

Status of Gilgit-Baltistan

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Another hurdle in the way of CPEC

The reports about the government mulling a provincial status for Gilgit-Baltistan have evoked a strong response from the AJK assembly and a section of freedom fighters in Indian controlled Kashmir.

For over sixty years the people of Gilgit-Baltistan have been denied fundamental rights including an elected administration, independent judiciary and rights provided by the constitution to the people of Pakistan. Islamabad would have happily continued to maintain the status quo. It transpires now that the region's present status as a disputed territory is seen as a hurdle in the way of foreign investment. That makes a big difference for the policy makers.

At the time of the Partition the region had been a remote and nearly inaccessible part of the Dogra-ruled state of Kashmir. It was forcibly made a part of Kashmir by the British and sold to the Dogra ruler Gulab Singh in 1846. Earlier Gilgit-Baltistan had comprised a number of feuding principalities which, despite internecine warfare, had common trade and people to people contact on account of geographical contiguity. It was in 1842 that one of the local chieftains sought the help of a Sikh army from Kashmir against his opponent. The area soon came under British control who then ceded it to the Kashmir state under the Treaty of Amritsar.

Gilgit-Baltistan had remained a part of Kashmir state for only a century. There was little trade between the region and Kashmir and even less people to people interaction. Besides distances the language barrier was another divisive factor. The languages spoken by the vast majority in Gilgit-Baltistan included Shina, Burushaski, Khovar, Wakhi and Balti while those living in Jammu and Kashmir spoke Kashmiri, Gojri, Pahari and Hindko.

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The people in the Kashmir Valley had lived together for thousands of years and thus developed a sense of nationhood. Other factors that contributed to the feeling included a common language, common heritage and culture. Kashmiris had little in common with those living in Gilgit-Baltistan.

Despite the arrangement foisted by the British, resentment against the forced merger continued to seethe in the region.

Unlike AJK, which was wrested from the Indian control by local Muslims with the help of raiders from Pakistan, the Gilgit-Baltistan region was liberated through an armed struggle of the local people supported by the Gilgit Scouts and the Muslim officers of the Dogra army. On November 1, 1947, just three months after Partition, Gilgit-Baltistan became a republic and 15 days later announced accession to Pakistan.

The request for accession was however not accepted by the government of Pakistan on account of the new situation in Kashmir.

Under extreme pressure from the events in Kashmir India had agreed to referendum in the state. The leadership of both Pakistan and Azad Kashmir were certain that the majority of those living in Kashmir state would support accession to Pakistan when the referendum was held. It was considered useful to keep Gilgit-Baltistan a part of Kashmir as its votes would be useful in the referendum.

A section in Pakistan's establishment argued that the Maharaja had handed over the control of Gilgit-Baltistan to Britain on lease, and since Pakistan was the legal heir of the British Raj, it automatically obtained jurisdiction over these areas. In the end, however, the Government of Pakistan decided to keep Gilgit-Baltistan a part of the disputed Kashmir.

While proper administrative and legislative set ups were established in Indian controlled Kashmir and AJK, the political and administrative affairs of what came to be known as the Northern Areas were managed under the black law called Frontier Crimes Regulations (FCR). The FCR empowered the Political Agent to act both as the chief executive and the final court of appeal. The local population was denied a democratic setup with a representative government and independent judiciary. The population continued to be deprived of the rights and privileges enjoyed by citizens of the Azad Jammu and Kashmir.

The successive military establishments were little bothered by the absence of human rights and democratic freedoms in the Northern Areas.

The opening of the KKH provided the enclosed region a small window of opportunity. Thousands in search of jobs and education travelled to big cities in Pakistan like Karachi and Lahore. They brought back new ideas and raised the consciousness of the local population. The Agha Khan Foundation meanwhile played a significant role in transforming the life of the people. The literacy rate increased and the educational standards improved. There was also an improvement in agriculture.

The Supreme Court took notice of the absence of basic human rights in the Northern Areas while hearing a petition in May 1999. The court gave the government six months to ensure the establishment of an elected administration and independent judiciary and provision of all basic rights enshrined in the Constitution of Pakistan. Following the verdict, half-hearted steps were taken to devolve power to the local level. What continued to act as a deterrent was the historical connection of these areas with the disputed state of Kashmir. Despite the so-called reforms like the Gilgit-Baltistan (Empowerment and Self Governance) Order 2009, the territory continued to be administered by the Ministry of Kashmir Affairs and Northern Areas (Kana) through a powerless Gilgit-Baltistan Legislative Assembly (GBLA).

There is a way to deal with the issue. Let the government hold a referendum in Gilgit-Baltistan giving the population two choices of either remaining a part of Kashmir or joining Pakistan. The referendum has to be thoroughly fair and transparent

In September 2012 the GBLA approved a resolution demanding provincial status for Gilgit-Baltistan, which was immediately opposed by AJK government.

The division of Kashmir into two parts had strengthened Kashmiri nationalism on both sides of the LoC. There was also an opinion now that Kashmiris should be also offered the choice for an independent Kashmir along with the conventional options of being either a part of Pakistan or India. Like all nascent nationalist movements attempts were made to widen the definition of Kashmiri nation by including other ethnic sub-groups and regions connected with Kashmir even if for a short while or forcibly made a part of it. Gilgit-Baltistan, along with areas ceded to China during the border settlement, were claimed by the nationalists to be a part of Kashmir.

The people of Gilgit-Baltistan are attracted to Pakistan because of the market connectivity, jobs and educational facilities available in the neighbourhood.

Over the last six decades Kashmiri nationalists have failed to make inroads in the region because they have never raised their voice against the injustice being done to the region nor sought to bring Gilgit-Baltistan even to the level of AJK. This indicated a lack of interest in the region. Kashmiri political parties have therefore failed to strike root here.

The Kashmiri nationalists are however vociferously opposing the demand to upgrade the status of the region. Yasin Malik has opposed the move on the ground that it will jeopardise Kashmir cause. “Delhi will then have a political and moral right to integrate Kashmir with India,” he argues.

The same argument forms the basis of The August 13 resolution passed by the AJK Assembly. How to reconcile the interests of the people of Gilgit-Baltistan with those of the Kashmiri nationalists?

There is a way to deal with the issue. Let the government hold a referendum in Gilgit-Baltistan giving the population two choices of either remaining a part of Kashmir or joining Pakistan. The referendum has to be thoroughly fair and transparent. The government should invite foreign observers to monitor the exercise. India is not willing to hold a referendum in the areas of Kashmir under its control. Pakistan should have no fear of it.

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