

Commentary by Zoya Phan
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People talk a lot about changes happening in my country. There are many welcome developments. Hundreds of political prisoners have been freed, some freedom of speech is now being tolerated, and there is more media freedom.

Some of the unfair electoral laws have been reformed to allow the National League for Democracy (NLD) to register as a political party and take part in by-elections. Although the run up to the by-elections hasn't been a free and fair process, there are hopes that a combination of the overwhelming support for the NLD, and relatively fair counting of votes, mean the NLD could win many of the 45 available seats.

A few days after the by-elections a delegation from the Karen National Union will visit Rangoon to discuss a permanent ceasefire, and some ceasefires have already been signed with other armed ethnic political parties.

On the face of it things are looking more positive than they have for a long time. Certainly that is the picture that most media are presenting. And many governments are saying the same as well.

But take a more careful look at what is happening, go into the detail, and there are also reasons to be cautious, and even very concerned.

Hundreds of political prisoners have been released, but hundreds remain in jail. None of the laws that allowed them to be jailed have been repealed. Many of those released have only had their sentences suspended. There has been no pardon, no apology, no acknowledgement that they should never have been in jail in the first place.

While some unfair electoral rules designed to stop the NLD taking part in elections in 2010 have been repealed, allowing the NLD to take part in by-elections, many other unfair rules remain, including the government deciding if parties can register, having a say over who party candidates are, and there are very high fees for registering and standing candidates. This especially disadvantages small and ethnic parties.

Combined with censorship and security laws which have not been repealed, it means it is impossible for the by-elections to be free and fair.

While ceasefires are now being signed with armed ethnic political parties, there are also many problems. So far the government is only talking about ceasefires, not the root causes of why there is conflict. They are not addressing the political root causes of the problem, which is the failure of central governments ever since independence to recognise the rights and aspirations of the ethnic people of Burma, who make up 40 percent of the population of the country. This is what happened 20 years ago when the government signed ceasefires with 17 different groups. They promised political dialogue at a later date, but it never came.

It is the government of Burma which has broken three ceasefire agreements since the election in November 2010. Ethnic people know from experience that a ceasefire without addressing the political problems is just pressing a pause button, not a stop button. Already the new ceasefires have been broken by the Burmese Army on more than a dozen occasions.

This is why the main Kachin political party, the Kachin Independence Organisation, is insisting on political dialogue, they know from 17 years' experience that a ceasefire alone doesn't solve the problem.

I don't think it is a coincidence that these three areas, political prisoners, by-elections and ceasefires, where the government has been seen to take the most action, are the three main benchmarks set by the EU and USA before they will lift sanctions. For all those who say international pressure doesn't work, here is the evidence that it does. Yet just as sanctions are shown to be working, some EU governments want to rush to lift them prematurely.

Two main problems remain with these benchmarks. First is that none have been met, the second is that even if they were met, none address the root causes of the problems in Burma. The benchmarks set by the EU don't require a political settlement with ethnic people, they don't require any legal or constitutional changes that remove any power from the government or military, or guarantee any rights. They only address the symptoms, not the causes.

Burma's constitution is the foundation of Burma, and it is a constitution which hands ultimate power to the military. Many people focus on the 25 percent of seats reserved for the military in the Parliament, but that is only a small part of the problem. Parliament is almost powerless. Above Parliament is a President who is not accountable to Parliament, and who must have military experience. He appoints the government and ministers are accountable to him. Almost all the ministers in the new government were also ministers under the military government. Above the President is a National Defence and Security Council. 10 of its 11 members are military or ex-military.

Above the National Defence and Security Council is the military, not accountable to anyone, and constitutionally able to veto anything the President or Parliament does.

What is taking place in Burma is not a normal transition to democracy or process of reconciliation.

As Aung San Suu Kyi has said, no reconciliation process has even started. Instead there is a top-down process where the President alone decides what concessions he will or will not make to the people and to the international community. There is no dialogue, no process of negotiation. All the changes are gifts from the President, and we are supposed to be grateful.

One fact, the most important fact about Burma, is never mentioned by governments or the media. Human rights abuses in Burma have increased in the past year.

In Rangoon there might be film festivals, but in ethnic states, especially Shan State and Kachin State, the Burmese Army broke ceasefires and attacked civilians. In the past year more than 150,000 people fled conflict and human rights abuses, and are now internally displaced in Burma. That is more than twice as many people as the year before.

The Burmese Army has been raping, killing, torturing, looting, shooting farmers in their fields. And they are still recruiting child soldiers. One 12 year old boy had to dig his mother out of a pit latrine toilet where Burmese Army soldiers dumped her body after shooting her in her front garden. She was just a poor single mother, her only crime was to be ethnic Kachin.

If these kinds of abuses were taking place in and around Rangoon, there would be international outrage. No-one would be talking about lifting sanctions. But they happen to ethnic people, out of sight in distant mountains, and so the government gets away with it.

I have been called cynical. I have been told I should be glad about the changes and new freedoms in my country. I am glad for the changes that have taken place, but we have to be realistic, my country isn't free, not even close to being free. I don't want to be told by foreign governments that just because I am from Burma 20 percent freedom is better than what we had before, so it is good enough for me. I don't want to be told that 20 percent freedom justifies lifting sanctions. I have a right to 100 percent freedom.

If an EU member had 25 percent of seats in its Parliament reserved for the military it would be expelled from the EU. But the EU seems to think it is good enough for the people of Burma, and they can lift sanctions. I don't accept this.

Aung San Suu Kyi keeps talking about how there is still a long way to go before Burma is free and democratic. People should pay attention to this. In the past we always thought Aung San Suu Kyi being in Parliament would be the final step on our road to democracy. Instead, it will be one of the first steps.

Nelson Mandela once talked about the long walk to freedom. If anything in Burma has changed, it is that we may now have started that long walk. There is still a long, long way to go.

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