustain long-term, profitable diplomatic and financial engagement.

The proper course of action is thus to promptly push the UN to establish an investigation into anti-Muslim violence in order to protect victims and establish an expectation of rights-respecting policy and ethno-religious equality in Burma. National reconciliation necessitates the deconstruction of institutionalized ethno-religious nationalism and violence, which destroy national confidence in Burma's reform process and defy attempts to strengthen discourse on justice and transitional issues in Burma. I conclude that it is ultimately in the strategic interests of the U.S. to promote the formation of a reconciled Burmese state that respects all people, regardless of their heritage.

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