

Chapter representatives, press and the civilian population. humanitarian

[Business](#), [Strategy](#)



Chapter 2 Pakistani Discourse 2. 1Pakistan Administered

Kashmir Pakistani Administered Kashmir is those regions of the pre-1947 PIS of Kashmir that are now controlled by the State of Pakistan. It presently consists of two semi-autonomous territories: Azad Jammu and Kashmir (AJK) and Gilgit-Baltistan (GB), but they don't have parliamentary representation in Pakistan and complementary rights that other Pakistani provinces are constitutionally enabled. The federal institutions and leadership of Pakistan have principal influence over executive, judiciary, security and most important policy matters and foreign affairs in these two territories. Politics in these regions is cautiously regulated to promote the belief that Kashmir will eventually accede to Pakistan. The Media discourse is controlled by the Pakistani establishment and the Freedoms of expression and assembly or any political action that is considered conflicting to Pakistan's policy on Kashmir is constrained.

Pakistan has not officially incorporated either area, leaving them as neither a sovereign nor provinces of Pakistan enjoying the federal constitutional rights and parliamentary representation. The AJK and GB citizens are subject to laws that restrict their freedom of expression, particularly related to the political status of these regions. Media houses need to take permission from the AJK Council and the federal Ministry of Kashmir Affairs and Gilgit-Baltistan to operate. Though a wide range of media including radio, broadcast and print are present and active, censorship of political content is commonplace. Self-censorship is also prevalent as a means of evading state harassment. AJK and GB have access to the internet with the same restrictions as in Pakistan. Azad Kashmir and GB do not have representation in the Pakistan

Parliament or in the constitutional bodies that are established for coordination and consultation between the Pakistan federal government and its provinces, thus limiting its accountability and transparency with respect to these regions. The Pakistan prime minister, the minister for Kashmir Affairs and Gilgit-Baltistan, and the federal civil service in effect, exercise maximum control over the government of both the territories.

The Federal intelligence agencies are also positioned in these territories and they have considerable power over the local elected representatives, press and the civilian population. Humanitarian nongovernmental organizations (NGOs) are present and are generally able to function freely but are subject to strict registration requirements. The organisations focused on religious, political or human rights face government intrusion.

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

1. 1 Citizenship and Demography The citizens of AJK and GB have Pakistani national identity cards and passports. They are recognized internationally as Pakistani nationals. However, there have been reports of passports being denied or not renewed for citizens who are suspected of not affirming Pakistani control over the region. Pakistan has also been reluctant to offer citizenship to migrants displaced from Indian-administered J&K and several of these refugees have been subjected to abuse and random arrests for

demanding their rights. The share of the Sunni Muslim population in Gilgit-Baltistan has grown significantly in the years since a pre-1947 rule. The Pakistani State agencies are alleged of deliberately engineering a change in the demography of this sparsely populated Shiite-majority region. Under the 2009 GBESGO, the immigrants were given formal citizenship in GB though the pre-1947 restrictions on acquiring citizenship are still in place in AJK and bars outsiders from seeking permanent residency, allowing only legal residents to own property.

The process for establishing private enterprises is also difficult. 2.2 Azad Jammu and Kashmir Azad Jammu and Kashmir or AJK provisional government was formed by the execution of the Karachi Agreement between the Government of Pakistan, President of Azad Kashmir and the All Jammu and Kashmir Muslim Conference on 28 April 1949. The agreement provided Pakistan power to exercise control over eight important matters in the region concerning “defence, negotiations with the UNCIP, foreign policy, publicity in foreign countries, refugee relief and rehabilitation, provisions for a plebiscite, all activities within Pakistan with regard to Kashmir and all affairs of the Gilgit and Ladakh areas”. The final provision effectively made Northern Areas and AJK as separate entities. (Source: <http://www.ajk.gov.pk/history.php>)

Figure 2(a): Map of AJ&K from the Official AJK website The interim constitution of Azad Kashmir enacted 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

Legislative assembly. Both the president and the legislature are stipulated to serve 5-year terms. Out of the 49 assembly seats, 41 are filled through direct elections and 8 are reserved seats (of which 5 are for women and 1 each for representatives of overseas Kashmiris, technocrats, and religious leaders). However, Pakistan continues to exercise considerable control over the internal structures of government and the electoral politics.

Islamabad's approval is required for passing legislation and the Federal Minister for Kashmir affairs handles daily administration & regulates the budget. The Azad Kashmir Council is composed of federal officials and assembly members from Kashmir, and is chaired by the prime minister of Pakistan, who also holds some executive, legislative, and judicial powers. The Pakistani military also retains a supervisory role on issues of politics and governance. 2.

2. 1 Elections for the Legislative Council In the last elections held for the AJK Legislative Assembly in July 2016, Pakistan's ruling party Muslim League-Nawaz (PML-N) won 31 out of 41 seats and its local leader was elected the Prime Minister. Other Pakistani based Political parties that have a base in AJK are Pakistan People's Party (AJKPPP) & the Pakistan Tehreek-e-Insaf (PTI) along with the AJK rooted Muslim Conference, the Jammu Kashmir Peoples Party and minor independents. There have been reports of Political in-fighting in the region.

The election process was reported to be competitive, though the leaders of both the Pakistan based political parties, PPP and PTI, disputed of pre-

election manipulation and the mismanagement of federal development funds by the PML-N. It has been historically seen that the party in office at the federal level in Pakistan ends up forming the local governments in AJK and GB. This transition comes into effect in the local assemblies through cross voting and party switching in case of a change in the federal government. This has been noted to be a considerable cause of political corruption. 2.

2. 2 Link with Terror-related activities and Political Restrictions Claire Galex, a human rights activist based in Belgium, after visiting both sides of LOC wrote that the Azad Kashmir government has become an accomplice of the Pakistani Army and the Inter-Services Intelligence (ISI) in committing Human Rights Violation not only in its region but also training youths to fight in the Kashmir Valley to avenge the “unbearably cruel Hindus who martyr their Kashmir brothers” (Hingorani 2016). She also reported that the Pakistani government controls this region through the Ministry of Kashmir Affairs and maintains strict authority on its day-to-day activities. The 1974 interim constitution of AJK puts a ban on political parties that do not pledge the eventual accession of the territory to Pakistan. Similar rules also prevail in Gilgit-Baltistan, where nationalist leaders & political parties are not given access to the political process and public employment if they don't declare allegiance to the cause of accession. There have been instances where activists who are blamed of opposition to Pakistani rule have been subject to harassment, surveillance and imprisonment.

2. 3 Gilgit Baltistan GB, previously administered directly by the Pakistani government under the Legal Framework Order of 1994, is now ruled under

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 and the order can be amended only by the Government of Pakistani.

The political structure of the regions administration is such that it includes i) a 33-member GB Legislative Assembly (GBLA) based in Gilgit with the authority to choose a chief minister and pass legislation on 61 subjects, & ii) a 15-member Gilgit-Baltistan Council (GBC), headed by the Pakistani prime minister and vice-chaired by a federally appointed governor, that meets in Islamabad. The GBC which is federally dominated controls strategically important matters and key fiscal subjects. Also, a majority of high-level and tactical positions in the local administration are reserved for Pakistani bureaucrats by the Pakistan enabled GBESGO. According to the U.

S. State Department, just like how media owners could not publish in Azad Kashmir without prior permission from the Kashmir Council and the Ministry of Kashmir Affairs and are restricted from 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 examination of official matters. In last few years however, authorities as well as non-state actors have been involved in banning several local newspapers and have detained or otherwise harassed Kashmiri journalists. There is a presence of foreign media and aid organizations that have led to partially openness in reporting contrary to

the tightly controlled information environment. There have also been reports of restrictions on religious freedom and socio-economic discrimination faced by religious minorities. Another unreported issue that is of prime cause in GB is the sectarian strife that continues between Shiite Muslims, who form the majority in Gilgit-Baltistan, and the growing number of Sunni Muslims, who are tacitly said to be encouraged by the federal authorities to migrate to the Kashmiri region. 2.

3. 1 GBLA Elections The PML-N government in Islamabad, in February 2015, appointed its federal minister for Kashmir Affairs and Gilgit-Baltistan as the governor of GB. This nomination created some controversy both because the new governor's did not have ties to the area and there were also assertions that it was a partisan appointment. The PML-N procured 15 out of the 24 directly elected seats in the June 2015 elections held for the GBLA.

Other parties, including the earlier governing PPP, did not win more than two seats. In April 2015, the Gilgit-Baltistan Legislative Assembly (GBLA) elected its six representatives to the 15-member GB Council. In it, 4 were nominated by the federal ruling party PML-N. The GBC, which holds control over strategically important policy matters in GB, is chaired by the Pakistani prime minister and vice-chaired by a federally appointed governor. It also includes the chief minister of GB. The residual 6 members are appointed by the Pakistani prime minister from federal ministers and the Parliament representatives. 2. 3.

2 Provincial Status by Pakistan The Pakistan government have in recent years debated on whether GB should be declared a province of Pakistan that has led to political debates and demonstrations in the region. The supporters for the resolution maintained that a formalized constitutional status would give the residents of the region greater access to fundamental and economic rights proclaimed in the Pakistan constitution and more representation in constitutional bodies like Council of Common Interest (CCI) and National Security Council of Pakistan (NSC). It could also resolve legal concerns regarding the Chinese investments in massive transport and energy infrastructure project in the China-Pakistan Economic Corridor (CPEC) that passes through the India-Pakistan disputed region of GB. But India disagrees with this because the location 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 only land route that connects Pakistan with China and the Central Asian states. Opponents, chiefly those in AJK, cautioned that 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 map of Pakistan, and justify India's claims on its share of Kashmir. A few groups here have also favoured greater autonomy against the areas ambiguous constitutional status or independence for GB from Pakistani aegis. Also, efforts to re-enact GB as the fifth province of Pakistan will be against the 1948 UN resolutions that specified the right to self-determination for the Kashmiris.

2. 3. 3 Claims by AJK The AJK state government has since

formation avowed to reclaim Gilgit-Baltistan as part of its territory, be it the 1972 resolution passed by the Azad Kashmir Legislative Assembly or listing G-B as being part of Azad Kashmir in the Azad Kashmir Interim Constitution formulated in 1974. On March 8, 1993, when the Azad Kashmir High Court in its judgement ordered AJK government in Muzaffarabad to take administrative control of Gilgit-Baltistan citing no legitimate cause to keep the Northern Areas and its residents detached from AJK and held that “(a)llowing integration of Northern Areas to any province of Pakistan would tantamount to negation of Pakistan’s stance at home and in the Security Council” (Hingorani, 2016), the Azad Kashmir Supreme Court overturned it in March 14, 1994 due to the limitations of the Azad Kashmir’s constitutional provisions, even though it upheld the fact that Gilgit-Baltistan was part of Jammu and Kashmir. 2.

4Pakistan Bureaucracy and Kashmir Policy It is clearly explained that GB is not part of Pakistan in term of article-1 of the constitution of Pakistan, which spell out territorial limits of the country. India also rejects the provincial elections held here deeming it unconstitutional as 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 Violation in IOK, i. e., Indian Occupied Kashmir, in justification of their clandestine dealings with various militant outfits. The official index of Kashmir that is not under Pakistan control as ‘ Indian Occupied’ is a strategy for political gains despite of the acceptance in the International Community (&

realization by the Pakistan bureaucracy) of State-sponsored terrorism in Pakistan.

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

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