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Chapter 2 Pakistani Discourse   2. 1Pakistan Administered Kashmir PakistaniAdministered Kashmir is those regions of the pre-1947 PIS of Kashmir that arenow controlled by the State of Pakistan. It presently consists of two semi-autonomousterritories: Azad Jammu and Kashmir (AJK) and Gilgit-Baltistan (GB), but they don’thave parliamentary representation in Pakistan and complementary rights thatother Pakistani provinces are constitutionally enabled. The federalinstitutions and leadership of Pakistan have principal influence over executive, judiciary, security and most important policy matters and foreign affairs inthese two territories. Politicsin these regions is cautiously regulated to promote the belief that Kashmirwill eventually accede to Pakistan. The Media discourse is controlled by thePakistani establishment and the Freedoms of expression and assembly or anypolitical action that is considered conflicting to Pakistan’s policy on Kashmiris constrained.

Pakistan has not officially incorporated either area, leaving themas neither a sovereign nor provinces of Pakistan enjoying the federalconstitutional rights and parliamentary representation. TheAJK and GB citizens are subject to laws that restrict their freedom ofexpression, particularly related to the political status of these regions. Media houses need to take permission from the AJK Council and the federalMinistry of Kashmir Affairs and Gilgit-Baltistan to operate. Though a widerange of media including radio, broadcast and print are present and active, censorship of political content is commonplace. Self-censorship is alsoprevalent as a means of evading state harassment. AJK and GB have access to theinternet with the same restrictions as in Pakistan. AzadKashmir and GB do not have representation in the Pakistan Parliament or in the constitutionalbodies that are established for coordination and consultation between the Pakistanifederal government and its provinces, thus limiting its accountability and transparencywith respect to these regions. The Pakistan prime minister, the minister forKashmir Affairs and Gilgit-Baltistan, and the federal civil service in effect, exercisemaximum control over the government of both the territories.

The Federalintelligence agencies are also positioned in these territories and they haveconsiderable power over the local elected representatives, press and thecivilian population. Humanitariannongovernmental organizations (NGOs) are present and are generally able to functionfreely but are subject to strict registration requirements. The organisationsfocused on religious, political or human rights face government intrusion.

Extremist groups dedicatedmainly to attacks on Indian-administered J&K operate from AJK and GB andhave links with similar factions based in Pakistan. Domestic tension betweenpro-Pakistan and nationalist Kashmiri militant groups is not uncommon. 2.

1. 1Citizenship and Demography Thecitizens of AJK and GB have Pakistani national identity cards and passports. They are recognized internationally as Pakistani nationals. However, there havebeen reports of passports being denied or not renewed for citizens who are suspectedof not affirming Pakistani control over the region. Pakistan has also beenreluctant to offer citizenship to migrants displaced from Indian-administered J&Kand several of these refugees have been subjected to abuse and random arrestsfor demanding their rights. Theshare of the Sunni Muslim population in Gilgit-Baltistan has grownsignificantly in the years since a pre-1947 rule. The Pakistani State agenciesare alleged of deliberately engineering a change in the demography of thissparsely populated Shiite-majority region. Under the 2009 GBESGO, the immigrantswere given formal citizenship in GB though the pre-1947 restrictions onacquiring citizenship are still in place in AJK and bars outsiders from seekingpermanent residency, allowing only legal residents to own property.

The processfor establishing private enterprises is also difficult. 2. 2 Azad Jammu and Kashmir Azad Jammu and Kashmir or AJK provisionalgovernment was formed by the execution of the Karachi Agreement between theGovernment of Pakistan, President of Azad Kashmir and the AllJammu and Kashmir Muslim Conference on 28 April 1949. The agreement providedPakistan power to exercise control over eight important matters in the regionconcerning “ defence, negotiations with the UNCIP, foreign policy, publicity in foreign countries, refugee relief and rehabilitation, provisionsfor a plebiscite, all activities within Pakistan with regard to Kashmir and allaffairs of the Gilgit and Ladakh areas”. The final provision effectively made NorthernAreas and AJK as separate entities.(Source: http://www.

ajk. gov. pk/history. php)Figure 2(a): Map of AJ&K from the Official AJK websiteThe interim constitution of Azad Kashmirenacted in 1974, which replaced the more self-autonomy granting 1970 AJK constitution, gives the provision for an adult-franchise enabled elected unicameral assembly, a prime minister and a president who is elected by the Azad Kashmir Legislativeassembly. Both the president and the legislature are stipulated to serve 5-yearterms. Out of the 49 assembly seats, 41 are filled through direct elections and8 are reserved seats (of which 5 are for women and 1 each for representativesof overseas Kashmiris, technocrats, and religious leaders). However, Pakistan continues to exerciseconsiderable control over the internal structures of government and the electoralpolitics.

Islamabad’s approval is required for passing legislation and theFederal Minister for Kashmir affairs handles daily administration & regulatesthe budget. The Azad Kashmir Council is composed of federal officials and assemblymembers from Kashmir, and is chaired by the prime minister of Pakistan, who alsoholds some executive, legislative, and judicial powers. The Pakistani military alsoretains a supervisory role on issues of politics and governance.  2.

2. 1Elections for the Legislative Council Inthe last elections held for the AJK Legislative Assembly in July 2016, Pakistan’sruling party Muslim League–Nawaz (PML-N) won 31 out of 41 seats and its localleader was elected the Prime Minister. Other Pakistani based Political partiesthat have a base in AJK are Pakistan People’s Party (AJKPPP) & the PakistanTehreek-e-Insaf (PTI) along with the AJK rooted Muslim Conference, the JammuKashmir Peoples Party and minor independents. There have been reports ofPolitical in-fighting in the region.

Theelection process was reported to be competitive, though the leaders of both thePakistan based political parties, PPP and PTI, disputed of pre-electionmanipulation and the mismanagement of federal development funds by the PML-N. Ithas been historically seen that the party in office at the federal level inPakistan ends up forming the local governments in AJK and GB. This transition comesinto effect in the local assemblies through cross voting and party switching incase of a change in the federal government. This has been noted to be a considerablecause of political corruption. 2.

2. 2Link with Terror-related activities and Political Restrictions ClaireGalex, a human rights activist based in Belgium, after visiting both sides ofLOC wrote that the Azad Kashmir government has become an accomplice of the PakistaniArmy and the Inter-Services Intelligence (ISI) in committing Human RightsViolation not only in its region but also training youths to fight in theKashmir Valley to avenge the “ unbearably cruel Hindus who martyr their Kashmiribrothers’ (Hingorani 2016).  She also reportedthat the Pakistani government controls this region through the Ministry ofKashmir Affairs and maintains strict authority on its day-to-day activities. The1974 interim constitution of AJK puts a ban on political parties that do not pledgethe eventual accession of the territory to Pakistan. Similar rules also prevailin Gilgit-Baltistan, where nationalist leaders & political parties are notgiven access to the political process and public employment if they don’t declareallegiance to the cause of accession. There have been instances where activistswho are blamed of opposition to Pakistani rule have been subject to harassment, surveillance and imprisonment.

2. 3Gilgit Baltistan GB, previously administered directly bythe Pakistani government under the Legal Framework Order of 1994, is now ruledunder the Gilgit-Baltistan Empowerment and Self-Governance Order (GBESGO), which was enacted on 2009 and officially renamed the Northern Areas as Gilgit-Baltistan. It introduced a number of administrative, political, and judicial changes andthe order can be amended only by the Government of Pakistani.

The politicalstructure of the regions administration is such that it includesi)                   a 33-member GBLegislative Assembly (GBLA) based in Gilgit with the authority to choose a chief minister and passlegislation on 61 subjects, &ii)                 a 15-memberGilgit-Baltistan Council (GBC), headed by the Pakistani prime minister andvice-chaired by a federally appointed governor, that meets in Islamabad. The GBC which is federally dominated controls strategicallyimportant matters and key fiscal subjects. Also, a majority of high-level and tacticalpositions in the local administration are reserved for Pakistani bureaucrats bythe Pakistan enabled GBESGO. According to the U.

S. State Department, just likehow media owners could not publish in Azad Kashmir without prior permissionfrom the Kashmir Council and the Ministry of Kashmir Affairs and are restrictedfrom taking a pro-independence stance, several dailies and weeklies run in GB, mostly under the aegis of the K-2 publishing house, and provide some examinationof official matters. In last few years however, authorities as well asnon-state actors have been involved in banning several local newspapers and havedetained or otherwise harassed Kashmiri journalists. There is a presence of foreign media and aidorganizations that have led to partially openness in reporting contrary to the tightlycontrolled information environment. There have also been reports of restrictionson religious freedom and socio-economic discrimination faced by religiousminorities. Another unreported issue that is of prime cause in GB is the sectarianstrife that continues between Shiite Muslims, who form the majority inGilgit-Baltistan, and the growing number of Sunni Muslims, who are tacitly saidto be encouraged by the federal authorities to migrate to the Kashmiri region.  2.

3. 1 GBLAElections ThePML-N government in Islamabad, in February 2015, appointed its federal ministerfor Kashmir Affairs and Gilgit-Baltistan as the governor of GB. This nominationcreated some controversy both because the new governor’s did not have ties tothe area and there were also assertions that it was a partisan appointment. ThePML-N procured 15 out of the 24 directly elected seats in the June 2015 electionsheld for the GBLA.

Other parties, including the earlier governing PPP, did notwin more than two seats. InApril 2015, the Gilgit-Baltistan Legislative Assembly (GBLA) elected its sixrepresentatives to the 15-member GB Council. In it, 4 were nominated by the federalruling party PML-N. The GBC, which holds control over strategically importantpolicy matters in GB, is chaired by the Pakistani prime minister andvice-chaired by a federally appointed governor. It also includes the chiefminister of GB. The residual 6 members are appointed by the Pakistani prime ministerfrom federal ministers and the Parliament representatives. 2. 3.

2 ProvincialStatus by Pakistan The Pakistan government have in recentyears debated on whether GB should be declared a province of Pakistan that hasled to political debates and demonstrations in the region. The supporters forthe resolution maintained that a formalized constitutional status would give theresidents of the region greater access to fundamental and economic rights proclaimedin the Pakistan constitution and more representation in constitutional bodieslike Council of Common Interest (CCI) and NationalSecurity Council of Pakistan (NSC). It could also resolve legal concerns regardingthe Chinese investments in massive transport and energy infrastructure project inthe China-Pakistan Economic Corridor (CPEC) that passes through theIndia-Pakistan disputed region of GB. But India disagrees with this because thelocation of this region, particularly the 1300-km long Trans Karakoram Highway(KKH), does not only run through the disputed Gilgit region but it is also the onlyland route that connects Pakistan with China and the           Central Asian states. Opponents, chiefly those in AJK, cautionedthat the alteration would erode the disputed status and trust of the larger regions, i. e.

, the combined land of Jammu and Kashmir as demarcated in the official mapof Pakistan, and justify India’s claims on its share of Kashmir. A few groupshere have also favoured greater autonomy against the areas ambiguous constitutionalstatus or independence for GB from Pakistani aegis. Also, efforts to re-enact GB as the fifthprovince of Pakistan will be against the 1948 UN resolutions that specified theright to self-determination for the Kashmiris. 2. 3. 3 Claims by AJK The AJK state government has since formation avowedto reclaim Gilgit-Baltistan as part of its territory, be it the 1972 resolutionpassed by the Azad Kashmir Legislative Assembly or listing G-B as being part ofAzad Kashmir in the Azad Kashmir Interim Constitution formulated in 1974. OnMarch 8, 1993, when the Azad Kashmir High Court in its judgement ordered AJKgovernment in Muzaffarabad to take administrative control of Gilgit-Baltistanciting no legitimate cause to keep the Northern Areas and its residents detachedfrom AJK and held that “(a)llowing integration of Northern Areas to anyprovince of Pakistan would tantamount to negation of Pakistan’s stance at homeand in the Security Council” (Hingorani, 2016), the Azad Kashmir Supreme Courtoverturned it in March 14, 1994 due to the limitations of the Azad Kashmir’s constitutionalprovisions, even though it upheld the fact that Gilgit-Baltistan was part of Jammuand Kashmir. 2.

4Pakistan Bureaucracy and Kashmir Policy It is clearlyexplained that GB is not part of Pakistan in term of article-1 of theconstitution of Pakistan, which spell out territorial limits of thecountry. India also rejects the provincial elections held here deeming it unconstitutionalas the region is disputed and classifies it as part of POK. The Ministry of Foreign Affairs (MoFA), Government of Pakistan, in their site cite a link on the Human Rights Violationin IOK, i. e., Indian Occupied Kashmir, in justification of their clandestinedealings with various militant outfits. The official index of Kashmir that is notunder Pakistan control as ‘ Indian Occupied’ is a strategy for political gainsdespite of the acceptance in the International Community (& realization bythe Pakistan bureaucracy) of State-sponsored terrorism in Pakistan.

How much ofthis is power play and militarily motivated? The conventional usage of IHK, i. e., Indian Held Kashmir, in major English dailies of Pakistan like… ReferencesSnedden, Christopher.

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