

# 56 years of NA after freedom

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**A**lmost 56 years ago, Pakistan took over the administrative control of Gilgit-Baltistan on November 16, 1947, to be very exact. However, it was only four years back that the apex court in its historic verdict asked the federal government to grant the people of the area all those politico-economic and administrative rights which are otherwise enshrined in the constitution of the country. The verdict, even after the lapse of over four years now, still remains to be implemented to give one million people of the area their fundamental human, political and economic rights. Needless to mention here that unlike Azad Kashmir and other four provinces of the country, the people of NAs have neither well-defined constitutional status nor representation in the legislative or national assemblies.

In an utter disregard to Supreme Court decision, the government has so far taken not substantive but only few cosmetic steps in this regard which include renaming of Northern Areas Council as 'Northern Areas Legislative Council' and the authorisation to it to legislate on 40 items. Similarly, Council's membership was raised to 29. This granted, the point to be noted here is that the elected deputy chief executive was not authorised to transfer officers above grade 18, specifically deputy commissioner or the superintendent of police. For that prior approval of the chief secretary was made necessary. Resultantly, all significant powers still vest with either federal minister for Kashmir affairs or northern areas who also happens to be the chief executive of the area or chief secretary, who is merely a government servant. Although there is a council and elected deputy chief executive but a non-elected federal minister practically runs the whole affair.

Different stakeholders at different times have submitted many valuable proposals about how to determine the status of these areas and granting constitutional rights to them. However, thanks to its geographical and histor-

ical links with the Kashmir dispute, the issue has failed to attract enough attention at the national level. Today, rather than putting it on the back burner, it needs to be addressed at the highest level since any further delay in granting the basic rights to the people may further aggravate the prevailing sense of deprivation.

Historically speaking, Pakistan's official policy towards this issue has been riddled by confusion and uncertainty. This laxity on the part of government became brazenly obvious after late 1980s. The primary reasons being the strategic importance of the region and the obsession of a section of people in the government of Pakistan to see the area merged with Pakistan. About Gilgit Agency in particular, the interior and foreign ministries have been thinking on different lines since the day one. The former argues that the Agency has not been under administrative control of Maharajah Kashmir as the British held and administered it like other political agencies of the tribal areas. Hence, with the British gone, Gilgit Agency automatically got transferred to Pakistan. Another historic fact is that Khan Abdul Qayyum Khan, the first Chief Minister of NWFP and a Kashmiri descendent, had proposed in 1947 that Gilgit Agency be transferred to Governor NWFP like any tribal area so that over a period of time it becomes part of North West Frontier Province.

The foreign office did not agree to the proposal at that time. It felt that be it for only name sake Maharaja Kashmir did exercise authority over Gilgit. It should, therefore, not be considered independent of the state of Jammu and Kashmir. Also, the possibility of plebiscite under the auspices of United Nations was still there. Thus, why should the Gilgit Agency's "vote bank" be lost?

The above mentioned dilemma still persists, and can be seen in the initiatives taken by various government agencies in their respective spheres. Gilgit Agency is at times shown in the Survey of Pakistan maps as part of Pakistan while at other occasions it is

clubbed with the disputed state of Jammu and Kashmir.

On the domestic front, the Ministry of Kashmir Affairs blocked political parties of Azad Kashmir to extend their branches into Gilgit and Baltistan. As some top-level policy-makers have been privately expressing that there was the possibility of Kashmir getting independent or some such other arrangement that would also include Northern Areas. In such a situation, Pakistan will be deprived of these areas of strategic importance as well. On the other hand, there is the will to liberate whole Kashmir, for which a struggle is already there. Therefore, the government of Pakistan seems to have no clear-cut stand and is faced with a catch 22 situation. As a result the sufferings of the people of the Northern Areas go on unmitigated

**T**he Ministry of Kashmir Affairs has been enjoying exclusive powers to rule these areas since 1950. Most of the people representing the political leadership of the Northern Areas, are of the view that such extraordinary powers are unprecedented in the history of the country and, to maintain the status quo, constitutional ambiguity about the areas is being maintained deliberately. They claim that it is this ambiguity that creates a vacuum of political system and gives the bureaucrats an opportunity to directly rule the area. They also hold that the general resentment prevailing in the people is in fact due to lack of the vision of the ministry's officials which result in ill-conceived policies and mishandling of different issues. As a result the issues of people's rights remain unsettled.

Since long, the public opinion finds itself visibly divided regarding the NA's administrative and political set up. In fact the sectarian differences among the people have played a devastating role in this regard. Shias, Sunnis and Islamis are the three major sects residing in the area. They have been supporting diverse solutions to the problem. Bureaucracy has also been exploiting their immature political postures and termed them politically naive

and unable to run their affairs on their own.

Now the situation has completely changed and all political parties have formed a joint forum namely Gilgit-Baltistan National Alliance to unanimously demand for self-rule. The establishment of this alliance must be appreciated and the strategy it has embarked upon also sound workable to get round the Islamabad. The alliance demands seem quite reasonable and are in no way in conflict with the national interests of the country. Moreover, they also do not impinge upon the interests of Kashmir cause by any stretch of imagination. The Alliance seeks that Northern Areas should have special status, similar to the AJ&K. It has minced no words to express its discontent with the present council and government structure. As per its demands, legally NA's would remain part of the state of Jammu and Kashmir but practically under the federal control. Thus, for local administration, there would be elected legislative council, elected chief executive and independent judiciary. Needless to mention, this is not something like asking for moon but for the same fundamental rights which are enjoyed by citizens in any other part of the country or in AJK.

Of late, Islamabad has been on the back-foot on NA's status in the international forums. Pakistan and its lobbyists find themselves in quite an awkward position when Indian and other international media persons raise the question that why Islamabad is so desperate to get right of self-determination for the Kashmiris living under Indian control but is least bothered to grant basic rights to the people of NA. Thus, precisely speaking, it is high time for President Pervez Musharraf to ignore the bureaucratic tactics and take a decision at his personal level to end the federal rule in the larger interest of the country.

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