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GILGIT BALTISTAN

Between Hope and Despair

Priyanka Singh

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Gilgit Baltistan: Between Hope and Despair

Priyanka Singh



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CONTENTS

<i>Acknowledgements</i>	5
<i>List of Abbreviations</i>	7
<i>Fact Sheet</i>	9
I. INTRODUCTION	11
II. HISTORICAL BACKGROUND.....	16
III. POLITICAL DIMENSIONS.....	21
IV. SOCIO-ETHNIC PARAMETERS	37
V. ECONOMIC PARAMETERS	53
VI. INTERNATIONAL AND GEOPOLITICAL DIMENSIONS	67
VII. GILGIT BALTISTAN AND INDIA	85
VIII. WAY AHEAD	95
IX. BIBLIOGRAPHY	97
MAPS	103

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LIST OF ABBREVIATIONS

AJK	Azad Jammu & Kashmir
ASWJ	Ahle Sunnat Wal Jamaat
BNF	Balawaristan National Front
CCI	Council of Common Interests
EU	European Union
FANA	Federally Administered Northern Areas
FCNA	Force Commander Northern Areas
GB	Gilgit Baltistan
GBCCI	Gilgit Baltistan Chamber of Commerce and Industries
GBDA	Gilgit-Baltistan Democratic Alliance
GBLA	Gilgit Baltistan Legislative Assembly
GBMMGA	Gilgit Baltistan Metals Minerals and Gems Association
GNBC	Gilgit Baltistan National Congress
GBUM	Gilgit Baltistan United Movement
HRCP	Human Rights Commission of Pakistan
ICFPD	International Centre for Peace and Democracy
ISI	Inter Services Intelligence
J&K	Jammu and Kashmir
JUIF	Jamait Ulema-e-Islam Fazal-ur-Rehman
KAGB	Kashmir Affairs and Gilgit Baltistan
KANA	Kashmir Affairs and Northern Areas
KKH	Karakoram Highway

KNM	Karakoram National Movement
LFO	Legal Framework Order
LoC	Line of Control
LUTF	Ladakh Union Territory Front
NAEC	Northern Areas Executive Council
NATO	North Atlantic Treaty Organisation
NEC	National Economic Council
NFC	National Finance Commission
NLI	Northern Light Infantry
PDP	Peoples Democratic Party
PMDC	Pakistan Mineral Development Corporation
PML-Q	Pakistan Muslim League Quaid-i-Azam
PoK	Pakistan occupied Kashmir
PPP	Pakistan Peoples Party
SASAC	State-owned Assets Supervision and Administration Commission
SSR	State Subject Rule
TNFJ	Tehreek Nifaz-e-Fiqh Jafariya
UNESCO	United Nations Educational Scientific and Cultural Organization
UNHRC	United Nations Human Rights Council
UNPO	Unrepresented Nations and Peoples Organization
USAID	United States Agency for International Development
WAPDA	Water and Power Development Authority

FACT SHEET

Total Area	72,496 sq. kms
Population	870,347 (1998 population census)
Capital	Gilgit
Districts	Seven
Gilgit Region	Divided into Astore, Diamer, Ghizer, Hunza-Nagar and Gilgit districts
Baltistan Region	Part of Ladakh, is divided into Ghanche, Skardu, Kharmang and Shigar districts
Chief Minister	Syed Mehdi Shah
Ethnic Groups	Shin, Balti, Puriki, Ladakhi, Wakhi, Yashkun, Tibetan, Mongol, Tatar, Mon, Pashtun, Khowar, Dom, Gujjar, Rajput and Kashmiri
Political Parties and Groups ¹	Balwaristan, National Front (BNF), Gilgit-Baltistan Thinkers Forum, Gilgit-Baltistan United Movement, (GBUM), Gilgit Baltistan National Movement, Karakoram National Movement, Gilgit Baltistan Democratic Alliance (GBDA), Gilgit Baltistan National Alliance (GBNA), All Parties National Alliance (APNA)
Religious Groups	Shia (Twelvers), Nurbakhshi, (Twelvers), Ismaili, Sunni, and Ahlehadith
Languages	Shina, Balti, Wakhi, Khowar, Gujjari, Burushaski, Puriki, Kashmiri, Pashto

¹ Pakistan based political parties wield power and influence in the region as there are no regional political parties in Gilgit Baltistan.

Gilgit-Baltistan Council	Total 15 members
Gilgit-Baltistan Legislative Assembly	Total 33 members (24 members directly elected)
Governor of Gilgit Baltistan	Pir Karam Ali Shah

(**Source:** Official site of the government of Gilgit Baltistan at <http://www.gilgitbaltistan.gov.pk> & website of the Balwaristan National Front at <http://www.balawaristan.net>)

I

INTRODUCTION

“.....We need to gradually turn the spotlight on Pakistan-occupied-Kashmir, Gilgit and Baltistan. Our quest for a Line of Control (LoC) based solution for J&K has led to the progressive neglect of our claims on these areas. This now works to our disadvantage because the LoC is seen as the starting point and an eventual compromise is envisioned in terms of an LoC plus solution. Reasserting our claims and concerns will not only be a sensible declaratory posture. It will also help counter Pakistan’s claims about J&K being the ‘core concern’. We should formulate and execute a media plan which puts the problems in these areas continuously in the focus, and place the issue on the agenda of India-Pakistan talks...”

-Nonalignment 2.0: A Foreign and Strategic Policy for India in the Twenty First Century, February 2012.²

Gilgit Baltistan (GB)³, originally a part of the erstwhile princely state of Jammu and Kashmir (J&K) and later part of Pakistan occupied Kashmir (PoK)⁴ is legally an integral part of India. Together with the so called Azad Jammu and Kashmir (‘AJK’), these sections of the Kashmiri territory have been under Pakistan’s control since 1947. Gilgit Baltistan comprises 86 per cent of the total area of Pakistan occupied Kashmir. The region, approximately comprising 72, 496 sq kilometres

² *Nonalignment 2.0: A Foreign and Strategic Policy for India in the Twenty First Century*, Center for Policy Research, New Delhi, February 2012 at http://www.cprindia.org/sites/default/files/NonAlignment%202.0_1.pdf, pp.19-20.

³ Gilgit Baltistan and GB have been used interchangeably in this study.

⁴ Pakistan occupied Kashmir (PoK) refers to parts of the erstwhile princely state of Jammu and Kashmir which since 1947 have been under Pakistan’s control. It comprises the so called Azad Jammu and Kashmir (‘AJK’) and Gilgit Baltistan (which till 2009 was referred to as Northern Areas by the government of Pakistan). The so called ‘AJK’ was usurped after deceitful tribal invasion launched by the Pakistani army whereas Gilgit Baltistan was forced to accede to Pakistan after a mutiny by the Maharaja’s forces led by British Major William Brown. PoK legally belongs to India according to Instrument of Accession signed in 1947.

(kms), was known as the strategic 'Northern Frontier' under the British rule owing to its geographical location in the heart of Asia.

There has been on going reportage over the last couple of years regarding China's extensive involvement in Gilgit Baltistan by way of huge investments in infrastructure and how this issue is of immediate concern to India and the world at large. The Karakoram Highway via Gilgit Baltistan connects China with Pakistan. Till China's presence was reported by the media, Gilgit Baltistan was largely absent from the regional strategic discourse, more specifically Kashmir. Even though the Kargil intrusion and the subsequent war in 1999 was launched by Pakistan from its bases across the LoC in Gilgit Baltistan, it was the reports of Chinese presence which brought this part of PoK into focus.

Even as Gilgit Baltistan has re-emerged in the larger strategic landscape, the land and its people have not featured in the larger Kashmir debate including that of PoK. There may be multiple reasons for this. The important ones being: Pakistan's deliberate and largely successful attempt to keep Gilgit Baltistan under wraps; India's preoccupations; and the international community's fixation with the Indian part of Jammu and Kashmir. A glance at the history of the 'Kashmir issue' shows the extent to which Gilgit Baltistan - a crucial element of the problem - has been overlooked by some and disregarded by others.

Gilgit Baltistan: Link with Kashmir

Often referred to as the forgotten Kashmir or the forgotten frontier, Gilgit Baltistan is essentially an inherent part of Jammu and Kashmir. After the Anglo-Sikh War, the British sold Kashmir to Gulab Singh through the Treaty of Amritsar signed on March 16, 1846⁵ following which the entire state remained under Dogra rule till 1947. A boundary commission was set up in 1846 under Algonon Durand to settle the boundaries of the princely state. It was at this point, that the British realised the strategic importance of Gilgit and the adjoining region with reference to their imperial rival, Russia.

⁵ Text of the Treaty of Amritsar, 16 March 1846 available at http://www.centralexcisecyderabad4.gov.in/documents/history/1846_2.PDF.

The strategic discourse on Jammu & Kashmir has been shaped by different approaches to India's freedom from the British rule and its partition. The conventional/dominant discourse on Kashmir, hence, is rooted in the partition and the territorial distribution between India and Pakistan. The fact that the princely state of Jammu & Kashmir had a majority Muslim population prompted Pakistan's thinking that it had a natural right over the entire state. The Instrument of Accession signed in India's favour on October 26, 1947, in the wake of Pakistani aggression, was against its wishes and somewhat ruined its game plan.

Syed Mir Qasim (former chief minister of J&K) argues that there were few takers for Jinnah's two-nation theory in the J&K. This was evident during Jinnah's visit to Srinagar in 1944, when he was greeted with black flags and was forced to leave in haste. There were clear differences between the National Conference and the Muslim League and the public had not forgotten Jinnah's support for the Maharaja of Kashmir.⁶ Qasim further goes on to state that the "two-nation theory was an anti-people philosophy which sought to widen and institutionalise communal differences within the Indian society".⁷

The early years of debate on J&K's accession to India, especially amongst western scholars, were not favourable to India's broader position on J&K and PoK in particular. In the wake of the Pakistani invasion of Kashmir in October 1947, India approached the United Nations seeking a non-partisan solution to the problem which over time has proved to be a serious policy miscalculation. The world body was dominated by super powers who because of the Cold War politics, were looking for allies. India's independent course and non-aligned stance had few takers in the international community. India was isolated over the issue of Kashmir as it refused to ally with either of the blocs. Pakistan, on the other hand, was most willing to ally with countries of the Western bloc, i.e., the United States and Great Britain.

⁶ Mir Qasim, *My Life and Times*, Allied Publishers Limited, New Delhi, 1992, p. 16.

⁷ Ibid.

It was, therefore, the international strategic and political circumstances that shaped the Kashmir debate in the initial phases. India has been continuously and falsely accused of human rights violations in Kashmir. Such propaganda has given rise to the notion that Kashmir is in turmoil because of India's stubbornness/ inflexibility. These perceptions continue to prevail till date and shape the broader thinking on Kashmir which unfortunately, is neither comprehensive nor balanced.

The dominant narrative on Jammu & Kashmir tends to ignore parts of the state under Pakistan's control, i.e., Gilgit Baltistan and the so called 'AJK'. The 'AJK' has the facade of being an independent state, even as actual power and authority are vested in Pakistan. Gilgit Baltistan, on the other hand, has been under the direct control of the federal government of Pakistan, even though it is neither a constitutional unit nor a province of Pakistan. The voices of these Kashmiri people especially the Gilgitis and the Baltis do not form part of the larger discourse on J&K.

It is believed that Pakistan was envisaged more as a homeland for Muslims and not as a country that would only accommodate a particular sect of Islam. Those, who at that point of time, favoured Gilgit Baltistan's accession to Pakistan may have been persuaded to believe so. In the course of time, however, the supporters of Pakistan's ideology in Gilgit Baltistan, especially after the late 1970s came to realise that they had been deluded and that not only were their identities under threat but their lives were also in danger. Pakistan has kept this region in a political and constitutional limbo on the ground that it was linked to the Kashmir problem. On the other hand, it has given a country like China, a free hand to consolidate its foothold in Gilgit Baltistan. Accordingly, some believe that Pakistan intends to keep Gilgit Baltistan's Kashmir link alive in the hope, that in the eventuality of a referendum, the Muslim dominated Gilgit Baltistan would vote in favour of Kashmir's union with Pakistan.

From the Indian perspective, Gilgit Baltistan was directly involved in the Kargil conflict, because its territory was being used as an operational base by Pakistan. This situational component of the war was lost in the din of the India Pakistan conflict. Nevertheless, years later as the strategic equations and priorities have changed, Gilgit Baltistan is slowly gaining prominence - both strategic and political. In changed circumstances,

the Chinese involvement in the region and the Pak-China nexus has done what years of turmoil and misery could not. Gilgit Baltistan is finally on the international geopolitical radar and is under some kind of scrutiny.

This study is a modest attempt to enhance the salience of Gilgit Baltistan in the larger discussion on the issue of J&K. The study primarily dwells on multiple issues relating to Gilgit Baltistan. It surveys the contours of Gilgit Baltistan's polity, economy, socio-economic profile and highlights the pressing issues, the dilemmas and the contradictions of Pakistan's approach towards Gilgit Baltistan. It also makes a few assertions: that Gilgit Baltistan is as much a part of J&K as the so called 'AJK'; that there has been a disconnect between the mainstream discussion on J&K and PoK on the one hand and Gilgit Baltistan on the other.

Although China constitutes a crucial element in the emerging strategic discourse on Gilgit Baltistan, it need not necessarily be viewed from the prism of the Chinese presence alone. From an Indian perspective, there is much more to Gilgit Baltistan than the Chinese intervention. Based on this premise, the study highlights several key issues that are fundamental to Gilgit Baltistan's links with Kashmir and PoK. In the process, the study attempts to discover why Gilgit Baltistan has been ignored in the past despite the fact that it formed a significant portion of the territory of the former princely state of J&K; and whether this exclusion has strengthened Pakistan's position on PoK.

II HISTORICAL BACKGROUND

Gilgit Baltistan was originally known as Balwaristan or Boloristan. It was part of the erstwhile princely state of J&K. Due to its strategic location and proximity to erstwhile USSR and China, it was sometimes also referred to as the Northern Frontier. The British, while ruling India, took an active interest in the region because of its proximity to the Russian empire, their arch imperial rival. Based on strategic calculations, the British urged Hari Singh, the Maharaja of Kashmir, to hand over the responsibility of securing the Northern Frontier to British forces. The Maharaja had no problem with the British proposal as the lease only implied the transfer of civil and military administration while the territory continued to be part of his dominion.⁸ Subsequently, the *mazarat* of the Gilgit province since was on the right bank of the River Indus, was also put under the charge of the Viceroy and Governor General of India. The lease came into force on April 1, 1935 for a period of 60 years.

The Role of the British in the rebellion: More than a decade later, in the aftermath of World War II, when the British were preparing to transfer power in 1947, they decided to restore the territory to the Maharaja thereby abrogating the lease agreement. Having been restored to the Maharaja of Kashmir, the region was henceforth administered by Brigadier Ghansara Singh as the political governor. Meanwhile, Major William Brown who was commanding the Gilgit Scouts (a paramilitary force raised in 1935) volunteered to oversee the region through the process of independence and partition. Major Brown had strong leanings towards Pakistan⁹ and he, along with a few others, staged a coup facilitating Gilgit Baltistan's accession to Pakistan.

⁸ Ahmad Hasan Dani, *History of the Northern Areas of Pakistan*, Sange Meel Publications, Lahore, Pakistan 2001, p. 294.

⁹ William Brown was transferred to the Frontier Constabulary, the police force of the North Western Frontier Province (Pakistan) where he served in various capacities for the next two years. In 1959, William Brown and his family returned to the United Kingdom.

Most British officers in the region had opted to serve in Pakistan. They were able to manipulate the situation to their advantage. They successfully played the 'divide and rule' card to urge the Muslim officers and soldiers in the J&K state army to desert ranks and join the rebellion. These deserters and the Gilgit Scouts marched towards Gilgit and took the governor into captivity. The British deemed it appropriate that the strategic Northern Frontier should remain with Pakistan who they believed would be needier and hence, more amenable to their future strategic requirements.

Unfolding of the rebellion: Having taken control of Gilgit, the Pakistani forces moved to seize the adjoining areas such as: the Burzil pass, Gurais, and Skardu in Baltistan that stretch till Kargil. These forces were able to hold key positions in the region before the onset of winter, when these areas become inaccessible. Indian troops, therefore, could not counter these forces for the next few months.¹⁰ The flag of Pakistan was hoisted by William Brown on November 1, 1947. A revolutionary interim self government was constituted in Gilgit under Raja Shah Rais Khan but it lasted only a little over a fortnight. It is believed that the provisional government did not sign a formal Instrument of Accession with Pakistan. Instead a wireless message was sent to the government of Pakistan to send a civil administrator.¹¹ Thereafter, a political agent from Pakistan, Sardar Muhammad Alam, assumed charge of the region.

It is argued that the common people of Gilgit Baltistan had not participated in the rebellion.¹² The British calculations were largely based on the assumption that in a region where the majority of the population was Muslim, the popular desire would be to align with Pakistan.

¹⁰ First Indo-Pak War, Fall of Mirpur, Gilgit and Baltistan in Bal Raj Madhok, *Kashmir: The Centre of the World Storm* available at <http://www.kashmir-information.com/Storm/chapter7.html>.

¹¹ Ahmad Hasan Dani, *History of the Northern Areas of Pakistan*, p. 349.

¹² Subroto Roy, *Pakistan's Allies*, June 5, 2006 at <http://independentindian.com/2006/06/05/pakistans-allies/>.

Post-rebellion-1948 Onwards

For a short period, prior to the signing of the Karachi Agreement in 1949 that abrogated 'AJK's authority over Gilgit Baltistan, the region was administered by the 'AJK' government.¹³ It was then governed by the Frontier Crimes Regulations (FCR)¹⁴ which also applied to tribal areas of Pakistan. Under FCR, people had no right to appeal, to legal representation or to present reasoned evidence. With the passage of time, there was increasing realisation in Gilgit Baltistan that it had been a mistake to go with Pakistan in 1947. The growing discontent was evident in the political movements that emerged as early as 1957. The Gilgit League was formed to oppose the FCR and to demand basic political and democratic rights for the people of Gilgit Baltistan. More nationalist groups like the Tanzeem-e-Millat and Gilgit Baltistan Jamhoori Mahaz were formed in the later years to create awareness regarding basic political and constitutional rights among the people of Gilgit Baltistan.¹⁵

The Maharaja of Kashmir signed the Instrument of Accession in India's favour in October 1947. As a part of J&K, this accession applied to Gilgit Baltistan as well. Therefore, both Gilgit Baltistan and the so called 'AJK' are historically and legitimately a part of India. In the years following independence and partition, the issue of Kashmir acquired prominence on the world stage. It later got embroiled in Cold War dynamics and India's non-aligned position was less heard and acknowledged. The focus, thus, remained on the Indian Kashmir and the tribal invasion by Pakistan resulted in India losing substantial chunk of territory in western Kashmir which is termed Azad Kashmir by the government of Pakistan.

¹³ Text of the Karachi Agreement signed in April 1949 at <http://k4kashmir.com/?p=554>.

¹⁴ Full text of the Frontier Crimes Regulation 1901 available at <http://www.pakistansocietyofcriminology.com/laws/THEFRONTIERCRIMESREGULATION1901.doc>.

¹⁵ Altaf Hussain, *The Gilgit Baltistan Reforms 2009*, Report by the Forum of Federations Project, December 2009 at <http://www.forumfed.org/en/pubs/pakistan/Gilgit-baltistan%20Reforms%20AHussain%20FinalDec09.doc>, p. 6.

The annexation of Gilgit Baltistan, thus, was overlooked because of Pakistan's loud and irrational claims over Jammu and Kashmir, the outbreak of violence and the partisan role played by the international community and organisations.

Gilgit and Baltistan along with Hunza, Nagar and the Ladakh Wazarat were amalgamated in 1970.¹⁶ The FCR was abolished by former Prime Minister, Zulfikar Ali Bhutto in 1974 and certain administrative and judicial reforms were introduced to defuse the situation. The process of reforms ended abruptly when Zia ul Haq came to power and imposed martial law in 1977 in Pakistan. In 1982, General Zia ul Haq made a failed attempt to effect some reforms by taking select members of the Northern Areas Council to the Majlis-e-Shura.¹⁷ He abandoned the move in the face of strong protests from the 'AJK' Kashmiris who believed the Northern Areas were not a part of Pakistan. There were reports of protests from India too. When Benazir Bhutto came to power in the late 1980s, she resumed the process of reform and although most of them were inconsequential, they led to the first ever party based elections in Gilgit Baltistan in October 1994.

Present-day Gilgit Baltistan

Till 2009, Gilgit Baltistan was referred as the Federally Administered Northern Areas (FANA) by the government of Pakistan. It consisted of the former Gilgit Agency, Gilgit Wazarat, Astor Wazarat and Skardu Tehsil of Ladakh Wazarat.¹⁸ It is a huge tract of territory -almost 72,496 sq kms (excluding the Trans Karakoram Tract) - very scenic but ecologically fragile. The Trans Karakoram Tract was ceded to China in 1963. The two administrative divisions of Gilgit and Baltistan have

¹⁶ For a comprehensive Pakistani perspective on Gilgit Baltistan's history see Ahmad Hasan Dani, *History of the Northern Areas of Pakistan*.

¹⁷ Northern Areas of Pakistan-Facts, Problems and Recommendations, Policy Perspectives, Vlm 1, No.1 at <http://www.ips.org.pk/pakistan-and-its-neighbours/1118-northern-areas-of-pakistan-facts-problems-and-recommendations.html>.

¹⁸ P Stobdan, North West under the Maharaja in Jasjit Singh(ed), *Pakistan occupied Kashmir: Under the Jackboot*, Siddhi Books, Cosmo Publications, 1995, p. 47.

nine districts in all. Gilgit comprises of Astore, Diamer, Ghizer, Hunza Nagar and Gilgit whereas Baltistan consists of Skardu, Ghanche, Kharmang and Shigar.

The region is currently administered under the Gilgit Baltistan Empowerment and Self Governance Order issued by the government of Pakistan in August 2009.¹⁹ As per this order, there is a Gilgit Baltistan Legislative Assembly which has 24 directly elected members and a 15 member Gilgit Baltistan Council headed by the Pakistan prime minister. The council exercises virtual power in important spheres of governance. There is also a provision for a Gilgit Baltistan supreme appellate court in addition to the high court. These structures work under the overall control of the Federal Ministry of Kashmir Affairs and Gilgit Baltistan (KAGB).

Today, Gilgit Baltistan and 'AJK' are separate administrative units even though they share a common origin. Access to Gilgit Baltistan has been restricted for the outside world. Beyond the recent Chinese involvement in the region, the international community has shown little interest in the region. Gilgit Baltistan has multiple problems -political, strategic, economic, social and cultural –which require the attention of the world in general and India in particular.

¹⁹ Full text of the Gilgit Baltistan Empowerment and Self Governance Order available at official website of the Government of Gilgit Baltistan at <http://www.gilgitbaltistan.gov.pk/images/stories/downloads/Governance-Order.pdf>.

III POLITICAL DIMENSIONS

The political status of Gilgit Baltistan is not well-defined unlike J&K - the Indian part of the former princely state- which has a definite constitutional status and the 'AJK', which too has a constitution of its own. It is neither independent nor has it been given provincial status within Pakistan. The region does not find mention in the successive constitutions of Pakistan. Reeling under political ambivalence and instability, Gilgit Baltistan has been politically very restive during the last decades. Pakistan has been experimenting with ad hoc rules and structures in the region and has consistently failed to provide concrete political solutions for the region and its people.

Lack of Constitutional Status and Political Ambiguities

Gilgit Baltistan and the 'AJK': For a brief period after 1947, Gilgit Baltistan was governed by the 'AJK' administration. However, since the Kashmir issue was heating up at the international level, Pakistan thought it would be appropriate to separate it from 'AJK'. This was done as per the Karachi Agreement of April 28, 1949 between the president of 'AJK', Sardar Mohammed Ibrahim Khan, a minister without portfolio from Pakistan, Mushtaq Ahmed Gurmani and Choudhry Ghulam Abbas, a representative from the Muslim Conference.²⁰ Intriguingly, the future of Gilgit Baltistan was decided without any local representation. Since no signatory was a native of Gilgit Baltistan, they had no *locus standi, de jure* or *de facto*, to determine the status of the region.

The 'AJK', however, has consistently been trying to reassert its control over Gilgit Baltistan. The 'AJK' Interim Constitution 1974 refers to

²⁰ Text of the Karachi Agreement.

Gilgit Baltistan as a part of 'AJK'. In 1972, the 'AJK' Legislative Assembly passed a resolution for reclaiming Gilgit Baltistan which was wilfully ignored by the government in Pakistan.²¹ Subsequently in 1992, the 'AJK' High Court admitted a petition and in 1993 ordered the government in 'AJK' to take control of Gilgit Baltistan.²² The order was challenged by the government of Pakistan in the 'AJK' Supreme Court and on September 14, 1994 the court delivered a landmark judgement declaring that Gilgit Baltistan was part of J&K and not 'AJK'.²³ Notably, the 'AJK' had cited the Interim Constitution to prove that Gilgit Baltistan was part of 'AJK' but the court refused to accept this argument. Thereafter on May 28, 1999, the Supreme Court of Pakistan, in another judgement, noted that it is incumbent on Pakistan to guarantee fundamental rights to the people of Gilgit Baltistan.²⁴

Legal Framework Order 1994: The Legal framework Order (LFO) of 1994, set up a Northern Areas Executive Council (NAEC) with 24 elected members, although without much authority.²⁵ It was through this order that the Northern Areas Rules of Business were enunciated. A three member Chief Court was established under the aegis of a retired judge of a Pakistani provincial High Court. In 1999, the LFO was amended to vest certain powers in the Northern Areas Legislative Council (NALC) which was given the right to legislate on 49 subjects listed in Schedule II of the order.

In 2007, when President Pervez Musharraf was cornered domestically and internationally, he offered a constitutional package to Gilgit Baltistan.²⁶ This constitutional package made nominal changes to the existing system, ostensibly making it more representative. The Northern

²¹ Navneeta Chaddha Behera, *Demystifying Kashmir*, Pearson Longman, 2007, p. 176.

²² Ibid.

²³ Ibid.

²⁴ Altaf Hussain, *The Gilgit Baltistan Reforms 2009*, p. 3 & Freedom in the World 2011 - Kashmir [Pakistan], August 18, 2011 at ARE THESE BOOKS? <http://www.unhcr.org/refworld/country,,FREEHOU,,IND,,4e4cd6552954,0.html>.

²⁵ Text of the Gilgit Baltistan Legal Framework Order (LFO) of 1994.

²⁶ "Constitutional Package for N. Areas," *Dawn*, October 24, 2007, Karachi at <http://archives.dawn.com/2007/10/24/top1.htm>.

Areas Legislative Council was renamed the Northern Areas Legislative Assembly. It is alleged that the devolution package was a pre-emptive move in view of Benazir Bhutto's comeback, whose party the Pakistan Peoples Party (PPP) had a strong hold over Gilgit Baltistan.²⁷

An Inadequate Step Towards Self-Governance

The Gilgit Baltistan Empowerment and Self-Governance Order of August 2009 consisted of a set of political reforms. Basically, the package was designed to create the impression of liberal self rule in Gilgit Baltistan. Even as the order was packaged as empowerment, it failed to give the region a well-defined political status or any form of representation in the federal structure of Pakistan. This order was just another one in the series of paradoxes that have characterised Pakistan's policy towards this part of PoK. Some of the salient features of the governance package are as follows:

- (i) *Gilgit Baltistan Council as the virtual authority.* Gilgit Baltistan has no representation in the federal government of Pakistan. But, the legislative council which exercises virtual powers in Gilgit Baltistan is headed by the prime minister of Pakistan. This leaves little scope for the popularly elected representatives of the legislative assembly (33 members - of whom 24 are directly elected) to exercise any authority. Besides, as in the case of the Interim Constitution of the so called 'AJK', all office bearers in Gilgit Baltistan have to sign an oath of allegiance to Pakistan.²⁸
- (ii) *No legal or constitutional binding.* The empowerment and self government order is not legally binding as it is in the form of a presidential order. This is because Gilgit Baltistan is not part of the Pakistani constitution and is not represented in the federal government. The order, hence, can be rescinded at any time

²⁷ The Pakistan Peoples Party (PPP) has a degree of influence in Gilgit Baltistan because they initiated reforms and abrogated the FCR in 1974.

²⁸ Text of the Gilgit Baltistan Empowerment and Self Governance Order, Refer the First Schedule of the document.

depending on the government of Pakistan and its orientation. Hence, its future remains uncertain.

- (iii) *Observer status:* The chief minister of Gilgit Baltistan has been invited to the federal cabinet as an “observer”. The region has no representation in the National Finance Commission (NFC) even though there is a provision in the 1973 constitution under the Article 160 (1) for the representation of a non-constitutional unit. Such participation is, however, illusory as the representative has no right to vote in a body where decisions are made by the majority.²⁹
- (iv) *Levy of taxes:* Under the new framework, whereby Gilgit Baltistan was to apparently function as an administrative unit, it was expected to generate revenue by the levying of taxes. Previously, no taxes were levied in Gilgit Baltistan due to its undefined political status. But the government of Pakistan decided to introduce taxes on corporates, including registered firms and the salaried class. In the backdrop of the lack of governance and development, the decision further exacerbated the woes of the people.
- (v) *Restrictions on debate and discussion:* The Gilgit Baltistan legislative assembly and the council cannot debate issues related to defence, finance, internal security and foreign affairs or question the conduct of the judges of the Gilgit Baltistan Supreme Appellate Court and the Chief Court.³⁰ The budget is passed by the assembly but prepared by bureaucrats in Pakistan. The chief secretary in the ministry of Kashmir affairs is a Pakistani bureaucrat and the governor, a political appointee. Essentially, the approach is to erect a political system with pretentious organisational subsets - all of them having signed the bond of allegiance to Pakistan.

²⁹ Altaf Hussain, *The Gilgit Baltistan Reforms 2009*.

³⁰ *Ibid.*, p.21.

- (vi) *Easy access for settlers to the region:* This order entitles outsiders who possess asset/assets and a local identity card to become the citizens of Gilgit Baltistan.

Rejection of the governance and self-rule order: The governance and self-rule order is broadly perceived by locals as “a strategic move to defuse pressure of rights organisation”.³¹ They hold that the popularly elected legislature is weakened and “wilfully emaciated”³² and in spite of all the trappings, Gilgit Baltistan does not have a constitutional status. This governance order is transitory and can be easily revoked in future.

The Human Rights Commission Pakistan (HRCP) in its observer report rejected the order in clear terms. The report in its comprehensive note stated:

The Gilgit-Baltistan (Empowerment and Self-Governance) Order, 2009 generally fell short of the people’s expectations. The people of Gilgit-Baltistan had expected that the region would either be made the fifth province of Pakistan or get an autonomous status or an interim constitutional set-up on the pattern of Azad Jammu and Kashmir. The Order has brought little meaningful change at any level as, through various devices, the final authority on all important matters is the federal government. Most of the political parties criticised the Order as mere eyewash.³³

In the 2009 elections to the Gilgit Baltistan Assembly, votes were cast along sectarian lines. The Sunnis who enjoy state patronage feared losing their advantage, allegedly rallied with militant groups and their affiliates turning places like Gilgit and Skardu into “militarised ghettos”.³⁴ Pakistan fears that allowing the “ethnic nationalism” to prosper would “possibly rupture her geographic seam”.³⁵

³¹ Senge H. Sering, Constitutional Impasse in Gilgit- Baltistan (Jammu and Kashmir): The Fallout, *Strategic Analysis*, May/June 2011 at <http://www.tandfonline.com/doi/pdf/10.1080/09700161003658998>, p. 354.

³² Ibid., p. 357.

³³ *Gilgit-Baltistan Elections 2009*, Report of HRCP Observers Mission, January 2010 at <http://www.hrcp-web.org/pdf/Gilgit-Baltistan%20Report.pdf>, p. 6.

³⁴ Senge H. Sering Constitutional Impasse in Gilgit- Baltistan (Jammu and Kashmir): The Fallout, p. 357.

³⁵ Ibid.

Resistance to imposition of taxes: This order was resisted by all including traders associations, and the Gilgit Baltistan Chamber of Commerce (GBCCI). In March 2012, the prime minister of Pakistan while chairing a meeting of the Gilgit Baltistan Council in Islamabad, noted that a special committee had worked out proposals for taxation in Gilgit Baltistan. The proposal, Gilani noted, would soon be implemented to meet the development requirements of the region.³⁶ He further added that even as key departments such as electricity, forest and mineral developments were within the jurisdiction of the Gilgit Baltistan Council, they were placed under the supervision of the Assembly under a temporary arrangement.³⁷

Reacting to this development, the chairman of the GBCCI, Javed Hussain, stated in a press briefing: “Until and unless Gilgit Baltistan was given proper representation in the Senate and the National Assembly of Pakistan, Islamabad would not be allowed to impose taxes on the people of the region”.³⁸ Hussain also accused the Pakistan government of having failed to formulate a concrete and consequential policy to promote trade and commerce in the region.

A formal decision to impose taxes in Gilgit Baltistan was taken by the government of Pakistan around October 2011.³⁹ However, widespread criticism forced the government to defer it for some time. The chief minister of Gilgit Baltistan requested the prime minister of Pakistan to

³⁶ Income Tax being imposed in Gilgit – Baltistan: Gillani , *Pamir Times*, March 23, 2012 at <http://pamirtimes.net/2012/03/22/income-tax-being-imposed-in-gilgit-baltistan-gillani/>.

³⁷ Ibid.

³⁸ GB traders to protest tax imposition at <http://chitraltoday.net/gb-traders-to-protest-tax-imposition/>.

³⁹ Shabbir Mir, Revenue generation: Govt formally decides to tax Gilgit-Baltistan, *The Express Tribune*, October 2, 2011 at <http://tribune.com.pk/story/264830/revenue-generation-govt-formally-decides-to-tax-gilgit-baltistan/>.

postpone the decision till such time that the region is given representation in the NFC.⁴⁰

The current political structure: Gilgit Baltistan is currently under the overall control of the federal ministry of Kashmir Affairs and Gilgit Baltistan (KAGB) which was previously termed Ministry of Kashmir Affairs and Northern Areas (KANA). The ministry was created in 1950.

The Gilgit Baltistan Assembly: The Gilgit Baltistan Legislative Assembly (GBLA) consists of 33 members of which:

- (a) Twenty four members shall be elected directly on the basis of adult franchise.
- (b) Six women members shall be elected in accordance with the system of reserved seats in Pakistan. One additional seat (total 7) was allotted to the newly created district of Hunza Nagar.
- (c) Three technocrats and professional members shall be elected on the lines of reserved seats in Pakistan.⁴¹

Elections to the Assembly are held every five years. The party positions in the last elections of 2009 are given in the table below:

Party	General Seats	Women	Technocrats	Total
Pakistan Peoples Party	14	4	3	21
Pakistan Muslim League (Q)	2	1		3
Pakistan Muslim League (N)	2			2
Jamat Ulema -e- Islam	3	1		4
Mutaihida Qaumi Movement	1			1
Independent	2			2
Total	24	6	3	33

(Source: Altaf Hussain, *The Gilgit Baltistan Reforms 2009*)

⁴⁰ Shabbir Mir, Decision to impose tax in Gilgit-Baltistan deferred, *The Express Tribune*, October 11, 2011 at <http://tribune.com.pk/story/271249/decision-to-impose-tax-in-gilgit-baltistan-deferred/>.

⁴¹ Altaf Hussain, *The Gilgit Baltistan Reforms 2009*.

Gilgit Baltistan Council consists of:

- (a) The prime minister of Pakistan;
 - (b) The governor of Gilgit Baltistan;
 - (c) Six members nominated by the prime minister of Pakistan from time to time from amongst federal ministers and members of Parliament, provided that the federal minister for Kashmir Affairs and Gilgit-Baltistan shall be an ex officio member and minister in charge of the council;
 - (d) The chief minister of Gilgit-Baltistan;
 - (e) Six members to be elected by the Assembly in accordance with the system of proportional representation by means of a single transferable vote.
- (2) The prime minister of Pakistan is the Chairman of the Council.
 - (3) The Governor is the Vice-Chairman of the Council.

The Gilgit Baltistan Council virtually wields all authority and power over the affairs of the region.

Political Unrest and Role of Nationalist Groups⁴²

The absence of political status and lack of guaranteed rights in Gilgit Baltistan have led to a political churning in the region. Amidst indefinite uncertainty, the political yearnings of the local people have been voiced by a number of political/nationalist groups, who demand freedom from Pakistan's control. These political groups have unanimously opposed Pakistan's high-handedness even as they hold differing views on the future shape and structure of Gilgit Baltistan. While some demand complete freedom from Pakistan, others demand an 'AJK' like structure for Gilgit Baltistan. While "there are several incipient sectarian-based movements for the creation, in the present Gilgit Agency, of either an

⁴² The term Nationalist is applied to denote collectively or otherwise the pro-autonomy, pro-independence and the ethno-nationalist groups in Gilgit Baltistan.

independent or an autonomous region”⁴³, the last few decades have seen a rise in the number and strength of these groups even as they face arbitrary arrests, illegal detention and a majority being forced to flee their homeland.

No political freedom: To further aggravate the situation the Inter Services Intelligence (ISI) maintains a strong presence in the region. The Northern Areas Command or the Force Commander Northern Areas (FCNA), a key Pakistani formation is headquartered at Gilgit.⁴⁴ Skardu in Baltistan near the LoC is known to be heavily guarded by this command. The extent of ISI presence can be gauged by the fact that the nationalists leaders are always under close watch. Several leaders have been put under house arrest and during this they are under strict surveillance from the ISI. There have been several cases of detention for minor offences and unaccounted deaths in custody. According to reports, the army and the ISI maintain a strong presence in Gilgit Baltistan to prevent nationalists from organizing any mass movements - either secretly or openly.⁴⁵

In April 2010, most members of the local nationalists groups who protested against the Karachi Agreement (signed in 1949), were forced into exile for three months.⁴⁶

Call for provincial status: A section of the people and a few groups demand that it is time for Gilgit Baltistan to be given the status of a full-fledged province of Pakistan.⁴⁷ They believe that Gilgit Baltistan

⁴³ Azad Kashmir and the Northern Area, Refworld, The UN Refugee Agency (UNHCR), August 1, 1997 at <http://www.unhcr.org/refworld/country,,IRBC,COUNTRYREP,PAK,,3ae6a83ac,0.html>, p. 6.

⁴⁴ Pakistan Army Strategy in Gilgit Baltistan at <http://www.balawaristan.net/Latest-news/pakistan-army-strategy-in-gilgit-baltistan.html>.

⁴⁵ Freedom in the World 2008 - Kashmir [Pakistan] July 2, 2008 at <http://www.unhcr.org/refworld/topic,463af2212,469f2dcf2,487ca21a2a,0.html>.

⁴⁶ 11 nationalists banished from Gilgit Baltistan, *Weekly Baang*, Karachi, Volume-03, Issue-10 at http://weeklybaang.blogspot.in/2010_05_02_archive.html.

⁴⁷ Zaeem Zia, Make Gilgit-Baltistan the fifth province of Pakistan, *The Friday Times*, April 23, 2012 at <http://www.thefridaytimes.com/beta3/tft/blog.php?blogstory=44>.

has given unequivocal support to Pakistan and hence, Pakistan is obliged to grant it provincial status. As Gilgit Baltistan is not represented in either house of the Pakistan parliament, it is not entitled to participate in several institutional structures such as the Council of Common Interests (CCI), National Economic Council (NEC) and the National Finance Commission (NFC). These bodies are responsible for implementing government policies as the decisions taken and implemented by them apply to Gilgit Baltistan.⁴⁸

Lack of regional political parties: There are no regional political parties in Gilgit Baltistan unlike in J&K and the so called 'AJK'. In J&K, regional parties like National Conference (NC) and the People's Democratic Party (PDP) have a strong hold on local politics. Most of the mainstream political parties of Pakistan have a presence in Gilgit Baltistan, with the PPP being the most influential because its founder, Pakistan's former Prime Minister, Zulfikar Ali Bhutto, lifted the FCR- which required the residents of the region to report to the police station once every month-in 1974. The party tried to cash on this popularity by introducing the empowerment package in 2009 but the people knew it to be an eye wash.

Apart from the PPP, the Pakistan Muslim League Nawaz (PML-N) has a support base in Diamer and Gilgit districts and the Muthahida Qaumi Movement (MQM) has some influence over the people of Gilgit Baltistan who are settled in Karachi, especially the youth. The Pakistan Muslim League Qaid-i-Azam (PML-Q), the Musharraf faction, which was instrumental in initiating road building, communication and other infrastructural work in the region during the Musharraf regime and the Jamait Ulema-e-Islam Fazal-ur-Rehman (JUI-F) are believed to be influential among the Sunnis in Diamer and close to the ruling PPP.⁴⁹

⁴⁸ Proposed constitutional amendment in the constitution of the Islamic Republic of Pakistan 1973, for empowerment of Azad Jammu & Kashmir and Gilgit Baltistan, Discussion Paper, Pakistan Institute for Legislative Development and Transparency (PILDAT), May 2011 at <http://www.pildat.org/publications/publication/constitution/ProposedConstitutionalAmendments-AJK-GB-Discussion=May2011.pdf>, p. 9.

⁴⁹ Altaf Hussain, *The Gilgit Baltistan Reforms 2009*, pp. 11-12.

Barring a few exceptions, the local nationalist groups are not encouraged to participate in the political process - including in the elections. False sedition charges are levelled on these leaders to prevent them from participating in public affairs. The atrocities committed by Pakistan have failed to deter the growth of such groups and organisations in Gilgit Baltistan.

Prominent amongst the nationalist groups in Gilgit Baltistan are:

Balwaristan National Front (BNF): came into existence on July 30, 1992 and is based in Majini Mahla, Gilgit. The group was founded by Nawaz Khan Naji and is presently led by its chairman, Abdul Hamid Khan. The party voices the grievances of the people of Gilgit Baltistan and is demanding an independent republic of Balwaristan. It considers Pakistan to be a 'usurper' and its control over the region 'illegal' as per international law.⁵⁰ In an open letter to the prime ministers of India and Pakistan in November 2004, Khan appealed for an early resolution of the mounting problems of the people of Gilgit Baltistan.⁵¹

Gilgit Baltistan United Movement (GBUM): based in Skardu, is a prominent "local political autonomist movement, supported by local politicians who are demanding a fully autonomous state comprising Gilgit-Baltistan and Pakistani controlled Jammu & Kashmir."⁵² Its chairman, Manzoor Hussain Parwana, was put under arbitrary arrest during July-August 2011 for taking up the cause of Ladakhi refugees in Gilgit Baltistan and supporting the idea of cross-LoC movement between Skardu and Kargil.⁵³ He was later freed after public protests in parts of Gilgit Baltistan.

⁵⁰ Official Website of the Balwaristan National Front at <http://www.balawaristan.net/>.

⁵¹ A Letter From Balwaristan, November 24, 2004 at http://www.thesouthasian.org/archives/2004/a_letter_from_balwaristan.html.

⁵² Refer Gilgit Baltistan United Movement (GBUM) at <http://skardu.blogspot.com/>.

⁵³ PAKISTAN: Release Manzoor Hussain Parwana who has been transferred to an ISI torture cell, Asian Human Rights Commission, July 29, 2011 at <http://www.humanrights.asia/news/forwarded-news/AHRC-FOL-009-2011>.

This group was closely associated with the adoption of the Skardu Declaration of June 15, 2008- that incorporated several demands of the people of Gilgit Baltistan.⁵⁴ The declaration was made under the aegis of GBUM. While sharing the platform, the members of the alliance vehemently demanded the formation of a constituent assembly, for drafting a constitution that was just and fair to the people of Gilgit Baltistan. They also demanded local representation on government bodies.

Balwaristan Student National Organisation (BSNO): the student wing of the BNF consists of young activists who seek independence from Pakistan's tyrannical and colonial rule. The cabinet in the BSNO encourages the youth to struggle for their basic political rights. The organisation is headed by Faizullah Faruq and has extended its activities as far as Karachi.⁵⁵

Gilgit Baltistan Democratic Alliance (GBDA): consists of several political groups operating in GB, including the GBUM. According to Unrepresented Nations and Peoples Organization (UNPO), it is:

...an umbrella organisation which also represents groups such as the Balawaristan National Front, Karakoram National Movement, the Bolor Research Forum and the Gilgit Baltistan Ladakh Democratic Movement. These groups remain committed to non-violent methods, despite a deteriorating situation.⁵⁶

The group participated in the Gilgit Baltistan general elections held in 2009 but could not win any seat.

⁵⁴ Skardu declaration of GBUM, June 15, 2008 at <http://skardu.blogspot.in/2008/06/skardu-declaration-of-gbum15-june-2008.html>.

⁵⁵ For recent activities of BSNO, refer Gilgit Baltistan: Detainment of Manzoor Parwana is the latest of political activists, UNPO, August 1, 2011 at <http://www.unpo.org/article/12973> & Student protest Kohistan Killings, *Dawn*, March 1, 2012 at <http://www.dawn.com/2012/03/01/students-protest-kohistan-killings.html/wp-admin/install.php>.

⁵⁶ See Gilgit Baltistan at <http://www.unpo.org/members/8727>.

Gilgit Baltistan National Movement: is headed by Ghulam Abbas, who in February 2012 filed a petition in the Gilgit Baltistan Appellate Court challenging Pakistan's authority over the region. His petition demanded repeal of certain clauses in Empowerment and Self Governance package which vests absolute authority in the prime minister of Pakistan (as the chairman of the Gilgit Baltistan Council) to appoint judges in the higher courts. The court admitted his petition and directed Pakistan's federal government and the KAGB to submit a report on the same.⁵⁷

Other groups include the Karakoram National Movement, Gilgit Baltistan Thinkers Forum and the Bolor Thinkers Forum.

Local Media

Leading local dailies and newspapers which carry extensive reportage on Gilgit Baltistan include the *Hunza Times*, *Pamir Times*- a micro blogging site, *Baang e Sabar* and *Dardistan Times*. Interestingly, the *Dardistan Times* describes itself "as a community driven newspaper website buzzing the news from Gilgit-Baltistan, a disputed region of Pakistan" representing "1.8 million people of Gilgit-Baltistan".⁵⁸

An Active Diaspora

The ongoing instability and unrest have forced a large section of the population of Gilgit Baltistan to flee the region. Due to discriminatory policies of Pakistan, most of them have chosen to base themselves outside - for instance in Europe, the United States and Canada- and also in the Middle East. The United Kingdom is home to the largest section of the Gilgit Baltistan diaspora. This is apart from the expatriates from the 'AJK' who settled in Britain after they were displaced from their homeland by the construction of the Mangla Dam in the 1960s.

⁵⁷ SC directs govt, KANA to file replies, *The Nation*, February 23, 2012 at <http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/islamabad/23-Feb-2012/sc-directs-govt-kana-to-file-replies>.

⁵⁸ See <http://www.dardistantimes.com/>.

The immigrants and the migrant workers are known to have brought in “high amounts of ‘capital’, but there is no tangible economic regeneration or entrepreneurial activity in the wider ‘AJK’ or Gilgit Baltistan region”.⁵⁹

The Gilgit Baltistan diaspora has played key role in apprising the Western countries about the political and socio-economic plight of the region. The Institute for Gilgit Baltistan Studies is a think tank based in Washington DC and the Gilgit Baltistan National Congress (GNBC) acts as its advocacy group.⁶⁰ Similarly, the International Centre for Peace and Democracy (ICFPD) based in Canada has projected Gilgit Baltistan’s problems internationally.⁶¹ Such organisations have also made their presence felt in international bodies such as the United Nations Human Rights Council (UNHRC). Apart from this, there is the “Friends of Gilgit Baltistan” group in the European Parliament led by Jurgen Creutzmann.⁶² There are also dedicated websites and micro-blogging sites featuring Gilgit Baltistan.

Gilgit Baltistan is also a member of the UNPO, formed by group of unrecognised peoples and nations with distinct identities and cultures. The organisation is a non-governmental organisation and is based at The Hague in the Netherlands.⁶³ Gilgit Baltistan became a member of this international body on September 20, 2008. As a group, the UNPO is an important platform where issues related to the plight of the people of PoK are very often raised.⁶⁴ The organisation highlights the miserable

⁵⁹ Sardar Aftab Ahmad Khan, *Unlocking the Potential of the Kashmiri Diaspora in the ‘Big’ Society for Development and Just Peace*, Berghof Peace Support and Centre for Just Peace and Democracy 2011 at http://www.berghof-peacesupport.org/publications/SL_Diaspora_Papers_Sardar_AA_Khan.pdf, p. 9.

⁶⁰ For details see <http://www.gilgitbaltistan.us/>.

⁶¹ Website of International Centre for Peace And Democracy (ICFPD) at www.icfpd.org.

⁶² Gilgit-Baltistan: Members of the EU Parliament Form “Friends of Gilgit-Baltistan”, November 6, 2009 at <http://www.unpo.org/article/10307>.

⁶³ Website of the Unrepresented Nations Peoples Organization (UNPO) at <http://www.unpo.org/>.

⁶⁴ Gilgit Baltistan at <http://www.unpo.org/content/view/8727/256/>.

lives and conditions of the local population who are forced to live as foreigners in their own state in the absence of basic rights and freedoms.

Expats from Gilgit Baltistan form a significant section of the aggregate Kashmir diaspora. However, in the past, these people did not get the kind of attention they deserved. This was mainly due to Pakistan's deliberate and largely successful attempt to deprive them of any kind of international exposure and attention.

Currently, Gilgit Baltistan has been the focus of much world attention mainly because of reports of Chinese presence in the region. The US is developing an interest in the region as it feels it geopolitically prudent to do so in view of the growing Chinese foothold. The emerging US interest, in hindsight, has proved to be a blessing in disguise for the diaspora movements based there. The US has provided these groups with a platform to voice their demands and vent their grievances on the international stage. Writings by accredited US experts indicating Chinese presence in the Gilgit Baltistan region indicate this growing interest.

The Gilgit Baltistan diaspora is likely to play a key role in future of the region. These people are aware of the existing ground realities due to their links with the region which is otherwise difficult to access.

Presence of Militant Outfits

A number of reports have indicated that groups such as the Al Qaeda and the Taliban have a substantial presence in the Gilgit Baltistan region⁶⁵ in the Ghizer valley and militant training camps in the remote hilly areas of Hazara, Darel, Yashote, Tangil Astore, Skardu and Gilgit city.⁶⁶ At a point when Pakistan was coming under the influence of the Taliban, the fear of militancy became entrenched among the local population. The population is primarily non-Pashtun (Shias and Ismailis) and is,

⁶⁵ Taliban threat to Gilgit, *Pakistan Tribune* at <http://www.paktribune.com/news/print.php?id=214213>.

⁶⁶ Abdul Hamid Khan, Balawaristan: The Heart of Darkness at http://www.satp.org/satporgrp/sair/Archives/1_5.htm.

therefore, strongly opposed to the presence of Taliban in their land. The memory of the Shia purge of the late 1980s is still fresh. After the Soviet withdrawal from Afghanistan, the Mujahideen from the western front moved to the eastern side of Pakistani border in the PoK region. It has happened in past and therefore, there is always a possibility that these groups will want to further expand their presence and activities in the Gilgit Baltistan region.

Given the track record of Pakistani intelligence agencies and the army of forging a nexus with militant groups and their extensive presence in the region, a rise in militant activities in the region is not unlikely. People from the region are unsure whether Pakistan in such an eventuality would be willing to ensure their safety. The region depends on Pakistan for its security. People in Gilgit Baltistan have been living under the constant fear that *Shariat* law may be imposed there⁶⁷ and that the Taliban might seize control of the strategic Karakoram Highway.

Political unrest in Gilgit Baltistan has been going on for decades and has shaped public perceptions to a great extent. However, the people of the region have not taken to violence. Even as public movements remain non-violent, Pakistan's policy is more high-handed towards the people of the region compared to its attitude towards militant groups. Pakistan exercises more restraint when dealing with militant groups than with the peaceful movements and advocacy groups in Gilgit Baltistan.

⁶⁷ Shariat Law may soon be implemented in POK , April 19, 2009 at <http://kashmirihindu.wordpress.com/2009/04/19/shariat-law-may-soon-implemented-in-pok/>.

IV

SOCIO-ETHNIC PARAMETERS

Gilgit Baltistan is a land of cultural and ethnic diversity, which is why it is one of the most significant components of any study on the region. The region is home to a number of ethnic groups who speak five languages and 36 dialects. Baltistan was at one time known as the 'Apricot Tibet' or 'Little Tibet'.⁶⁸ The people in region speak a dialect of Tibetan that is similar to the dialect spoken by the people of Kargil and Leh. It is believed that although these people are Shias and not Buddhists, their culture and language are similar to that of people on the other side of LoC.

This variety and mix which otherwise is a blessing has, however, been detrimental for peace and stability in the region. Not only have the people in the region been deprived of political rights, they are confronting deep social divides on the basis of ethnic and regional identity. These social tensions manifest themselves in violence and killings.

Sectarianism/ Ethnic Dissent

Sectarianism in Gilgit Baltistan can broadly be seen as an extension of the deep-rooted sectarian divide within Pakistan. At the same time, it needs to be examined as a different subset in view of the historical and political factors and the ethnic and social profile of the region.

Gilgit Baltistan was originally a Shia predominant region – a peculiarity in the Sunni-dominated republic of Pakistan. The population in Gilgit Baltistan broadly consists of: Shias, the Sunnis, Ismailis and the Noorbakshis. The Shias constitute (even after the demographic

⁶⁸ Alice Albinia, *Empires of the Indus: The Story of a River*, John Murray (Great Britain), 2006, p. 246.

tampering) 70 per cent of the population. They are in a majority in Gilgit, Skardu and Ghanche whereas in Ghizer and Astore district, they have been reduced to a minority. Sunnis are the second largest group in Gilgit Baltistan and are in absolute majority in Diamer district. They also have a presence in Astore, Ghizer, Gilgit and Skardu. The Ismailis are in majority in the Ghizer district, the Hunza subdivision and in minority in Skardu. Noorbakshis are in a majority in Ghanche and a minority in Skardu.⁶⁹

There was no sectarian conflict in the region during British rule. Sectarian consciousness in Gilgit Baltistan is a post-1947 phenomenon.⁷⁰ It is believed that in the decades following independence, religious affiliations were not so entrenched and that these identities were more or less fluid and pluralistic. There were instances of inter-sect marriages and that there are several families with members from other sects.⁷¹ It is, therefore, correct to say that sectarian issues surfaced only after the 1970s and have since posed a grave challenge to security of the common people.

It is believed that the Shia-Sunni strife is a state creation and Pakistan has used it to serve its larger interests in Gilgit Baltistan. In the absence of political mobilisation, sectarianism has acted as a unifying force for people in Gilgit Baltistan.

Sectarianism in Gilgit Baltistan can be traced back to certain stray incidents that took place during the 1970s. The first such recorded incident was regarding the route to be taken by an *Ashura* procession in 1973 and Shias making a stage in the middle of the road to address a gathering. The Sunnis took serious offence to this and the matter was referred to the federal government. The then prime minister, Zulfikar Ali Bhutto passed an order prohibiting any such activity, thereby, deeply hurting Shia sensitivities.

⁶⁹ Sectarian Conflict in Gilgit-Baltistan, PILDAT Background Paper, May 2011 at http://www.pildat.org/Publications/publication/Conflict_Management/GB-SectarianConflit-BackgroundPaperEng-May2011.pdf, p. 12.

⁷⁰ Ibid., p. 13.

⁷¹ Ibid., p. 14.

Zia-ul-Haq's Islamisation drive: Sectarian violence flared up in Pakistan during the Zia-ul-Haq's regime between the late 1970s and the late 1980s. Gilgit Baltistan could not be immune to the evil force of religious statecraft.

Zia's Islamisation drive was meant to promote the ideology of the *Sunnah* and simultaneously dissipate the influence of other denominations of Islam, mainly the Shias. He imposed the *Zakat*⁷² which was a compulsory payment made to the government by citizens. This was not acceptable to the Shias who resisted it. Realising that the biggest challenge to his homogenisation drive was the Shia majority in Gilgit Baltistan, Zia encouraged radical groups such as the *Sipah-e-Sahaba* to extend its activities in the region. The *Sipah-e-Sahaba* was known for its strong anti-Shia leanings. Thus, Zia encouraged the group to open madrassas and other religious institutions in Gilgit Baltistan to spread his preferred brand of Islam and to gradually banish the dominant Shia culture, traditions and ideas from Gilgit Baltistan. "The 1980 'gherao' (siege) of the government secretariat in Islamabad by tens of thousands of Shias protesting against the *Zakat* and *Ushr*⁷³ ordinance was a clear indication of their apprehensions regarding Zia's 'Islamisation' project".⁷⁴

Shia Massacre/ Riots in 1988: There were large scale riots in Gilgit Baltistan in 1988 during the holy month of Ramzan. Violence erupted from a controversy over sighting of the moon. The Shia religious heads proclaimed end of fasting and called for Id celebrations. The Sunnis, on the other hand, were still fasting as they believed the moon had not been sighted yet. The murderous anti-Shia drives sponsored by the state led to ruthless killings of innocent inhabitants of the region. Not only the Shia population, but their assets and belongings were targeted during the riots.

⁷² *Zakat* is a fixed proportion from one's wealth given towards charity.

⁷³ *Ushr* also known as *Tithe* is *Zakat* on agricultural produce which could be anything between 1/10th or half of the total produce.

⁷⁴ Abbas Rashid, The Politics and Dynamics of Violent Sectarianism at http://members.tripod.com/~no_nukes_sa/chapter_2.html.

It is widely believed that the Sunni militias/*lashkars* from the adjoining province of Khyber Pakhtunkhwa (earlier known as the North West Frontier Province) were allowed to enter Gilgit Baltistan and create havoc there. The unhindered passage provided to these armed groups was proof of the state's abetment of sectarian violence in the region. It also highlighted the apathy of the state towards the killing of hapless people.

General Pervez Musharraf (former President of Pakistan, and the trusted lieutenant of President Zia-ul-Haq at that time) was the person responsible for this sectarian massacre. Musharraf who shared Zia's anti-Shia Deobandi leanings, was commanding the newly created Special Services Group (SSG) based in Khapalu near the Siachen Glacier for two tenures, i.e., 7 years. When violence erupted over the sighting of the moon, Zia deployed the SSP under Musharraf's command to control the violence in the region.⁷⁵ Musharraf, who had been given a free hand called in the tribal Pakhtun militia from NWFP (now Khyber Pakhtunkhwa) and the Afghan *Mujahideen* (who had been given refuge in Pakistan post Soviet withdrawal from Afghanistan). These men crossed over to Gilgit Baltistan creating havoc on their way to the Karakoram Highway. Houses were burnt, innocent civilians were mobbed and lynched, assets were targeted, and even livestock and agricultural produce were not spared.

There was hardly any attempt to assuage the concerns of the targeted Shias who were mostly adherents of the Tehreek e Nafaz e Fiqh e Jafria (TNFJ) whose leader, Arif Hussain Al Hussaini, was killed in 1988. To mollify the Shia community, Pakistani government agreed to allow the TNFJ to contest elections. The group managed to secure some seats and got an opportunity to send its representatives in the government.

The Aga Khan Foundation which undertakes extensive social work in Gilgit Baltistan has also been targeted on a number of occasions. The organisation is well known for its bi-partisan and secular character even as it has a huge following amongst the Ismailis.

⁷⁵ B Raman, *Biography of General Pervez Musharraf: His Past and Present*, July 1, 1999 at <http://www.angelfire.com/al4/terror/musharraf.htm>.

Arrests of over 300 suspected terrorist from the region in October 2008 hinted at the growing influence of fundamentalist forces inside Gilgit Baltistan.⁷⁶ In August 2009, the leader of the outlawed anti-Shia radical group *Sipah-e-Sahaba*, Allama Ali Sher Hyderi, was killed in Sindh.⁷⁷ In a spill over effect, violence broke out in Gilgit Baltistan where Sunnis confronted the Shias to avenge the death of their leader. This disrupted normal life in the region.

Text Book issue (2000-04): The introduction of a Sunni centric curriculum in the schools in Gilgit Baltistan also triggered the sequential sectarian unrest in the region during 2000-04. This issue of textbooks inflamed passions for a span of 4-5 years during which there was large scale rioting, hunger strikes by students demanding withdrawal of certain text books and closure of educational institutions for almost an year. An article in a leading Pakistan weekly, *The Friday Times* described this as “a sectarian time bomb”.⁷⁸ The article listed 18 contentious issues in the prescribed syllabus. It was alleged that the Shia beliefs were completely ignored while only those that conformed to the *Sunnah* were included in the text.

These textbooks were prescribed by the Punjab Board of Education and shortlisted by a committee of four experts (who were Sunnis) before being introduced in schools across Gilgit Baltistan. The content in these textbooks, especially those at the primary level closely adhered to the Sunni interpretation of Islam while the illustrations did not conform to the Shia way of life and worship. This deeply enraged the Shia constituency, who felt despite being in majority in the Gilgit Baltistan region, they were being marginalised.

⁷⁶ Senge H. Sering, Talibanisation of Gilgit-Baltistan and Sectarian Killings, *IDS.A Strategic Comment*, October 19, 2009 at http://www.idsa.in/idsastrategiccomments/TalibanizationofGilgitBaltistanandSectarianKillings_SHSerling_191009.

⁷⁷ Ibid.

⁷⁸ Mohammad Shehzad, , Textbook Controversy in Gilgit, *The Friday Times*, July 4-10, 2003 as quoted in Georg Stöber, Religious Identities Provoked: The Gilgit, ‘Textbook Controversy’ and its Conflictual Context at http://www.gei.de/fileadmin/bilder/pdf/Publikationen/ISF/29_4Stoerber.pdf, p. 390.

No breakthrough could be achieved even after hectic parleys between state authorities and representatives of the Shia community. Meetings were also held between the ministry of education and authorities in Gilgit Baltistan. There were demands for a different syllabus for the Shias but this was not deemed acceptable as it would lead to further dissent. Sunnis were against any change in the curriculum.

A series of assassinations including those of the government officials followed this impasse. The security agencies in Pakistan- the army, the Punjab Rangers and Gilgit Baltistan Scouts carried out search operations to recover arms and ammunition from rioting groups. There were incidents of explosions and controversial writings on walls that further incited the people. The text book issue completely polarised the region and the inter-sect distrust and rivalry peaked.

The Shia leader and the Imam of the Imamiya mosque in Gilgit, Agha Ziauddin Rizvi, was shot dead on January 5, 2004. He had received religious education in Iran. Rizvi was popular amongst the masses due to his role in restoring peace and efforts towards reconciliation post-sectarian violence in 1988.

The textbook issue was ultimately resolved by the six pact agreement facilitated by the then Northern Area Legislative Council.⁷⁹ According to the agreement, both sides were to refrain from issuing *fatwas* or counter-resolutions against the other sects. The central Anjuman-e-Imamia Northern Areas representing the Shias and the Ahle Sunnat Wal Jamaat (ASWJ) on behalf of the Sunnis agreed in principle that they would make efforts to restore sectarian harmony in the Gilgit Baltistan region and would jointly initiate a media campaign to achieve this.

A NALC curriculum committee was constituted to sort out the syllabus issue. The committee included a representative from each sect. Subsequently, the federal syllabus review committee put forward a set of recommendations on March 14, 2009 hoping for an acceptable

⁷⁹ Ibrahim Shahid, Sunni and Shia groups sign peace deal in Gilgit, *Daily Times*, February 20, 2005 at http://www.dailytimes.com.pk/default.asp?page=story_20-2-2005_pg7_8.

solution to the problem. The teachers in the region were instructed to impart controversial subjects in the syllabus carefully and avoid hurting religious sensitivities. They were also asked to refrain from putting up controversial questions in the examinations which could lead to problems between the sects.

The Human Rights Commission of Pakistan (HRCP) slammed the government of Pakistan for its inaction during this episode of violence and unrest. The findings of the report stated: “The administration was guilty of not taking steps to prevent the violence”.⁸⁰ It further noted: “Demands by leaders of all sects in the Northern Areas, that rioters be punished under the law, remained un-met into August”.⁸¹

This controversy was created by the state since government bodies were involved in it. Secondly, it was allowed to simmer for almost five years to create permanent rift amongst the rival groups and the people at large. It was only after five years when the government of Pakistan under immense pressure had few options left and it finally took some steps to resolve the crisis.

In hindsight, the text book controversy, which was more a political issue than a social one, underlined “the peripheral status of the region and its marginalisation than any religious content”. The issue is perceived “as a divide and rule strategy, causing dissent among the population for its own ends” as “the basic conflict that polarises religious identities employed in the political power struggle seems far from any struggle”.⁸² The problem lay in the “conflict between the region and its Shia inhabitants and the government of Pakistan”.⁸³

The violence created a permanent divide among the sects evident in the continuing incidence of sectarian killings in the region. Rival groups

⁸⁰ State of Human Rights in 2005, Human Rights Commission of Pakistan at <http://www.hrcp-web.org/pdf/AR2005.pdf>, p. 117.

⁸¹ Ibid.

⁸² Georg Stöber, *Religious Identities Provoked: The Gilgit, 'Textbook Controversy' and its Conflictual Context*, p. 407.

⁸³ Ibid., p. 408.

began procuring arms and ammunition expecting that such clashes would recur. The social fabric of Gilgit Baltistan continues to have strong sectarian underpinnings.

Sectarian violence in Kohistan and Chilas, February-April 2012: As stated above, the spectre of sectarian conflict continues to haunt the Gilgit Baltistan region. The February 2012 attack on Shia pilgrims on the Karakoram Highway in Harban Nullah (in the Kohistan district of Khyber Pakhtunkhwa province) is a grim reminder of this reality. The victims, returning from a pilgrimage in Iran, were forced to disembark from the bus that was ferrying them, and identified as Shias, before being shot to death.⁸⁴ In due course, the chain of events brought to the fore, multiple discrepancies in Pakistan's approach towards this region. The government and the local law and order machinery were caught unawares as they did not anticipate the popular resentment in the aftermath of this massacre. Clueless about how to curb the discontent, the government ordered a probe and later, as reported, made some arrests in connection with the case.

Unable to nab the perpetrators, the government of Pakistan sought the help of the Jirgas for dealing with the uncontrollable situation. A Jirga constituted in Kohistan under the aegis of the district administration visited Diamer in Gilgit Baltistan to interact with the local Jirga. In a breakthrough, some arrests were made which included Sunni leaders. Later, a Sunni procession led by ASWJ in Islamabad to protest these arrests was attacked with grenades by unidentified men on motorbikes. Provoked by this attack, Shia bus passengers were once again targeted in Chilas. The incident unleashed violence and daily life came to a standstill. Curfew was imposed for extended hours and schools, offices and markets remained closed for a number of days.⁸⁵ The situation

⁸⁴ Passengers hauled off buses and gunned down:16 killed in Kohistan sectarian attack, *Dawn*, February 29, 2012 at <http://www.dawn.com/2012/02/29/passengers-hauled-off-buses-and-gunned-down-16-killed-in-kohistan-sectarian-attack.html>.

⁸⁵ Tension continues in Gilgit-Baltistan, closure of water supply, scarcity of commodities irk residents, *The Lahore Times*, April 8, 2012 at <http://www.lhrtimes.com/2012/04/08/tension-continues-in-gilgit-baltistan-closure-of-water-supply-scarcity-of-commodities-irk-residents/>.

was reminiscent of the turmoil that followed the text book controversy when schools had remained closed for over an year.

Shias and Sunnis confronted each other on many occasions, even as they held protests in Islamabad. The protracted violence and its aftermath led to a hostage crisis. Those abducted included a district health officer and a judge. These people were taken hostage - reportedly by Shias - to force the government machinery into safeguarding Shia interests and security. It was only after repeated assurances from the government negotiators, that the hostage crisis was resolved.

Gilgit Baltistan has been rocked by violence because it is the victim of state apathy. This was underscored yet again by the rather lackadaisical state response to the more recent sectarian incidents in 2012.

It is rightly argued that religious identities in Gilgit Baltistan were more fluid prior to the 1970s. It was a pluralistic societal set up, with several inter-sect marriages, participation in each other's social functions and harmonious exchanges between the two. So what destroyed the fabric of a society that was largely harmonious and peaceful till the 1970s?

The answer lies in the following:

- “that at the heart of Kashmir – which Pakistan claims on the basis of its ‘Muslim’ identity –lies the region of the Northern Areas which contradicts this very identity by being home to a different kind of Muslim than that endorsed by Pakistani nationalism. The fear of this different Muslim, and of losing the strategic territory that she inhabits to India, to a broader Kashmiri struggle, or to local nationalist movements, has driven the Pakistan state to establish authoritarian control in the Northern Areas”.⁸⁶

⁸⁶ Nosheen Ali, State, Sectarianized Citizens: Deconstructing the “Textbook Controversy” in the Northern Areas, Pakistan, *South Asia Multidisciplinary Academic Journal (SAMAJ)*, 2 (2008) at <http://samaj.revues.org/1172>, p. 5.

- “For a state that officially proclaims Islam as its *raison d’être* – Islam that is implicitly coded as Sunni – the Shia-majority Northern Areas thus constitute a significant source of anxiety”.⁸⁷
- “Perceived dysfunctionality of the Shia majority in Gilgit Baltistan and crucial position of this border region in the security calculus of the state engaged the latter in an ambitious project to reconstruct the social order on its own terms”.⁸⁸

The International Crisis Group (ICG) report titled *Discord in the Northern Areas* made important observations regarding the sectarian strife in Gilgit Baltistan. It noted:

“the absence of rule of law and the climate of impunity has empowered sectarian extremists, who are also the main beneficiaries of the democratic deficit. So long as elected institutions remain impotent and the moderate voices are silenced and marginalised, sectarian extremist are bound to flourish”.⁸⁹

Over a period of time, sectarianism or the ethnic strife in Gilgit Baltistan can be seen to have acquired certain salient features. The more prominent of these are:

- Sectarianism in Gilgit Baltistan is created by the state.
- Sectarianism in Gilgit Baltistan is a source of political distraction- as communities are absorbed in safeguarding their sectarian interests and there is less scope and time to think in terms of demanding their political rights and freedom.
- Sectarianism has instilled a deep sense of deprivation in Gilgit Baltistan.
- Sectarianism is a state tool to divide and rule- the state apparatus ensures that the army, the intelligence agencies of Pakistan and

⁸⁷ Ibid.

⁸⁸ Sectarian Conflict in Gilgit-Baltistan, *PILDAT Background Paper*, p. 14.

⁸⁹ *Discord in the Northern Areas*, International Crisis Group (ICG) Asia Report no. 131, April 2, 2007 at http://www.crisisgroup.org/~media/Files/asia/south-asia/pakistan/131_discord_in_pakistan_s_northern_areas.pdf, p. 21.

the administration are geared to nurture divisive tendencies amongst the people and keep at bay any possibility of a united dissidence against Pakistan's high-handedness. It also subverts popular movements where the people are mobilised along regional lines and nationalist goals.

- The state is either unclear on how to deal with sectarianism or it chooses to be so.

Influx of Outsiders in Gilgit Baltistan

Gilgit Baltistan, over the last several decades, has undergone substantial demographic change. The original demography has been transformed and the Shia population has been reduced from a majority to a minority in some districts of Gilgit Baltistan. This is due to multiple factors. Successive governments in Pakistan have made deliberate efforts to alter the demography of Gilgit Baltistan. By encouraging the Sunnis from other parts of the country to settle in Gilgit Baltistan, the state has attempted to dilute the Shia dominance in the region.⁹⁰ Besides altering the demography of the region, the influx of Sunnis has deprived the Shias of their due rights in the state system. The Sunnis have been patronised by the state and given preferential treatment in recruitment and services. They often occupy high positions in the administration whereas Shias are confined to subordinate positions.

Secondly, the Sunni settlers have been attracted by the Karakoram Highway which facilitates trade activities between China and Pakistan. With the ever growing ties between the two countries, the highway increasingly has become the hub of business activities. People from other parts of Pakistan including the adjacent province of Khyber Pakhtunkhwa have moved in and disturbed the demographic balance of the region.

This has compounded the existing sectarian tensions and ethnic divides. Social pressures have developed over sharing of resources and local ownership issues. The mistrust between the original inhabitants and the

⁹⁰ *The State of Sectarianism in Pakistan*, International Crisis Group (ICG) Asia Report No. 95, April 18, 2005 at [http://www.crisisgroup.org/~media/Files/asia/south-asia/pakistan/095_the_state_of_sectarianism_in_pakistan.pdf](http://www.crisisgroup.org/~/media/Files/asia/south-asia/pakistan/095_the_state_of_sectarianism_in_pakistan.pdf), pp. 19-20.

outsiders leads to frequent outbreaks of violence and the eventual loss of lives and destruction of assets.

Pakistan's strategy of encouraging non-locals to settle in the region in combination with the underlying divisive forces have created a permanent divide in Gilgit Baltistan. Incidents of violence and community driven attacks have made people apprehensive about the future.

The *Northern Areas: Strategy of Sustainable Development* report in 2003 (prepared by the IUCN–The World Conservation Union in collaboration with the government of Pakistan, Northern Areas (NA) Administration) apart from highlighting the key points necessary for course correction in terms of governance and politics in the region, admitted that: “an ever-increasing population cannot be sustained by the NA's fragile and limited natural resource base” and “NA's rapid rate of population growth is also placing an increasing strain on the region's already over-stretched social services, particularly within the health and education sectors”.⁹¹

The state has relentlessly encouraged influx of outsiders irrespective of the prevailing social and economic situation of the region. To further aggravate the problem, there is no set of binding rules and regulations to curb this kind of human flow.

The influx of other communities in Gilgit Baltistan can be perceived also as an attempt to bury the *Kashmiriyat* of the region. Settlement of outsiders also means dilution of the local culture and traditions. Not only is the cultural identity of Gilgit Baltistan is at stake but there is the looming threat of an imminent confrontation between the original inhabitants and those who have moved in during the last few decades.

Human Rights Violations

Most human rights issues in Gilgit Baltistan arise from the absence of political rights. People in Gilgit Baltistan do not have a directly elected representative in the federal government and neither do they have a

⁹¹ Northern Areas: Strategy for Sustainable Development, 2003 at http://cmsdata.iucn.org/downloads/nassd_strategy.pdf, p. 32.

right to vote. They have no democratic rights and liberties and no freedom of expression. Leaders of nationalist groups have been detained, put under house arrest, slapped with false charges of sedition and in some cases forced into exile for long periods. The high-handedness is adopted mainly to prevent political mobilisation and the possibility of these groups gaining influence in the region.

There are strict curbs on dissent. The separatist ideology has been suppressed in Gilgit Baltistan ever since it came under Pakistan's control. Even now after the governance order - which makes a mockery of autonomy and self-rule - all important officers and lawmakers have to sign a bond of allegiance towards Pakistan. No one is allowed to question the accession of the region to Pakistan. This reflects the insecurity of Pakistan with regard to Gilgit Baltistan because of the ambiguities and circumstances surrounding the region's forced accession to Pakistan.

There are frequent reports of torture in detention. The ISI which is known to be very active in Gilgit Baltistan keeps a strict watch on nationalist groups and their activities and makes arbitrary arrests as and when it wishes to.

The Human Rights Commission of Pakistan (HRCP) is active in the area and has been critical of the violence in the region on a non-partisan basis. More recently, the HRCP issued a statement on the sectarian clashes which gripped the region between February-April 2012. The HRCP in its brief note stated that the commission "has watched with growing concern the reprehensible and lengthening shadow of sectarian bloodshed in Gilgit Baltistan and condemns it unequivocally".⁹² The note made a scathing observation regarding the state response to these clashes admitting that the state authorities "had responded only to some of the more violent incidents and are proceeding in a reactive manner" and urged that the "bloodletting based on sectarian identity" should be contained.⁹³ The HRCP urged the government of Pakistan to take

⁹² HRCP slams Gilgit Baltistan violence, urges promotion of sectarian harmony, April 5, 2012 at <http://www.hrcp-web.org/showprel.asp?id=266>.

⁹³ Ibid.

strict action to control the situation and identify and punish those who had a role in perpetrating violence.

Way back on June 28, 1996, the Amnesty International in its report took note of the gross human rights violation in Gilgit Baltistan, when a group of peaceful protesters was arrested. The leader of the United Front, Hussain Shah, in an interview to the BBC (British Broadcasting Corporation) noted that his house had been surrounded by the authorities. Expectedly, he was arrested immediately after the interview. This was before he could file a petition in the 'AJK' High Court urging Pakistan government to grant the people of Gilgit Baltistan the right to vote.⁹⁴

Even peaceful protests against “domination by Pakistan and discriminatory recruitment practices which allegedly disadvantage Gilgitis” were attacked.⁹⁵ In this particular incident, the police opened fire indiscriminately injuring a dozen odd people. At least 800 people were detained before being taken to undisclosed locations for interrogation. The report further noted that in the absence of “a constitution guaranteeing fundamental rights, democratic representation or a separation of powers, people in Gilgit Baltistan have repeatedly protested against the withholding of their civil and political rights, especially the right to democratic representation”.⁹⁶ There have been recurrent cases of detention and custodial tortures and these have further intensified the demands for absolute independence in Gilgit Baltistan. There have also been cases where the locals have been discriminated against for recruitment in local paramilitary forces.⁹⁷

⁹⁴ Pakistan: Arbitrary arrest of political activists before elections in Azad Jammu and Kashmir, AI INDEX: ASA33/05/96, June 28, 1996, News Service 118/96 at <http://www.amnesty.org/en/library/asset/ASA33/005/1996/en/f44ae3d9-e94b-42bd-8d26-0122704aa16c/asa330051996en.pdf>.

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷ Issue Paper: Pakistan Azad Kashmir And The Northern Areas, Immigration and Refugee Board of Canada, August 1997 at http://www.ecoi.net/file_upload/1684_1243434360__http-www2-irb-cisr-gc-ca-en-research-publications-index-e-htm.pdf.

The issues of the denial and violation of human rights in Gilgit Baltistan have lately been raised in the international forums, seminars and conferences. In March 2011, the British Parliamentarian, Tony Baldry, jointly with the Democracy Forum held a seminar to discuss the plight of refugees and the divided families in the region.⁹⁸

Disaffection

Pakistan's overall approach to Gilgit Baltistan has been inherently discriminatory and dejecting towards popular aspirations. The denial of political and social rights has created an acute sense of alienation amongst the locals, more specifically, the original inhabitants of the region. People feel they have waited too long for their rulers to give them a sense of identity and belonging and they are yet to receive what they deserve rightfully.⁹⁹

Apart from issues of political deprivation, there are several instances of state apathy that has created a deep sense of alienation among the people taking the form of violence. Hundreds of innocent lives have been lost in the process.¹⁰⁰ The sense of disaffection was apparent in the 2010 Attabad Lake tragedy. A massive landslide led to the formation of an artificial lake, killing the inhabitants of the area and leading to large scale displacement. The lake became approximately 11 kms long and was reportedly rising 30 cms each day, thus, threatening the people downstream. The response of the authorities has been lackadaisical. Those affected, have so far, not received compensation for their lost land and livestock. Several protest marches have been organised to bring peoples' demands to the notice of the state agencies. However, such protests have been of little avail.

⁹⁸ A Seminar on Gilgit Baltistan organised by MP Tony Baldry and Democracy Forum, March 2011 at <http://www.gilgitbaltistan.us/Interventions/>.

⁹⁹ For a comprehensive view on reasons behind alienation in GB see Alok Bansal, Gilgit Baltistan: The Roots of Political Alienation, *Strategic Analysis*, January/ February 2008 at http://pdfserve.informaworld.com/590783_751313386_790950216.pdf.

¹⁰⁰ Paul Beersmans, The Human Rights Problem in Gilgit-Baltistan, *J&K Insights*, June 28, 2008 at <http://www.jammu-kashmir.com/insights/insight20080628.html>.

The persisting disaffection amongst the people stems from a combination of factors discussed in detail in the earlier sections: suppression of religious identities, state's role in fomenting sect-based rivalry in the region, the prevailing hatred amongst communities creating a sense of uncertainty and fear, with minimal expectations for the future. The efforts to carve out a national identity have been persistently thwarted by Pakistan's repression. Continued denial of a well-defined legal-political status has forced these people into alienation.

Disaffection also flows from the lack of recognition of distinct cultures and practices of Gilgit Baltistan. The region is a rich mosaic of multi-ethnic, multi-cultural identities—diversities which Pakistan had/has no intention of assimilating within its system.¹⁰¹ The multiple cultural identities within Gilgit Baltistan have been neglected and the non-pluralistic nature of Pakistan society and polity failed to subsume these ethnic identities.

¹⁰¹ For a comprehensive historical view on the issue, refer Abha Dixit, Ethnicity and Human Rights in Jasjit Singh (ed), *Pakistan occupied Kashmir: Under the Jackboot*, Siddhi Books, Cosmo Publications, 1995, pp.169-212 & For a detailed breakup of ethnic profile of Gilgit Baltistan see Pervez Dewan, *The Other Kashmir*, Manas, 2011, pp.344-349.

V

ECONOMIC PARAMETERS

The Gilgit Baltistan region is endowed with abundant natural resources. The Indus which flows through Gilgit Baltistan offers vast hydro potential not only within the region but across Pakistan. Of late, several hydro power projects have been initiated in Gilgit Baltistan by Pakistan to fulfill its growing energy requirements. These projects have, mostly, been funded by external agencies as Pakistan's faltering economy is incapable of funding such ambitious projects.

The economic or the commercial landscape of Gilgit Baltistan can be broadly categorised under the following heads:

Agriculture: Gilgit Baltistan has a cold dry climate but abundant hydro resources. This is ideal for the cultivation of apples, cherries, grapes, dry fruits including apricots, almonds, walnuts and medicinal shrubs as sea buckthorn. Other agricultural activity consists of the production and processing of vegetable seeds such as onion, potato, cabbage, turnips, tomato, carrots among others.¹⁰² Recent reports have indicated that there is vast potential for horticulture in the region and countries like Japan have shown keen interest in this particular sector.

Mining: The region is also endowed with rich mineral reserves as well as gemstones and certain base metals.¹⁰³ The mining produce includes metallic, non-metallic, energy minerals, precious/dimension stones and

¹⁰² Agriculture Sector Investment Potentials in Gilgit-Baltistan, Department of Agriculture Gilgit-Baltistan at http://www.gilgitbaltistan.gov.pk/images/stories/bus-pot_pdf/Agriculture.pdf.

¹⁰³ Report titled, "*Mineral Resources of Central Karakoram National Park & Suggested Safe Mining Techniques*", July 2009 at http://www.wwfpak.org/gcic/pdf/Reports/2009/Geological%20Survey%20Report%20of%20CKNP%20by%20M%20Alam%20_draft%20~3_%20140709.pdf, p. 7.

different rocks and minerals of industrial use, placer deposits for recovery of gold and other precious metals from the alluvial deposits—these include precious and semi-precious stones such as ruby, topaz, fluorite, quartz, tourmaline, epidote, marganite, calcite, aquamarine etc.¹⁰⁴ Mining in Gilgit Baltistan is carried out in the valleys and along the banks of Indus. The raw materials obtained from mining in Gilgit Baltistan are sold either to Pakistan or other countries. Gold and copper mining is also carried out near Shigar and Skardu in Baltistan.¹⁰⁵ Huge deposits of silky white granite are available at Hanzel and other locations.

Even so, mining as an industry, has not flourished very much. There are concerns regarding crude mining methods which not only damage the raw material during the mining process but also endanger the fragile ecosystem of the area by causing “erosion, deep fractures in country rock”.¹⁰⁶

Hydropower: The Indus River and its tributaries such as the Gilgit, the Hunza and the Nagar make the region rich in hydro resources with huge potential for power generation. The River Khunjerab originating in the Khunjerab Valley flows southwards along the Karakoram Highway where it is known as the Nagar River and as the Hunza River south of Sost.¹⁰⁷

There are several dam projects underway in Gilgit Baltistan. Significant among these are the Diamer Bhasha dam project¹⁰⁸, the Satpara dam¹⁰⁹ and the Bunji dam.¹¹⁰ Most of these projects are being funded by

¹⁰⁴ Ibid.

¹⁰⁵ Mineral Sector of Gilgit-Baltistan Region at http://www.gilgitbaltistan.gov.pk/images/stories/bus-pot_pdf/Minerals.pdf.

¹⁰⁶ Report titled, “*Mineral Resources of Central Karakoram National Park & Suggested Safe Mining Techniques*”, p. 9.

¹⁰⁷ Hydro Power Potential and Investment Prospects in Gilgit-Baltistan at http://www.gilgitbaltistan.gov.pk/images/stories/bus-pot_pdf/Hydro%20Energy.pdf.

¹⁰⁸ For details see <http://www.gilgitbaltistan.gov.pk/GB/basha-diamer-dam-project.html>.

¹⁰⁹ For details see <http://www.gilgitbaltistan.gov.pk/GB/satpara-dam-project.html>.

¹¹⁰ For details see <http://www.gilgitbaltistan.gov.pk/GB/bunji-hydropower-project.html>.

China. These projects have been mired in difficulties for multiple reasons including sharing of benefits, apart from their demographical and ecological impact.¹¹¹

Tourism: In the past, tourism in Gilgit Baltistan has been inhibited by Pakistan's agenda to keep the region out of the purview of outside world. However, having realised the economic potential of tourism, the government of Pakistan has not only relaxed controls but is also thinking in terms of accruing benefits by encouraging the tourism industry in Gilgit Baltistan. The official website of the government of Gilgit Baltistan lists the tourist attractions of Gilgit Baltistan thus: Vast tract of snow-covered area, 101 peaks, 119 lakes and 5100 glaciers, 6592 sq. km of forests (constituting 9.1 per cent of the total area) which include national parks, wildlife sanctuaries and game reserves. In addition, there are seven Asia Pacific Heritage Conservation, United Nations Educational Scientific and Cultural Organization (UNESCO) and British Airways award winning historical sites, 23 historical forts, 75 polo grounds, 65 archaeological sites, more than 39,000 rock carvings and inscriptions, year long festivals, some devoted to indigenous music.¹¹²

Gilgit Baltistan is also home to magnificent mountain ranges- the Himalayas, the Hindukush, the Karakorams and the Pamirs. The region has 18 of the world's highest peaks and the world's longest glacial lakes- the Biato, the Baltoro and the Batura- that give the region an ice corridor extending over 116.87 kms. These mountain ranges have attracted mountaineers and expeditions from Western countries.¹¹³

¹¹¹ Alok Bansal and Priyanka Singh, Bhasha Dam: A Tomb Stone of Gilgit-Baltistan's Aspirations, *IDS.A Strategic Comments*, January 31, 2009 at http://www.idsa.in/idsastrategiccomments/BhashaDamATombStoneofGilgitBaltistansAspirations_ABansal%2C%20PSingh_310109.

¹¹² Tourism Development in Gilgit Baltistan-Situation Analysis and Investment Opportunities by Imran Sikandar Baloch (Secretary Tourism, Tourism Department, Government of Gilgit Baltistan) at http://www.gilgitbaltistan.gov.pk/images/stories/bus-pot_pdf/Tourism.pdf.

¹¹³ *Axis of Asia*, April 20, 2010 at http://www.kashmirilife.net/index.php?option=com_content&view=article&id=534:axis-of-asia.

Resource-drain

As part of the erstwhile princely state of Jammu and Kashmir, the State Subject Rule (SSR)¹¹⁴ applied to the Gilgit Baltistan region since 1927. The rule vide a notification passed on April 20, 1927 prescribed certain specifications regarding the citizenship of the princely state of Jammu and Kashmir.¹¹⁵ The rule also imposed restrictions on acquisition of immovable property in the state by people who were not the original inhabitants or citizens of the state.¹¹⁶

The SSR was revoked by the Zulfikar Ali Bhutto led government to enable outsiders to acquire land and assets in Gilgit Baltistan.¹¹⁷ It has, since then, been a long-standing demand of the people of Gilgit Baltistan and particularly the nationalist groups, that the order should be restored to preserve the identity of the region as part of Kashmir. Incidentally, the SSR also applies to 'AJK'. The much hyped Gilgit Baltistan Empowerment and Self Governance Order of 2009 did not even make a mention of this particular law. On the other hand, the empowerment package deems anyone, who is domiciled in the region, a citizen of Gilgit Baltistan. The current interior minister of Pakistan, Rehman Malik, stated that the issue of SSR would be decided by the Gilgit Baltistan Assembly.¹¹⁸ However, keeping in view the limited powers and authority vested in the Gilgit Baltistan legislature, any breakthrough in this direction appears impossible.¹¹⁹

¹¹⁴ State Subject Rule (SSR) debarred outsiders from acquiring land and assets in Gilgit Baltistan.

¹¹⁵ Text of State Subject Definition Notification dated the 20th April, 1927, Legal Document No. 44 at <http://www.kashmir-information.com/LegalDocs/44.html>.

¹¹⁶ Ibid.

¹¹⁷ Testimony before the Tom Lantos Human Rights Commission, United States Congress, July 26, 2011 at http://tlhrc.house.gov/docs/transcripts/2011_07_26_Indigenous_Peoples_in_Asia/26july11_hearing_Senge_Sering_Testimony.pdf.

¹¹⁸ Demand to restore State Subject Rule rising, *Weekly Baang*, March 20, 2012 at http://www.bangesahar.com/popup.php?lang=en&r_date=03-20-2012&story=03-20-2012page-1-4.

¹¹⁹ Ibid.

The abrogation of SSR was a deliberate step to change the demography and dilute the region's ownership of its natural resources (as discussed in the preceding section). With the withdrawal of the SSR, people from all parts of Pakistan have relocated to Gilgit Baltistan. This has reduced the stakes of locals in the available resources, thus, restricted their options for economic betterment.

The case of Mohsin Industries: As per a survey, the Pakistan Mineral Development Corporation (PMDC) has extracted gemstones valued at Rs 500 million from Gilgit Baltistan.¹²⁰ In mid 2011, there was a controversy over mining rights being given to Mohsin Industries.¹²¹ The company owned by Wang Zunyu is believed to be a sister concern of a Hong Kong based group – the Bao-Billion Mining Group. Zunyu lived in Gilgit Baltistan for four years and married a local woman. The company allegedly hired local youths in large numbers even before starting actual operations. *Baang e Sabar*, one of the leading news weekly in its editorial noted: “From day one, Mohsin Industries wooed the educated people offering them lucrative salaries along with other perks and privileges and succeeded in drawing hundreds of youth who became almost blind in ascertaining the credibility of the company”.¹²²

The company's moves raised suspicions and the Gilgit Baltistan Metals Minerals and Gems Association (GBMMGA) lodged a strong protest against the government's decision to allow a foreign firm to operate in the mining sector of Gilgit Baltistan.¹²³ The controversy refused to subside and the Gilgit Baltistan Assembly passed a resolution urging

¹²⁰ Rs. 500 Mln Gemstones being extracted from Gilgit-Baltistan, *Pakistan Times* at <http://pakistanimes.net/pt/detail.php?newsId=8411>.

¹²¹ Shabbir Mir, Mining licence controversy: G-B Council steps in against permit to Mohsin Industries, *The Express Tribune*, July 1, 2011 at <http://tribune.com.pk/story/200173/mining-licence-controversy-g-b-council-steps-in-against-permit-to-mohsin-industries/>.

¹²² Mission Accomplished, *Weekly Baang e Sabar* (Editorial), December 26, 2011 at <http://www.bangesahar.com/bang/Editorial.html>.

¹²³ ‘Wang Zunyu a security threat to Gilgit-Baltistan, take note of it’ GBMMGA, *Dardistan Times*, August 8, 2011 at <http://www.dardistantimes.com/content/%E2%80%98wang-zunyu22-security-threat-gilgit-baltistan32>.

the annulment of the mining rights. Amidst these protests, there were reports hinting at some kind of a conflict of interest involving the son of the chief minister of Gilgit Baltistan, who was alleged to have a business interest in Mohsin Industries.

There was a huge uproar as the news, of the government taking exception in issuing mining rights to this company, spread further.¹²⁴ Due to mounting pressure and local resentment, the permission was revoked forcing Mohsin Industries to shut operations in Gilgit Baltistan.¹²⁵ But before this, the company allegedly transported large quantities of sensitive ores across the border to China. Local people felt cheated and they compared it with the repressive East India Company.

The media in Gilgit Baltistan played a pro-active role in bringing the matter to the notice of the people. Timely dissemination of relevant information proved instrumental in pressurizing the government and the state agencies. Such media scrutiny irked the government which alleged that certain media houses had a vested interest in raking up the issue.

This episode highlights the mounting problems in Gilgit Baltistan. Apart from the mundane issues of nepotism and conflict of interest, there is another, more serious dimension - the ease and the manner in which the Chinese factor is panning out and has been increasing its stakes in this region. The preferential treatment given to a company based in Hong Kong by the Gilgit Baltistan government is worthy of note.

Profits from mining not accruing to the locals: The all-powerful Gilgit Baltistan Council exercises absolute control over matters relating to water, forest reserves, trade and transit and licences for mining and similar activities. It need not consult the popularly elected legislative

¹²⁴ Shabbir Mir, Mining matters: 'Giving permits to foreigners is like letting them rob G-B', *The Express Tribune*, June 23, 2011 at <http://tribune.com.pk/story/194529/mining-matters-giving-permits-to-foreigners-is-like-letting-them-rob-g-b/>.

¹²⁵ Shabbir Mir, Gemstone extraction: Controversial Gilgit-Baltistan mining firm shutting down, *The Express Tribune*, January 5, 2012 at <http://tribune.com.pk/story/316645/gemstone-extraction-controversial-gilgit-baltistan-mining-firm-shutting-down/>.

assembly on such matters. The assembly is only entitled to make suggestions. In the case of Mohsin Industries, the assembly could not do more than pass resolutions against the arbitrary issue of licences.

The licence fee is too high for locals to afford. Therefore, their chances of getting mining rights stand next to nil. Hence, locals feel compelled to either give up mining or to carry it out illegally.¹²⁶

At the heart of the problem lies the fact that locals have so far not been able to benefit from their own resources. There are reports indicating the existence of a mining mafia in Gilgit Baltistan, which operates with the knowledge and connivance of government authorities.¹²⁷ This nexus has been proven in number of cases. Back in 2008, there was a clash between Chinese miners and the local people in the Gindai Valley in Ghizer, known for its uranium reserves. A man was reported to have died in the skirmish. In 2010, similar resistance was faced by Mohmand Industry - a Pakistani company -in the Nasirabad valley of Hunza district. The protesters are often detained and lodged in jails after being slapped with sedition charges.

The chairperson of the GBMMGA, Shahbaz Khan, made certain startling revelations relating to smuggling in certain parts of Gilgit Baltistan. According to Khan, there have been instances of uranium being smuggled from the uranium-rich Karkalti village of Ghizer district into China. For instance, the controversial Mohsin Industries was also granted licences for areas such as - Sakwar, Minawar, Pari Bangla, Bunji, parts of Shigar and Skardu-which are rich in uranium. As far as the presence of the Chinese is concerned, it is reported, they can be seen everywhere - especially in the Hunza-Nagar valley. Areas where Chinese are engaged in tunnel building and mining of uranium have

¹²⁶ Report Examines Chinese Mining Companies' Inroads into Pakistan-Controlled Mineral-Rich Gilgit Baltistan Region, and Protests by Locals, July 6, 2011, Special Dispatch No.3970 at <http://www.memri.org/report/en/0/0/0/0/0/5433.htm>.

¹²⁷ Foreign firms exploiting GB mineral resources, *Dawn*, June 6, 2011 at <http://dawn.com/2011/06/06/foreign-firms-exploiting-gb-mineral-resources/>.

allegedly been made inaccessible to the common public. The Chinese have been given the licence to mine copper from the Astore district.¹²⁸

The dominant perception is that outsiders have been given preference while several local companies still have their applications pending before the authorities. Babajan Hunzai, a local activist, led the public campaign against the mining mafia in Gilgit Baltistan.

*The Diامر Bhasha Dam*¹²⁹: The Diامر Bhasha Dam is an appropriate case for highlighting the resource drain and the way Pakistan deals with this region, its population and their problems.¹³⁰ It also underscores the inconsistencies in the overall viability of the ill-conceived project. The mega dam project that is slated to generate power up to 4,500 MW is situated - as the name suggests - in the Diامر district of Gilgit bordering Bhasha village in Khyber Pakhtunkhwa, where the powerhouses will be located. The constitution of Pakistan, Article 161(2) states that royalty shall accrue to the province where the power plant is located.¹³¹ As the Pakistani constitution does not apply in Gilgit Baltistan, this constitutional provision is irrelevant.

There is intense hostility between Gilgit Baltistan and Khyber Pakhtunkhwa over the issue of the sharing of royalty and also over the demarcation of the boundary between the two. Keeping in view the fact that Pakistan in the past has never been impartial in its dealings with Gilgit Baltistan, it is a foregone conclusion that the final decision will be against the interests of the people of Gilgit Baltistan. As far as the construction of the dam is concerned, there are several pending issues: the large scale displacement, non-payment of compensation and loss of vast tracts of arable land. All these issues still require attention and need to be addressed.

¹²⁸ Report Examines Chinese Mining Companies' Inroads into Pakistan-Controlled Mineral-Rich Gilgit Baltistan Region, and protests by locals.

¹²⁹ Details available at <http://www.wapda.gov.pk/pdf/BrochureDiامرBhasha-May2011.pdf>.

¹³⁰ For details see Priyanka Singh, 'The Diامر Bhasha Dam in Gilgit Baltistan: India's Concerns', *Strategic Analysis*, Vol 36, No. 4, July-August 2012, pp. 597-611.

¹³¹ Article 161(2) of the Constitution of the Islamic Republic of Pakistan at <http://www.mofa.gov.pk/Publications/constitution.pdf>.

Unaddressed grievances and a non-receptive state apparatus:

The abundant resources and the prospects of a thriving economy do not have much to offer to locals in terms of a better livelihood. In spite of its rich potential for hydropower, it is ironical that many villages in Gilgit Baltistan do not have access to power. People mostly rely on wooden logs and gas cylinders which have become too expensive for the poor to afford.¹³² The dams which have been built inside Gilgit Baltistan are more for addressing Pakistan's exacerbating energy crisis than for benefiting the local people or the region in general.

Demand for Cross-LoC Trade and Call for Easing up Border Movement

Baltistan shares a special affinity with Kargil and Leh because of the common ethnicity, dialect and culture. Over the last few years, there has been a rising demand for converting the Line of Control into a Line of Commerce. Historically, these areas were well-connected with each other. It is believed that since there was just one annual crop in Baltistan, the inhabitants of the region made trade and travel trips to Leh and Kargil and Kashmir in Xinjiang for the rest of the year. The movement continued even while the region was under Pakistan's control before finally ceasing post 1971. The entire region extending from Kargil and Skardu, Ladakh including Leh to Gilgit were accessible to each other for economic and cultural purposes.¹³³

The cross-LoC trade between the so called 'AJK' and the J&K began amidst much fanfare in October 2008 along two routes- Poonch-Rawalpote and Uri-Muzaffarabad. There has been thinking on both sides that the route between Gilgit Baltistan and the J&K should be restored. If the routes in "Kashmir proper in the epicentre of the

¹³² Livelihood Assistance Programme: Case Study Draft on Firewood Project, Gilgit Baltistan, SDI at <http://www.osdi.org/6.pdf>.

¹³³ D Subachandran, Moving on the Kargil-Skardu road, *The Indian Express*, April 25, 2007 at <http://www.indianexpress.com/news/moving-on-the-kargilskardu-road/29212/>.

conflict can be unbolted, ask the normally laid-back and passive people of Gilgit Baltistan and Leh Kargil: “Why not us?”¹³⁴

Even as the idea was mooted long ago and duly supported by Prime Minister Manmohan Singh during his visit to Kargil in 2005, there has not been any breakthrough in this direction. Prime Minister Singh noted: “I have been told that the people of Kargil are keen on having the links restored with Gilgit and Baltistan and opening of the Kargil-Skardu road is under consideration.”¹³⁵

There is no road or rail link between Kargil in J&K and Skardu in Baltistan and this has been one of the prime demands of the local population on both sides of the LoC. The route between Gilgit Baltistan and J&K is proposed within the larger idea of opening up the two sides of Kashmir at multiple points.¹³⁶ There is an ongoing debate on the feasibility of opening up the historical routes between Mirpur- Naushera, Tithwal-Chilhan, Gurez-Astore-Gilgit, Chumb-Pallanwala, Kargil-Skardu and Kotli-Rajouri, Khaplu-Leh and Srinagar-Gilgit and Suchetgarh-Sialkot.¹³⁷ People across the Line of Control hope to benefit from the easing of border movements in case some of these routes are “flung open as part of the peace dividend”.¹³⁸ More than the economic aspect, due weightage, it is argued, should be given to the human benefit of opening up the two sides.¹³⁹

¹³⁴ M Ismail Khan, Unlocking the cross border trade potential of Gilgit Baltistan for peace and development in *Jammu and Kashmir: Trade across the Line of Control*, Conciliation Resources, Discussion papers, December 2010 at http://www.c-r.org/sites/c-r.org/files/JammuandKashmir_DiscussionPapers_201012_ENG.pdf, p. 49.

¹³⁵ Shujaat Bukhari, Talks for opening Kargil, Skardu road: Manmohan, *The Hindu*, June 12, 2005 at <http://www.hindu.com/2005/06/12/stories/2005061206320100.htm>.

¹³⁶ Kashmir issue and Skardu-Kargil road, *Dawn*, March 23, 2011 at <http://dawn.com/2011/03/23/kashmir-issue-and-skardu-kargil-road/>.

¹³⁷ Moed Yusuf, *Promoting Cross-LoC Trade in Kashmir: An Analysis of the Joint Chamber*, Special Report 230, August 2009, United States Institute for Peace (USIP) at http://www.usip.org/files/resources/kashmir_loc.pdf, p. 15.

¹³⁸ M Ismail Khan, Unlocking the cross border trade potential of Gilgit Baltistan for peace and development, p. 49.

¹³⁹ Navreet Milton, Opening of the Kargil Skardu route: a reflection in *Jammu and Kashmir: Trade across the Line of Control*, Conciliation Resources, Discussion papers, December 2010, p. 53.

Among the prospective links, the Kargil - Skardu link seems to have the greatest potential both for trading and transportation activities. This is based on the need/requirement argument: both these places are cut-off from the rest of the world for extended periods due to the extreme weather conditions. This link will give a fillip to the economic development of the region which has, till now, been held back for multiple reasons.¹⁴⁰

There are several voices that favour cross-LoC contacts/trade on both sides. In Gilgit Baltistan, the issue has been on the agenda of certain nationalist groups like the GBUM. In July 2011, the chairperson of the GBUM, Manzoor Parwana, was detained for raising this issue at a public meeting in Skardu. However, among the mainstream Pakistani political parties, who have a presence in Gilgit Baltistan, there is not much enthusiasm for this suggestion. Pakistan, as such, has a restrained position on the opening of the cross-LoC links between Gilgit Baltistan and Kargil in J&K.

In J&K, regional parties like the Peoples Democratic Party (PDP) and its leader, Mehbooba Mufti, have been vocal in their support for links between the two sides. In March 2012, a question raised in the Rajya Sabha signalled some kind of political consciousness on the issue in India.¹⁴¹

The cross-LoC linkages between Gilgit Baltistan and J&K can be seen in the larger context of making borders irrelevant, in order to promote peace and stability in the region. However, the logistics of cross-LoC trade and transport on this particular route have to be worked out in the context of several important factors—mostly security related. The viability of the cross-LoC movement depends on whether India and Pakistan are able to discard their preconceived insecurities. On the other hand, Kargil is a Shia-dominated region while the Kashmir valley is largely Sunni. Opening up to a Shia-dominated Gilgit Baltistan needs

¹⁴⁰ Moeed Yusuf, *Exploring the Potential for Economic Development and Cross-LoC Collaboration in Jammu Kashmir*, Issue Brief, Pugwash, July 2007 at <http://www.pugwash.org/JammuKashmirIB-6.pdf>, p. 6.

¹⁴¹ Question No. 368, Present status of Kargil to Skardu Road in the Rajya Sabha on March 29, 2012 at <http://www.idsa.in/resources/parliament/PresentstatusofKargiltoSkarduRoad>.

to be considered in view of the likely impact on the overall security dynamics of the broader region.

Refugees and the divided families: The division of the state of J&K and the subsequent closure of routes linking the two sides has divided several hundred families, who are longing to unite. People, therefore, are not only keen to harness the economic benefits but also hope to connect with their relatives on the other side. It is believed that opening up of road links between Skardu and Kargil is as essential as the Srinagar-Muzaffarabad and the Poonch-Rawalkote routes.¹⁴² This would go a long way in addressing the issue of divided families on both sides of the LoC.¹⁴³

The problem of divided families is more acute between Ladakh-Kargil and on the Skardu circuit. People maintain contacts through letters which are closely censored before being dispatched. The letters from Gilgit Baltistan are routed via Islamabad and letters from Kargil in J&K are sent via New Delhi for security reasons. This process takes months. News relating to life and death issues reaches the concerned families when it is either too late or has little or no meaning.

In 1948, Pakistani soldiers seized control of the Zaskar Heights in Kargil. They eventually had to withdraw after the UN intervention. While returning, they took a few local people along with them as porters to ferry their belongings across. As the conflict between the two countries escalated, these people were denied a chance to come back to their homes in J&K.

Trading and transport and the future prospects: It is essential to analyse the issue of cross-LoC trade between Kargil and Skardu both from the Indian and Pakistani perspective.

¹⁴² P R Chari, D. Suba Chandran and Shaheen Akhtar, *Tourism and Peace Building in Jammu and Kashmir*, Special Report, United States Institute of Peace (USIP), July 2011 at <http://www.usip.org/files/resources/SR281.pdf>.

¹⁴³ D Suba Chandran, *Expanding Cross-LoC Interactions: Perspectives from India*, *IPCS Issue Brief*, September 2009 at http://www.ipcs.org/pdf_file/issue/IB131-Ploughshares-Suba.pdf.

From an economic point of view, access to Gilgit Baltistan could be a win-win situation for India giving it access via the Karakoram Highway to China and Central Asia via Kargil and Leh. On the other hand, India has reason to be wary after Pakistan-supported intruders crossed over and occupied certain strategic outposts in the Kargil and Dras sector of J&K in 1999. Hence, opening up these routes, which for most part of the year are inaccessible owing to extreme weather conditions, would heighten India's security concerns about possible intrusions from across the LoC.

From Pakistan's perspective, giving India access to the strife-stricken region would expose the atrocities and systemic loopholes in the region to the outside world. Pakistan is vulnerable in Gilgit Baltistan. This is made apparent by the existing hostility between the region and the Pakistani state. The past years have witnessed growth in the number of nationalist groups who reject Pakistan's unlawful control over the region. Opening up this particular route will be a test for Pakistan which has kept the entire region under wraps for a long time. Besides, Pakistan is also likely to be against opening up the region to India because it has a legal claim on Gilgit Baltistan.

Putting these apprehensions aside, the positives of cross-LoC movement between Gilgit Baltistan and J&K are many. Opening up the Kargil - Skardu route is expected to facilitate the pilgrimage to Khatlon in Tajikistan where the shrine of Mir Syed Ali Hamadani is located. Similarly, the route between Astore and Gurez (123 kms from the capital Srinagar) will keep the latter connected to Astore even during the winter months. Another potential road link between Leh and Skardu via Turtuk and Khaplu cannot be opened till the time the Siachen glacier remains a militarised zone.¹⁴⁴

The Indian side is advancing the concept of a Greater Ladakh- that would encompass Gilgit, Skardu and Baltistan. Advocacy groups in the Ladakh region, like the Kargil Autonomous Hill Development Council and the Ladakh Union Territory Front (LUTF) placed the

¹⁴⁴ Axis of Asia.

demand before the present Governor of J&K, Shri N N Vohra, in 2003 who was then the interlocutor of central government.¹⁴⁵

The delay in the opening of the borders in this sector is partly due to the fact that Gilgit Baltistan has been missing from the larger Kashmir debate and subsequently has not figured in the cross-LoC cooperation/contact debate. Since the Kashmir debate is so focussed on the valley and the Kashmiri speaking population, the average perception prevailing in the region is: as Gilgit Baltistan is not party to the dispute, why should it be deprived of the benefits of the cross-LoC trade and why should the people pay for a conflict which does not involve them?¹⁴⁶

It is true that linking Gilgit Baltistan with India would require certain degree of understanding and trust between India and Pakistan. However, objectively speaking, it is impractical for the two countries to let the people of the region live divided and in deprivation till the bigger political problems are resolved. The prospects of permanent peace are quite bleak as the relations between the two neighbours have been on a downward trajectory ever since the 26/11 Mumbai attack. At the same time, even as the cross-LoC trade between 'AJK' and J&K is also fraught with problems, this should not prevent the opening up of newer links across LoC.

¹⁴⁵ Kargil Council for Greater Ladakh, August 9, 2003 at <http://www.jammu-kashmir.com/archives/archives2003/kashmir20030809c.html>.

¹⁴⁶ D Subachandran, Moving on the Kargil-Skardu road.

VI INTERNATIONAL AND GEOPOLITICAL DIMENSIONS

The geo-political importance of Gilgit Baltistan and its strategic location has become the overarching principle in the current context. The emerging significance is driven by strategic elements- that are vital to study the Gilgit Baltistan region especially in view of contemporary regional developments. Therefore, for aiding an overall understanding of the region, studying the strategic parameters of Gilgit Baltistan seems quintessential.

The Strategic Importance of Gilgit Baltistan

The region derives its strategic importance from a number of factors- both natural and man-made and are a mix of: its complex history, geographical features and the stakes that several important nations have or are likely to acquire in the region. Some of the prominent strategic features of Gilgit Baltistan are discussed below:

Geographical location: Surrounded by world's high mountain ranges including the Himalayas and the Karakorams, Gilgit Baltistan is located in a geographically strategic zone. It shares borders with: the Wakhan Corridor of Afghanistan to the north-west; China's Xinjiang to the north-east; J&K to the south and south-east; the 'AJK' to the south; and Pakistan's Khyber Pakhtunkhwa to the west. Hence, Gilgit Baltistan figures predominantly in the strategic calculus of India, Pakistan, Afghanistan and China. More recently, due to its proximity to the Afghanistan border and the Chinese engagement, Gilgit Baltistan has also assumed significance in the geopolitical calculations of the United States.

The Karakoram Highway: The highway was built by Pakistani and Chinese engineers over a period of 20 years beginning in mid 1960s. Also referred to as the Pakistan-China "Friendship Highway Through

Paradise²¹⁴⁷, it became operational in 1978 but was opened for public only in 1986. Over the years, the highway's significance, both for regular trading and military purposes, has increased manifold.

The highway originates from Hassan Abdal, about 45 kms from Islamabad on the Islamabad-Peshawar highway, and goes through Abbottabad-Manshera, across the River Indus in Thakot towards Gilgit, Chilas, Hunza and Sost through the Khunjerab pass (which is 4,800 metres high) and enters Kashgar in the Xinjiang province of China through the Pamir plateau. The total length of the highway (referred to as the N 5 in Pakistan and the N 15 in China) is 1300 kilometres—with 806 kms in Pakistan and 494 kms in China.

The Karakoram Highway is jointly managed by the National Highway Authority (NHA) of Pakistan and the Chinese State-owned Assets Supervision and Administration Commission (SASAC).¹⁴⁸ An MoU between the two countries was signed on June 30, 2006 to further widen the highway from 10 to 30 metres, mainly to facilitate heavy vehicles to pass during winter months when there is heavy snowfall. Apart from this, there are plans to link the Karakoram Highway with the Gwadar Port in Balochistan through a rail network.

The building of a highway at this height was formidable task in view of the tough terrain. It runs along the River Indus for almost 310 kms and also crosses the Gilgit, Hunza and Khunjerab rivers. Reaching an elevation of approximately 4,733 metres near the Khunjerab Pass, it is the highest metalled road in the world.

The all-weather road connectivity between the two sides is seen to aptly symbolise the all-weather friendship between Pakistan and China. There is a daily bus service between Gilgit and Kashgar via Sost and Tashkorgan since June 2006.

¹⁴⁷ The Karakoram Highway: The China - Pakistan "Friendship Highway Through Paradise" at <http://www.pakistanpaedia.com/landmarks/kkh/kkh.htm>.

¹⁴⁸ Vijay Sakhuja, The Karakoram Corridor: China's Transportation Network in Pakistan, *China Brief*, Volume: 10 Issue: 20, October 8, 2010 at http://www.jamestown.org/programs/chinabrief/single/?tx_ttnews%5Btt_news%5D=37017&tx_ttnews%5BbackPid%5D=414&no_cache=1.

The opening of the highway was a turning point in the history of the PoK region with important strategic implications. The highway has opened up tremendous trading opportunities between the two countries. It has raised the economic and strategic profile of the Gilgit Baltistan region bordering the Chinese province of Xinjiang. Trade between Pakistan and China via the Karakoram Highway runs into billions of dollars. According to local traders, its full potential is yet to be realised. Exports to China include minerals like lead, copper and chromate. In all likelihood, business is likely to multiply in the next few years.¹⁴⁹

In addition to Raskam and Taghdumbash in the Hunza division that was already under Chinese control, Pakistan ceded the Trans-Karakoram Tract to China in 1963. It is believed that Pakistan handed over the territory primarily as a pay off for Chinese assistance in the building of the Karakoram Highway. More than the trading activities, the road is widely used for the transfer of missiles and nuclear material from China to Pakistan. Notably, China has also built as many as 16 airstrips along the road, a development which can threaten peace and stability in the entire South Asian region. In December 2011, Pakistan and China signed another inter-governmental framework agreement to upgrade and realign the Karakoram Highway.¹⁵⁰

In recent years, there have been several instances of sectarian killings along the highway - the latest being the massacre of innocent Shia pilgrims in Kohistan in February 2012. The highway traverses through Rawalpindi - which is Sunni-dominated to the Shia majority Nagar valley. Recurring incidents of sectarian killings have made people apprehensive - especially while travelling on the highway through areas dominated by the other sect. People would like to take alternate routes but in a region where infrastructure development is uneven, this is not easy.¹⁵¹

¹⁴⁹ Axis of Asia.

¹⁵⁰ Rezaul H Laskar, Pak, China ink currency swap, Karakoram highway deals, *The Indian Express*, December 25, 2011 at <http://www.indianexpress.com/news/pak-china-ink-currency-swap-karakoram-highway-deals/891781/>.

¹⁵¹ Seema Shekhawat, Sectarianism in Gilgit-Baltistan, *Faultlines*, Volume 20, January 18, 2011 at <http://www.satp.org/satporgtp/publication/faultlines/volume20/Article4.htm>.

Wakhan Corridor: The Wakhan Corridor named after the Wakhan River in the Badakhshan province (north-east Afghanistan between the Hindu Kush and the Amu Darya) separates Afghanistan from Gilgit Baltistan. The corridor is approximately 225 kms long and between 16-22 kms wide. Besides Gilgit Baltistan, it borders Khyber Pakhtunkhwa in Pakistan, China, Tajikistan and is, therefore, of immense strategic significance. The thin strip of territory was awarded to Afghanistan by the Anglo-Russian Boundary Commission in 1895-96 to constitute a buffer zone between two competing empires-the Russian and the British.¹⁵²

The corridor shares approximately 76 kms of border with the Chinese province of Xinjiang. The Chinese have been developing infrastructure in the area that includes: a road that is 10 kms from the Wakhan Corridor being funded by the Chinese ministry of defence, lines of mobile communication and a supply depot.¹⁵³

Afghanistan, in the past, has urged China to open up the corridor to provide alternate supply routes for the ongoing war on terror. The issue figured prominently during the then Afghan foreign minister, Rangin Dadfar Spanta's visit to Beijing in June 2009.¹⁵⁴ There is also a debate whether Wakhan Corridor via western China could be used as an alternate logistics supply route for the NATO (North Atlantic Treaty Organisation) forces in Afghanistan.¹⁵⁵ The issue has gained significance due to the deteriorating equations between the United States and Pakistan, especially as the latter briefly debarred the transit of NATO supply trucks through its territory. The Pakistan government stopped land transit facilities for trucks and containers carrying supplies to NATO forces in Afghanistan from Karachi after a drone attack on Pakistan's

¹⁵² Factbox - Key facts about the Wakhan Corridor, *Reuters*, June 12, 2009 at <http://in.reuters.com/article/2009/06/12/idINIndia-40283820090612>.

¹⁵³ L.C. Russell Hsiao and Glen E. Howard, China builds closer ties to Afghanistan through the Wakhan, Corridor, *China Brief*, Vol 10, Issue 1, http://www.jamestown.org/uploads/media/cb_010_03.pdf, p. 2.

¹⁵⁴ Afghanistan tells China to open Wakhan corridor route, *The Hindu*, June 11, 2009 at <http://www.hindu.com/thehindu/holnus/003200906111512.htm>.

¹⁵⁵ D. S. Rajan, China: Xinjiang's Wakhan Corridor as US Base? Paper no. 3579, December 31, 2009 at <http://www.southasiananalysis.org/%5Cpapers36%5Cpaper3579.html>.

army Salaha check post in the Mehmond agency on November 26, 2011. The supplies were restored on July 5, 2012 after the US regretted the drone attack in which at least 24 Pakistani soldiers were killed.

The NATO trucks have also been subject to recurring attacks by the Taliban and the Al Qaeda. They have either been torched or seized by militants on these routes. However, it is noted that China is against opening up its Muslim dominated province (read Xinjiang) to a radicalised and unstable Af-Pak region.¹⁵⁶

The dry Sost Port: Sost (also referred as Sust), a dry port in the Gojal area north of Gilgit, was built jointly by China and Pakistan. Its proximity to the Afghanistan and Chinese border adds to its strategic significance. Sost is located at a height of 10,000 feet and can handle 40 Chinese containers a day. The handling capacity is expected to be enhanced to 400 in future. While inaugurating the port on July 5, 2006, Musharraf had noted: “This landmark project is poised to impart further depth and strength to Pakistan-China economic and political ties as well as help expand Pakistan’s commerce linkages with the regional countries including Central Asian states”.¹⁵⁷ Emphasising the geo-strategic significance of Gilgit Baltistan, Musharraf stated that this port could enable the augmentation of intra-regional trade in future.

The port is managed by the Pak-China Sost Dry Port Trust. The trust convenes Annual General Meeting (AGM) to elect new office bearers.¹⁵⁸ In recent past, the trust has been accused of corruption, nepotism and lack of transparency.¹⁵⁹ Recently, traders at the port went on strike demanding that the work of opening up the Attabad Spillway be taken

¹⁵⁶ Michael D. Swaine, China and the “AfPak” Issue, *China Leadership Monitor*, No. 31 at <http://carnegieendowment.org/files/CLM31MS.pdf>, pp. 6-7.

¹⁵⁷ Pak-China commerce set for rapid growth: Musharraf inaugurates Sust dry port, Economic and Commercial Counsellor’s Office of the People’s Republic of China in the Islamic Republic of Pakistan, July 5, 2006 at <http://pk2.mofcom.gov.cn/aarticle/chinanews/200607/20060702607266.html>.

¹⁵⁸ Pak-China Sost dry port trust meeting on May 13, *Associated Press of Pakistan*, May 11, 2012 at http://app.com.pk/en_/index.php?option=com_content &task=view&id=193991&Itemid=2.

¹⁵⁹ Team in Sust for probe into dry port scam, *Dawn*, September 30, 2006 at <http://archives.dawn.com/2006/09/30/nat8.htm>.

away from the Frontier Works Organisation (FWO), as it failed to do so efficiently. The traders also demanded compensation for the affected population.¹⁶⁰

Notably, during the 2010 floods in Pakistan, Chinese aid for people trapped in the upper Hunza was routed through this port.¹⁶¹ The aid was dispatched from Kashgar in Xinjiang to Sost over land via the Khunjerab Pass.

Nations Involved in Gilgit Baltistan

India

Gilgit Baltistan legally belongs to India. Therefore, it is politically essential for India to lay its claim by asserting itself on PoK. From a purely strategic angle, Gilgit Baltistan is of immense consequence, as it could provide India access to the Central Asian republics. Till recently, China's increasing footprint in Gilgit Baltistan has made alarm bells ring in India's policy making circles. Chinese forays in the region have been much analyzed and debated in India. But this interest has not translated into substantive measures or a concrete policy on Gilgit Baltistan. Apart from issuing official statements against the Empowerment and Self-Governance Package of 2009 and objecting to the construction activities and Chinese involvement in the region, India has largely remained an observer. (India's stance vis-à-vis Gilgit Baltistan is dealt with in a separate chapter of the study).

Pakistan

In 1947, a small but influential local section was instrumental in ensuring Gilgit Baltistan's accession to Pakistan. The situation in the region was in a state of flux as it was in other parts of the princely state of Jammu and Kashmir. There was an additional factor that spelt further trouble and uncertainty for the region. Till shortly before independence, the

¹⁶⁰ Traders strike at Sust Dry Port enters 10th day, *Dawn*, May 31, 2012 at <http://dawn.com/2012/05/31/traders-strike-at-sust-dry-port-enters-10th-day/>.

¹⁶¹ China's 3,190 tons of relief aid for Hunza reaches Sust, *The News*, September 4, 2010 at <http://www.thenews.com.pk/Todays-News-2-2974-China%E2%80%99s-3190-tons-of-relief-aid-for-Hunza-reaches-Sust>.

region was under the British. As a result, there was a leadership vacuum while the British were in the process of handing it back to the Maharaja of Kashmir. Being a Muslim majority area, a section of people in the region were misled into believing that in the aftermath of partition, Pakistan would emerge as the true guardian of Muslims.

Gilgit Baltistan on Pakistan's periphery: Over the years, people in the region have come to realise how wrong the decision was to go with Pakistan. Gilgit Baltistan has not yet been absorbed within the Pakistani state and social system. Pakistan's perception of the region as a "down country" serving mainly "as a source of power and water and as a strategic area controlling connections to China" has blunted the prospects of integration. The fact that this region is dominated by Shias, is seen as posing "a risk to main political forces in Pakistan". Thus, there is political "exclusion" of Gilgit Baltistan from Pakistan's polity.¹⁶²

Similar trends can be seen in Pakistan's overall Kashmir policy. For instance, in February 2012, in an address on the occasion of the so called Kashmir solidarity day¹⁶³, Pakistan's then Prime Minister, Yusuf Raza Gilani, asserted that Pakistan cannot afford a war over Kashmir.¹⁶⁴ The statement created furore in the strategic circles of the subcontinent. While some sighed in relief and hoped for substantial confidence building measures making head way between India and Pakistan, others were left fuming over Gilani's new found conciliatory approach. What was indeed missing in Gilani's speech was any mention of Gilgit Baltistan and the 'AJK', and the people who are as much a part of Kashmir as the ones he might be referring to. His speech was skewed and clearly reflected Pakistan's Kashmir policy in which PoK and especially Gilgit Baltistan do not figure at all.

¹⁶² Caylee Hong, *Liminality and Resistance in Gilgit-Baltistan*, Legal Working Paper Series on Legal Empowerment for Sustainable Development, Centre for International Sustainable Development Law (CISDL), June 2012 at http://www.cisd.org/public/docs/Hong_Liminality_and_Resistance_in_Gilgit-Baltistan.pdf.

¹⁶³ February 5 every year is celebrated as Kashmir solidarity day across Pakistan and parts of Pakistan occupied Kashmir.

¹⁶⁴ Pakistan cannot afford war over Kashmir: Gilani, *The Hindu*, February 6, 2012 at <http://www.thehindu.com/news/international/article2863628.ece>.

Pakistan's reluctance to acknowledge the contribution of the Northern Light Infantry (NLI) during the Kargil War shows that its attitude towards Gilgit Baltistan is opportunistic. It used the territory to send the Kargil intruders across the LoC in India and deployed the NLI in the war. Pakistan's refusal to take custody of the bodies of the deceased NLI soldiers from the Indian forces created considerable discontent among the rank and file of this regiment.

Failure to assimilate Gilgit Baltistan: Pakistan has failed to assimilate Gilgit Baltistan within its political and social ambit. This is also true for 'AJK', Balochistan and, was true of what was East Pakistan. While East Pakistan broke away in 1971 to become Bangladesh, Balochistan continues to reel under conflict and instability. As far as Gilgit Baltistan is concerned, a series of orders and set of rules have yet neither been able to give the region a definite political identity nor any degree of autonomy or independence. Similarly, the region finds no mention in the constitution of Pakistan even though it has been amended on several other occasions to suit political needs.

Inconsistent and contradictory approach: As far as Gilgit Baltistan is concerned, there is an inherent contradiction in Pakistan's approach - delinking Gilgit Baltistan from the Kashmir issue; and linking it when it serves its cause. Soon after 1947, Pakistan sought to segregate Gilgit Baltistan from the 'AJK' and largely Kashmir (and India) by the Karachi Agreement. The map of Pakistan shows the whole of J&K except Gilgit Baltistan as "disputed". At the same time, Pakistan has denied the region its proper political status for many decades citing its Kashmir connection and deeming it 'disputed'.¹⁶⁵ Incidentally, when martial law was imposed in Pakistan in 1977 by Zia ul Haq, it applied to Gilgit Baltistan but not 'AJK'. This was another attempt to delink it from the Kashmir issue. In both these propositions, Pakistan has manipulated Gilgit Baltistan to suit its agenda, with little concern for the larger well-being of the people.

¹⁶⁵ Pakistan rejects the Indian demarche regarding the construction of Bhasha dam, Ministry of Foreign Affairs, Pakistan at http://www.mofa.gov.pk/Press_Releases/2006/March/PR_101_06.htm.

China

The current Chinese presence in Gilgit Baltistan appears in accordance with a carefully conceived multipronged strategy. Some of the salient features of the Chinese role in the region are as under:

Territorial aggrandisement: China's interest in Kashmir dates back to the time when it deceitfully took the Aksai Chin region from India. Additionally, China also got the Trans-Karakoram Tract (Shaksgam Valley), a 5,130 sq kms area which Pakistan willingly handed over in 1963, pending the permanent solution of the Kashmir issue. The expansion of Chinese influence in the adjoining region also needs to be viewed in the perspective of the Chinese irredentism and how it could pose a threat to this part of the Asian region in future.

Hunger for resources: China is the most populous country of the world. Simultaneously, it is a rising economic power, perhaps on the path of becoming a super power. Its growing political and economic status has escalated China's need for resources including water and minerals. As Gilgit Baltistan is rich in both these resources, it is attractive for the resource-hungry China. China's enhanced interest could be attributed to the region being a rich source of the high-demand fresh potable water (which it could potentially deliver to China's future needs being in the vicinity of its border). That Gilgit Baltistan is with Pakistan, China's all-weather trusted ally for decades, is an added advantage which gives it a free hand and an unfettered access to the region's precious resources. It is this hunger for resources which lies behind extensive development projects especially in the hydro power and mining sectors (dealt with in the preceding chapter).

Gaining a foothold in the region: A report published in *The New York Times*, dated August 26, 2010, claimed that Pakistan has ceded de facto control of Gilgit Baltistan to China. It further revealed that China has stationed 11,000 PLA (Peoples Liberation Army) personnel there.¹⁶⁶

¹⁶⁶ Selig S. Harrison, China's Discreet Hold on Pakistan's Northern Borderlands, *The New York Times*, August 26, 2010 at <http://www.nytimes.com/2010/08/27/opinion/27iht-edharrison.html>.

The extent and nature of the Chinese activities in the region is a matter of debate. However, it is well understood that Gilgit Baltistan's strategic location in the heart of Asia will give China an advantage vis-à-vis India, the Central Asian Republics and Afghanistan, where it is playing a key role. Maintaining some kind of civilian and military presence in GB will give China a strategic advantage both in times of war and peace. Gilgit Baltistan's centrality would help China keep a tab on the strategic pulse of the regional geopolitics.

A buffer zone between the restive Xinjiang province and Pakistani radicalism: The western Chinese province of Xinjiang—the Uyghur Autonomous Region has a common border with Gilgit Baltistan. The Uyghur Muslims in Xinjiang province have been demanding a separate homeland for a long time. Given the overall deteriorating security situation in Af-Pak region, the Chinese fear the percolation of fundamentalist forces from across Pakistan to China via Gilgit Baltistan. The Chinese have been vocal about their concerns and clear on their intent on this issue. Perhaps, they feel this could justify their increasing presence in Gilgit Baltistan. Meeting the secessionist challenge in Xinjiang is projected as key to Chinese interests in the region.

The Uyghur problem was highlighted when widespread riots took place in Xinjiang in July 2009. In the past, Uyghurs from Pakistan - including women and children – have been extradited to China.¹⁶⁷ Groups such as the Turkistan Islamic Movement also known as the Turkistani Islamic Party have alleged links with the Al Qaeda, which has a strong presence in Pakistan. The Chinese government has bluntly rebuked Pakistan over this. For instance, it was alleged by the authorities in Kashgar in August 2011 - in the aftermath of an attack on a local police station in which at least four people were killed and several others injured, that at least one of the perpetrators was trained in Pakistan.¹⁶⁸ Based on the confessions of those arrested, it was noted that some leaders of the movement had been trained in Pakistan in

¹⁶⁷ Mohammad Asghar, Five Chinese nationals deported, *Dawn*, August 10, 2011 at <http://dawn.com/2011/08/10/five-chinese-nationals-deported/>.

¹⁶⁸ Michael Wines, China Blames Foreign-Trained Separatists for Attacks in Xinjiang, *The New York Times*, August 1, 2011 at <http://www.nytimes.com/2011/08/02/world/asia/02china.html>.

bomb-making, use of weapons and carrying out acts of violence. Similarly, a girl who attempted to blow up a Chinese airliner in March 2008 was caught travelling on a Pakistani passport.¹⁶⁹

In May 2012, China embarrassed Pakistan by urging it to expel Uyghur militants in the tribal areas. The issue was reportedly taken up in the meeting between Chinese foreign minister, Yang Jiechi, and Pakistan's President, Asif Ali Zardari in Islamabad in May 2012.¹⁷⁰ The Chinese have expressed the desire to set up military bases inside Gilgit Baltistan bordering Xinjiang province to deter infiltration of fundamentalist forces from Pakistan into China.¹⁷¹ If Pakistan is unable to contain the movement of Uyghur extremist elements within its territory and if violent incidents in Xinjiang continue, China might become more assertive and establish a full-fledged military base in Gilgit Baltistan.

India's unease: From an Indian perspective, the Chinese foray into Gilgit Baltistan is part of its overall strategy of encircling India - apart from its growing presence in the South Asian region. According to the former Indian army chief, General V K Singh there were at least 4,000 Chinese, including troops, in Gilgit Baltistan. He noted: "There are certain construction working teams, a large number is available. Around 3,000 to 4,000 of these people are present including certain people for security purposes. There are certain engineers troops. Now (like) our own engineers are combat engineers. So, in some way they are part of the PLA."¹⁷² Earlier, Air Chief Marshal, N A K Brown had cautioned that Chinese presence in PoK "warrants attention".¹⁷³

¹⁶⁹ Raffaello Pantucci, Uyghur Unrest in Xinjiang Shakes Sino-Pakistani Relations, *Terrorism Monitor*, Volume: 9 Issue: 33, August 19, 2011 at http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=38346, p. 8.

¹⁷⁰ China urges Pakistan to expel Uighur Islamic militants, *BBC*, May 31, 2012 at <http://www.bbc.co.uk/news/world-asia-18276864>.

¹⁷¹ Amir Mir, China seeks military bases in Pakistan, October 26, 2011 at http://www.atimes.com/atimes/South_Asia/MJ26Df03.html.

¹⁷² 4,000 Chinese, including troops, in PoK: Army chief, *The Indian Express*, October 5, 2011 at <http://www.indianexpress.com/news/4-000-chinese-including-troops-in-pok-army-chief/856186/>.

¹⁷³ South Asian region security challenge in future: IAF Chief, *The Indian Express*, October 4, 2011 at <http://www.indianexpress.com/news/south-asian-region-security-challenge-in-future-iaf-chief/855765/>.

In April 2011, the former GOC-in-C, Northern Command, Lt General K T Parnaik also warned of the increasing Chinese presence in Gilgit Baltistan noting that their presence near the Line of Control poses a military threat to India. General Parnaik suggested that the Chinese in India's backyard were "too close for comfort" and asked: "What would be the complicity of Chinese if hostilities were to break out between India and Pakistan?"¹⁷⁴ These assertions were promptly rebutted by Pakistan and China. The Pakistan foreign office rejected these reports as baseless and "most absurd".¹⁷⁵ In the aftermath of these exchanges, the ministry of defence in India ordered a probe into these reports.

It is also argued that China has taken up infrastructure development in Gilgit Baltistan on a priority basis. This is to give Pakistan a security edge as the region is claimed by India. China wants to give the Pakistan army a sense of empowerment and most importantly deter India from venturing to attack Pakistan through the PoK region in future.¹⁷⁶

Direct link to the Persian Gulf: The Gwadar port in the Balochistan province of Pakistan is situated at the exit of the Strait of Hormuz. China's connectivity to Gwadar via the proposed rail network running through Gilgit Baltistan would give it access to the oil reserves of Persian Gulf and ensure China uninterrupted access to oil even if conventional routes such as the Strait of Malacca and the Strait of Singapore cease to operate (in normal course) or are blocked in times of war.

Is Gilgit Baltistan leased out to China by Pakistan? : Recent reports have suggested that Pakistan might lease out Gilgit Baltistan to China for 50 years in view of the increasingly strained ties between Pakistan and the US. This report was originally published in an Urdu

¹⁷⁴ China rejects reports of presence of Chinese troops in PoK, *The Economic Times*, April 7, 2011 at http://articles.economictimes.indiatimes.com/2011-04-07/news/29392517_1_gilgit-baltistan-chinese-troops-presence-of-chinese-personnel.

¹⁷⁵ Record of Press Briefing held on April 7, 2011, Ministry of Foreign Affairs, Pakistan at <http://www.mofa.gov.pk/mfa/pages/article.aspx?id=328&type=2>.

¹⁷⁶ B. Raman, China's Strategic Eggs in South Asia, Paper presented at a seminar on Strategic Contours of India-China Relations at Vizag, July 14-15, 2011 at <http://www.srilankaguardian.org/2011/07/chinas-strategic-eggs-in-south-asia.html>.

daily, *Rozanama Bang-e-Sahar*.¹⁷⁷ It stated that the strains in US- Pakistan ties had been further exacerbated by the drone strikes of November 26, 2011, in which several Pakistani security personnel were killed. Pakistan out of wariness, the report stated, was considering leasing out Gilgit Baltistan to China. Concurrently, Pakistan and China concluded a \$1.58 billion currency swap deal and other multi-million dollar agreements to upgrade the Karakoram Highway under an inter-governmental framework agreement.¹⁷⁸

The United States

The United States' interest in PoK, and Gilgit Baltistan in particular, is still evolving.¹⁷⁹ However, the United States has been associated with the larger Kashmir issue in the backdrop of the Cold War and its close ties with Pakistan over the last several decades. In sync with the broad conventional approach to Kashmir, the US position too, has revolved around the Indian Kashmir and completely ignored the parts of Kashmir under illegal control of Pakistan. For the US, Kashmir was 'the cause' of conflict between India and Pakistan. For the most part of the last 65 years, the US chose to view it from the prism of the false human rights propaganda orchestrated by Pakistan. However, ties between India and the US have improved since the turn of the century as the bilateral relationship underwent sea change.

President Obama's initial position on Kashmir evoked considerable consternation in India. However, he has recently ruled out the possibility of "any nation, including the United States, (seeking to) impose solutions from the outside" on Kashmir.¹⁸⁰ The perceived transformation began

¹⁷⁷ Urdu Daily: Chinese Military Taking Over Gilgit Baltistan, Pakistan Considering Proposal to Lease the Disputed Region to China for 50 Years, The Middle East Media Research Institute (MEMRI) Inquiry & Analysis Series Report No. 799, February 12, 2012 at <http://www.memri.org/report/en/print6076.htm>.

¹⁷⁸ Rezaul H Laskar, Pak, China ink currency swap, Karakoram highway deals.

¹⁷⁹ Priyanka Singh, Growing American Interest in Pakistan occupied Kashmir, July 17, 2012, *IDS A Strategic Comments* at http://www.idsa.in/idsacomments/GrowingAmericanInterestinPakistanoccupiedKashmir_psingh_170712.

¹⁸⁰ No solution from "outside" on Kashmir, *The Hindu*, July 15, 2012 at <http://www.thehindu.com/news/international/article3642613.ece>.

with the US's constructive intervention during the Kargil war. The Clinton administration managed to persuade the then prime minister of Pakistan, Nawaz Sharif, to withdraw from areas where Pakistan had breached the Line of Control.

The broad US approach towards Kashmir has attracted great deal of academic attention, especially in Western countries. Lately, the US role in PoK- especially Gilgit Baltistan - can be viewed within the broader strategic context of the US seeking to strengthen its foothold, not only in South Asia, but the whole of Asia Pacific.

To check and counter Chinese influence: First and foremost, the US interest in Gilgit Baltistan needs to be analysed from a geopolitical perspective. The extensive Chinese presence in the region has been acknowledged by the US. The revelations made through reports and articles by prominent security experts published in leading newspapers in the United States has given a new turn to the US geopolitical approach towards PoK, more specifically Gilgit Baltistan.¹⁸¹ The US has taken note of Chinese aid for hydropower projects in the region including ambitious projects such as the Diamer Bhasha dam being built in the Diamer district of Gilgit Baltistan.

In view of the massive assistance package - \$7.5 billion – being offered to Pakistan as non-military assistance under the Kerry Lugar Berman bill, Pakistan was encouraged into thinking that the US may like to divert a section of the funds for hydropower projects in Gilgit Baltistan. The US was initially reluctant to do so, in view of the disputed nature of the territory. The USAID (United States Agency for International Development) initially noted that such huge projects did not fall within the ambit of the overall US policy towards Pakistan. At the same time, US officials were well aware that even as they denied funding, China would anyway, be providing monetary assistance.

After initial hesitation, the US gave in to Pakistan's continuous pestering. In March 2012, it was widely reported that not only the US but the

¹⁸¹ Selig S. Harrison, China's Discreet Hold on Pakistan's Northern Borderlands.

World Bank and the ADB (Asian Development Bank) had agreed to participate in funding the Diamer Bhasha dam construction. Later in April 2012, at the annual spring IMF-World Bank meetings in Washington, Pakistan's Finance Minister, Hafeez Shaikh, held talks with the US officials and Special Representative, Mark Grossman. He also held several meetings with representatives of IMF (International Monetary Fund), World Bank and Asian Development Bank to explore options for funding the Diamer Bhasha Dam.¹⁸²

Pakistan held India responsible for the reluctance of funding agencies. India has been opposed to the idea of multilateral institutions funding a controversial project in PoK, which is claimed by India as an integral part of the state of Jammu and Kashmir.

To counter anti-American sentiments: The US is aware that its aid to Pakistan is not having any tangible impact on the people. In view of this, the US provided funding for the Satpara dam, on the Satpara Lake located 4 kms away from Skardu in Baltistan. The website of the WAPDA (Water and Power Development Authority of Pakistan) corroborating US involvement states: "Activity agreement for US\$ 26 M under Pakistan Enhanced Partnership Agreement (PEPA) Signed on 7.1.2011 between GOP and Govt. of USA through Agency for International Development (USAID) for Power House No. 3 and 4 and remaining works of Satpara Dam Project".¹⁸³ The US feels that such assistance that benefits a large section of population in the region would help the US in being seen as a long term partner by the common people in Pakistan.

Engaging the nationalists in Gilgit Baltistan: A delegation from the US embassy in Islamabad went on a five-day visit to Gilgit Baltistan between May 30 and June 3, 2012. The delegation consisted of Lisa Buzenos, Political/Economic Officer, Kimberly Phelan, Political Officer and Khalid Javed, the security advisor. The visit came as a surprise because the Gilgit region at this time was still recovering from the

¹⁸² Anwar Iqbal, US and WB renew pledge to finance Bhasha dam, *Dawn*, April 24, 2012 at <http://dawn.com/2012/04/24/us-and-wb-renew-pledge-to-finance-bhasha-dam>.

¹⁸³ Satpara Dam Project at <http://www.wapda.gov.pk/htmls/sataparapj.html>.

protracted sectarian strife that followed the Kohistan killings and the Chilas massacre. In view of the delicate security situation, the embassy officials got in touch with the local administration to beef up security arrangements. Such a high profile visit was a rare occurrence in the largely inaccessible Gilgit Baltistan region. During the visit, the delegation held a meeting with leader of the GBUM, Manzoor Parwana, who sought enhanced international attention because, “representatives of Pakistani secret service agencies, military and political parties interfere in the internal affairs of Gilgit-Baltistan”.¹⁸⁴ The visit of the US embassy officials came across as an interesting and important development as the US was engaging the nationalist leaders of Gilgit Baltistan, which the government of Pakistan was averse to doing.

Presence and influence of Gilgit Baltistan diaspora in the United States: The presence of a huge diaspora in various parts of the United States must be factored in while analyzing the evolution of US interest in Gilgit Baltistan. The US has given them a platform to actively highlight their concerns and issues. As discussed in an earlier section of the study, think tanks and organizations based in Washington and elsewhere in the US have been regularly taking up the cause of Gilgit Baltistan.

Away from Media Glare and Limited International Attention

It is indubitable that PoK has escaped media attention for the most part of the last six decades. It was only in the aftermath of the 2005 earthquake that the international agencies directed their attention towards the Gilgit Baltistan region. International bodies have also failed to take stock of the gross abuse of human rights in Gilgit Baltistan or the deliberate neglect of the people of the region through decades. Emma Nicholson’s report for the European Union (EU) on *Kashmir: present situation and future prospects* marked a breakthrough in this regard. It made some revealing comments on PoK in general and Gilgit Baltistan in particular. While noting the “democratic deficit” in both parts of

¹⁸⁴ Press Release: US Embassy officials met Manzoor Parwana of GBUM in Gilgit, June 3, 2012 at <http://www.skardu.blogspot.in/2012/06/us-embassy-officials-met-manzoor.html>.

PoK,¹⁸⁵ the report stated that the situation in Gilgit Baltistan was “infinitely worse”.¹⁸⁶

The European Parliament report made wide ranging observations regarding the dire state of socio-economic condition in Gilgit Baltistan. It noted: Gilgit Baltistan suffers from “extreme poverty and neglect, with enormous deficiencies in basic literacy and numeracy and in access to healthcare, a lack of democratic structures and major deficiencies in the rule of law and justice”¹⁸⁷, and enjoys no form of democratic representation whatsoever, under “the direct rule of the military”.¹⁸⁸ The report highlighted:

...human rights violations by Pakistan including in Gilgit and Baltistan, where allegedly violent riots took place in 2004, and the all too frequent incidents of terror and violence perpetrated by armed militant groups, enjoys no status or even the semblance of democratic representation- total absence of constitutional identity or civil rights.¹⁸⁹

Similarly, the ICG report titled *Discord in Pakistan's Northern Areas* (now Gilgit Baltistan) published in 2007 was an informative and well-researched document that underscored the gravity of the situation in Gilgit Baltistan.¹⁹⁰

Apart from these, Gilgit Baltistan has got very little attention as compared with the rest of Kashmir including the ‘AJK’. It is intriguing as to how Gilgit Baltistan came to be ignored even as the Karakoram Highway built across it marked the beginning of the strategic all-weather friendship between Pakistan and China. Apart from facilitating routine

¹⁸⁵ Baroness Emma Nicholson of Winterbourne, Report on *Kashmir: present situation and future prospects*, April 25, 2007 at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A6-2007-0158+0+DOC+PDF+V0//EN>, p. 20.

¹⁸⁶ Ibid., p.21.

¹⁸⁷ Ibid., p.4.

¹⁸⁸ Ibid., p.9.

¹⁸⁹ Ibid., p.21.

¹⁹⁰ *Discord in the Northern Areas*, International Crisis Group (ICG) Report.

trade between the two countries, the highway has allegedly been used for clandestine activities, including the purported transfer of nuclear materials from China to Pakistan.

VII

GILGIT BALTISTAN AND INDIA

India's position on PoK applies to Gilgit Baltistan as well. However, before prescribing India's policy options on Gilgit Baltistan, it is essential to understand India's stance, particularly on Gilgit Baltistan. The region has been neglected by all -including India. In today's context, it is essential that Gilgit Baltistan be taken into account while framing any future policy alternatives either on PoK or J&K. The recent report by the group of interlocutors entitled *A New Compact with the People of Jammu and Kashmir*¹⁹¹ also gives due importance to Gilgit Baltistan and this reflects how in today's context no solution to the Kashmir issue can be conceived without taking this particular region into account.

Sifting India's Stance on Gilgit Baltistan in Past

Lack of leadership consensus on Gilgit Baltistan: It is believed that Mahatma Gandhi was not too convinced about the "unqualified inclusion" of Gilgit in Kashmir, since it had been under British control for some time. When Mahatma Gandhi reached Srinagar amidst celebrations of the region's return to the Maharaja of Kashmir, he termed it "a great mistake".¹⁹² He also noted that they should have taken this opportunity to proclaim autonomy for Gilgit within Kashmir....[He] saw the seeds of future trouble in an unqualified inclusion of Gilgit in Kashmir".¹⁹³

Some believe that a separatist movement was already emerging in Gilgit Baltistan under British rule who exercised strict control on the region in view of its proximity to the erstwhile Union of Soviet Socialist

¹⁹¹ Final Report, *A New Compact with the People of Jammu and Kashmir* available at <http://www.outlookindia.com/article.aspx?281011>.

¹⁹² Sisir Gupta, *Kashmir: A Study in India-Pakistan Relations*, Asia Publishers, Bombay, 1966, p. 109.

¹⁹³ Ibid.

Republic (USSR). A British commander of the Gilgit Scouts “with some local elements” played a key role “in declaring Gilgit’s accession to Pakistan”.¹⁹⁴ The “local elements” included the disgruntled section of population in Gilgit Baltistan.

Apart from the lack of consensus on the issue of Gilgit Baltistan, the other important aspect was the limited influence of the leadership in these areas. Jawaharlal Nehru trusted and totally depended upon Sheikh Abdullah, the charismatic Kashmiri leader of the National Conference. Gilgit Baltistan fell outside the sphere of influence of these leading figures even though both came from the valley and this was realised in India only when it was late.

Revisiting V Krishna Menon’s speech at the UN on Kashmir in 1957: Soon after independence, Pakistan attacked Jammu & Kashmir in October 1947. Pakistan had taken over Gilgit Baltistan- a substantial part of the territory of Jammu & Kashmir. India approached the newly formed United Nations and urged the world body to intervene in the matter. A series of UN resolutions followed and a UN Commission on India Pakistan (UNCIP) was set up. On January 23, 1957, India’s defence minister, V K Krishna Menon, who was presenting India’s position on Kashmir made important observations relating to the entire Kashmir issue. Among other things, Menon’s speech specifically noted that the Northern Areas comprising Chitral, Gilgit and Baltistan had been “annexed” and “incorporated” by Pakistan.¹⁹⁵ He observed that the incorporation had taken place before the UN resolutions on Kashmir were passed and Pakistan did not bother to inform the UN about it.

Menon also emphasized that Gilgit was “strategically very important to India for its defence” and “that there is no question of it not being part of Kashmir”. He acknowledged that the British had handed over the entire territory to the Maharaja of Kashmir before they departed.¹⁹⁶

¹⁹⁴ Ibid.

¹⁹⁵ V. K. Krishna Menon’s marathon speech on Kashmir lasted for eight hours at the United Nations Security Council’s seven hundred and sixty second meeting on January 23, 1957(Part three of three) at <http://www.un.int/india/ind30.pdf>.

¹⁹⁶ Ibid.

Chitral: Menon argued that Chitral was an “outstanding case of annexation de facto and de jure”. Certain records of British times available with the government of India showed that Chitral was also part of the territory of the Maharaja of Kashmir and as such was part of the state. Menon further added that “the annexation of this territory, the receiving of accession from a former feudatory to the Maharaja who had no right to do so in a direct piece of annexation”.¹⁹⁷

On the issue of Northern Areas, Menon read out relevant excerpts from the UN resolution on Kashmir. He noted: “The Commission wishes me to confirm that, due to the peculiar conditions of this area, it did not specifically deal with the military aspect of the problem in its resolution of 13 August 1948.”¹⁹⁸ He further added: “The garrisons of India must garrison the northern area that the troops must be kept to prevent tribesmen coming across the frontiers. The whole of the territory comes under the sovereignty of Jammu and Kashmir, as is admitted by the Commission”.

General McNaughton’s report was in accordance with the UN resolutions and called for withdrawal of Pakistani forces from the areas it had annexed by deceit. As per McNaughton’s report, “the administrative control over the Northern Areas of Kashmir should remain with the existing local authorities”. He further recommended, “the withdrawal of the Pakistan Army and of all Indian forces, other than those required for security and law and order on the Indian side of the cease-fire line and the reduction of the State’s forces and militia on the one hand and the Azad Kashmir forces on the other.”¹⁹⁹

India’s protests on the ceding of the Trans Karakoram Tract to China: As per the Sino-Pak Frontier Agreement signed on March 26, 1963, Pakistan ceded approximately 5,130 sq kms of Gilgit Baltistan to China while China gave Pakistan some 1,942 sq kms in return.

¹⁹⁷ Ibid.

¹⁹⁸ Ibid.

¹⁹⁹ Refer [http://www.dfp.gov.pk/Chronology/Chronology%20of%20Pakistan%20\(1950\).pdf](http://www.dfp.gov.pk/Chronology/Chronology%20of%20Pakistan%20(1950).pdf), p. 1.

Preceding the contentious border agreement which concerned a region that was legally claimed by India, Defence Minister V Krishna Menon reacted strongly to this on May 10, 1962 stating that:

Pakistan merely for nuisance value and as an instrument to put pressure on us-has entered into negotiations and concluded agreement with the Central Government of People's Republic of China. That agreement is in total violation of any rights or authority Pakistan may possess, for it has no sovereignty over this state; it is not Pakistan's to trade away or negotiate about. It has been done on a basis which we cannot accept- our position in regard to China, which is not under discussion before the Security Council.²⁰⁰

India's protest note registered its objections to both the Chinese and Pakistan:

In lodging an emphatic protest with the government of the People's Republic of China for this interference with the sovereignty of India over the state of Jammu and Kashmir, the government of India solemnly warns the government of China that any change, provisional or otherwise, in the status of the state of Jammu and Kashmir bought about by their parties which seek to submit certain parts of Indian territory to foreign jurisdiction will not be binding on the government of India and that the government of India firmly repudiate any agreements, provisional or otherwise, regarding her own territories arrived at between third parties who have no legal or constitutional *locus standi* of any kind.²⁰¹

China's response to the Indian protest was issued on May 31, 1962:

More than ten years have passed and despite the best wishes and expectations cherished by China, this dispute between India and Pakistan remains unsettled. In this circumstance, any one with common sense can understand that the Chinese government cannot

²⁰⁰ Sisir Gupta, *Kashmir: A Study in India-Pakistan Relations*, p. 428.

²⁰¹ Ibid.

leave unsettled indefinitely its boundary of several hundred kilometres with the areas the defence of which is under the control of Pakistan over Kashmir. It is entirely necessary, proper, legitimate, and in accordance with the international practice for the Chinese government to agree with the government of Pakistan to negotiate a provisional agreement concerning this boundary pending a final settlement of the Kashmir question.²⁰²

The timing of the Sino-Pak boundary agreement was crucial. The agreement and swap of territory (not belonging to them) marked the beginning of a long term strategic partnership between the two countries. The agreement was conceived in the backdrop of the 1962 India-China war which resulted in the humiliating defeat of India. It shattered India's belief that China would never go to war against it. India's morale was at an all time low. Hence, Pakistan and China thought it was an opportune moment as India would neither be in position to object nor would it get the necessary support from the other countries in a Cold War dominated international system.

Turtuk: Few years later on the sidelines of the 1971 Bangladesh war, Indian forces led by Major Chewang Rinchen of the Ladakh Scouts was able to capture four out of the 14 villages in Baltistan with a total area of 804 sq kms. Turtuk lies between Skardu and Leh and is now the last outpost between India and Gilgit Baltistan. Turtuk was opened for tourism in the year 2010 by the government of India.²⁰³

2010 floods in Gilgit Baltistan: The 2010 floods in Pakistan, also affected parts of Gilgit Baltistan. In the aftermath of the calamity, there were several calls from nationalist groups in Gilgit Baltistan urging India to send flood relief.²⁰⁴ India did offer help to Pakistan but failed to take special care of the plight of flood-affected people of Gilgit

²⁰² Ibid., pp. 428-429.

²⁰³ Nandini Mehta, Turtuk Diary, *Outlook*, August 8, 2011 at <http://www.outlookindia.com/article.aspx?277826>.

²⁰⁴ B Raman, Who cares for Gilgit Baltistan? *Outlook*, September 2, 2010 at <http://www.outlookindia.com/article.aspx?266985>.

Baltistan- another missed opportunity as far India's PoK policy is concerned. If Pakistan could support militancy in J&K and term it a freedom struggle, India, with valid reasons, could certainly show its solidarity with distressed people across LoC in Gilgit Baltistan. The overall sensitivity of the Kashmir issue constrains India from making its presence felt in Gilgit Baltistan which has given China the strategic space to operate.

The Annual Report of the Ministry of Defence 2008-09 commented on Chinese activities in India's backyard and stated that: "The possibility of enhancing connectivity with Pakistan through the territory of Jammu & Kashmir, illegally occupied by China and Pakistan and with other countries will also have direct military implications for India".²⁰⁵

India protested against the 2009 Empowerment and Self Rule package rejecting Pakistan's authority to introduce structural changes in the region. The ministry of external affairs (MEA) issued the following statement:

The Government of India protested through diplomatic channels today against the Government of Pakistan's so called 'Gilgit-Baltistan Empowerment and Self Governance Order -2009'. Pakistan has for the past six decades denied the basic democratic rights to the people in those parts of the state of Jammu and Kashmir under its illegal occupation. The entire state of Jammu and Kashmir is an integral part of India by virtue of its accession in 1947. The so called "Gilgit-Baltistan Empowerment and Self Governance Order -2009" is yet another cosmetic exercise intended to camouflage Pakistan's illegal occupation.²⁰⁶

Similarly, India raised objections to the construction of the Bunji Dam, to be built on the Indus near Gilgit with Chinese aid. The official statement read: "The Government of India lodged a protest today

²⁰⁵ Annual Report of the Ministry of Defence, India 2008-09 available at <http://mod.nic.in/reports/AR-eng-2009.pdf>.

²⁰⁶ GOI protests to Pakistan against the "Gilgit-Baltistan Empowerment and Self Governance Order -2009", September 11, 2009 at <http://meaindia.nic.in/mystart.php?id=530215157>.

over the proposed construction of the Bunji Hydroelectric Project in a part of the state of Jammu and Kashmir under illegal occupation of Pakistan”.²⁰⁷

Gilgit Baltistan in the Indian Parliament

Gilgit Baltistan has recently begun to figure in India’s parliamentary debates. This is mainly in the wake of reports of the growing Chinese presence in Gilgit Baltistan, being endorsed by countries like the United States. These parliamentary questions and responses primarily deal with the likely implications of an expanding Chinese footprint in the region close to the LoC. Most replies to these questions are standard on the lines - that India is in the process of verifying media reports and that China considers Kashmir to be a bilateral issue to be resolved by India and Pakistan.²⁰⁸

The Q&As in parliament reveal the lack of seriousness on India’s part and our complacency regarding the other parts of J&K (read PoK and the parts of it under China). This is surprising, especially when there have been instances of China issuing stapled visas to the people of J&K and refusing to allow a high ranking Indian army official serving in J&K to visit China as part of an Indian defence delegation.

In March 2012, a question in the Rajya Sabha sought information regarding:

the present status of the proposed reopening of Kargil to Skardu Road to facilitate introduction of Bus Service for the benefit of the people of Ladakh and Gilgit on the lines of Srinagar-Muzaffarabad Road; whether any time-frame has been decided between India and Pakistan for the introduction of this service.²⁰⁹

²⁰⁷ GOI protests to Pakistan against the construction of Bunji Hydroelectric Project in POK, September 11, 2009 at <http://meaindia.nic.in/mystart.php?id=530215156>.

²⁰⁸ Refer Rajya Sabha Q&A no. 521 dated August 11, 2011, no. 1749 dated November 25, 2010, no. 2494 dated December 2, 2011, no. 2507 dated December 15, 2011 and Lok Sabha Q&A no. 653 dated August 3, 2011 available at <http://www.mea.gov.in> (Parliament Q&A).

²⁰⁹ Rajya Sabha Question no. 368.

The minister of state for external affairs in his reply noted:

India has proposed to Pakistan for opening of a road link between Kargil and Skardu. During the meeting between Prime Minister and President of Pakistan on September 24, 2008 on the margins of United Nations General Assembly in New York, it was agreed that modalities for the opening of the Kargil-Skardu route would be discussed. Thereafter, the issue has been raised with Pakistan on a number of occasions. However, Pakistan has not yet agreed to open the route.²¹⁰

Is India Shirking its Responsibility Towards Gilgit Baltistan?

India's approach to Gilgit Baltistan within its broader approach to PoK has neither been well-defined, nor very proactive. In all these years, India has largely failed to influence perceptions regarding this region in a meaningful way. In the existing context, India's policy on Gilgit Baltistan has been dominated by two major drivers: the Chinese presence in Gilgit Baltistan and the political stalemate in the region. Though these are important issues, India needs to review its approach to Gilgit Baltistan. In this regard, it could think in terms of meaningfully engaging with the populace in Gilgit Baltistan. Nationalist groups in this region are peaceful and not violent. Hence, there is no harm in getting them on board while envisaging a fresh and proactive policy on PoK in general and Gilgit Baltistan in particular. These groups have been looking for some moral support from India, keeping in view India's official position on PoK, but have met with disappointment. If India were to engage them, more voices would rise in favour of Gilgit Baltistan's reunion with Indian state of J&K, a point of view which has failed to gain traction and has been almost buried because of lack of support from India.

China is part of the Kashmir problem and this is not a coincidence. China has rather imposed itself into issues related to J&K and has adopted a double standard on different parts of the former princely state. China's possession of a part of PoK and Aksai Chin and lately,

²¹⁰ Ibid.

its penetration into the Gilgit Baltistan region has, largely, failed to move India.

Options for India

It is understandable that India could not take a tougher stand on PoK earlier due to various reasons both-international and diplomatic. To a large extent, this could also explain why Gilgit Baltistan has been off India's policy radar over the past 60 years- even after the Kargil war in 1999. Policy lapses in the past and the international environment have culminated in the present situation wherein India's position lacks the necessary strength and the vigour. However, times have changed and some policy shifts that India could make are as follows:

- As India claims PoK to be an integral part of Jammu and Kashmir and hence a part of India, it cannot distance itself from the situation in Gilgit Baltistan. It needs to engage with the nationalist groups meaningfully to keep itself and the international community abreast with the developments and ground realities inside Gilgit Baltistan. India cannot shy away from these activists or be indifferent to their grievances.
- While India reserves a certain quota of seats for representatives from PoK in the J&K legislature, it has not taken effective steps to fill these. Though Pakistan may be vehemently opposed to this, India can at least signal its intent more vocally to people across the LoC. A step in this direction would go a long way in winning the hearts and minds of the people in Gilgit Baltistan. The aspirations of these people need to be nurtured and represented in India. Without this, a lasting solution to their problems will not be possible and India's objectives in Gilgit Baltistan shall not be attained.
- India needs to adopt a policy which is substantive and not merely rhetorical. There is a need to draw pointers from the present situation in Gilgit Baltistan that could aid policy decisions. We should be cautious and not necessarily imitate Pakistan. In this regard, the emerging debate and literature on PoK in India should steer clear of grandiosity. Our policy should be based on historical records and facts. Efforts should be made to encourage researchers and scholars to focus on

the region despite the limited resources and inaccessibility of the region to Indians.

- Decision makers should not underestimate the Chinese threat in Gilgit Baltistan. The opinion of army officials are of value and must be taken into account as they are based on definite information although their sources may not be in the public domain. These reports ought to serve as pointers for Indian policymakers who should prepare for such contingencies. Chinese involvement in Gilgit Baltistan is a harsh reality-although its extent and implications can be a matter of debate. It is not wise to either discount the China factor or overrate it. A balanced and objective assessment should inform India's position on Gilgit Baltistan.
- India must endeavour and maintain a consistent approach to Gilgit Baltistan. Raising objections to external involvement without taking into account other pertinent issues will make India's stand seem like a reaction. India need not defer the issue and reiterate its position on PoK and in this case Gilgit Baltistan. India needs to overcome its predispositions and scale up efforts to commensurate its official stand on the region.
- India needs to reach out to the people of the areas near and across the LoC. Widespread anti-India propaganda is being undertaken at the behest of Pakistan security agencies in the regions close to the LoC over Radio Skardu in the Balti language. All India Radio on the other hand does not transmit any programmes in local languages that could be understood by the people in this region. India needs to counter this kind of negative propaganda by using its soft power. This could create a sense of belonging amongst the people on both sides.²¹¹

²¹¹ Atul Aneja, A 'battle' in the snowy heights, *The Hindu*, January 11, 2001 at <http://www.hindu.com/2001/01/11/stories/0211000h.htm>.

VIII

WAY AHEAD

Gilgit Baltistan has undergone unprecedented changes over the last decade- probably more than it did in its six decades under Pakistan's rule. Apart from getting its nomenclature restored, there have also been a few other structural changes, including passage of a new governance order in 2009. Ironically, the new self rule and governance order was no more than an eye wash, and was outrightly rejected by the people of Gilgit Baltistan. Even the Human Rights Commission of Pakistan found serious flaws in the governance order.

The history of Gilgit Baltistan is a tale of misgivings and of grievances. We see how in spite of being a Muslim majority region, it was placed under the rule of the Sikhs and later the Dogra rulers, which created great discontent among a section of the people. It probably was this section which played into the hands of the British to facilitate its subsequent accession to Pakistan. The popular grievances were tapped by the British who were actively involved in ensuring Gilgit Baltistan's accession to Pakistan. Little did the people realise that the decision taken in emotional haste would translate into lasting trouble- the crisis situation the region faces today and rising anti-Pakistan sentiments.

The sectarian divide and frequent clashes between the communities have wrecked the peace and order in Gilgit Baltistan. The state policy is intrinsically divisive and relies on the sectarian card to serve its vested interests. Years of turmoil and instability have stalled development in the region and fostered a sense of insecurity among the people. Similarly, the social fabric of the region has been eroded for long; it remains to be seen how far the cosmetic changes act will restore the true identity of the region.

Gilgit Baltistan has been ill-fated and has been the victim of vested interests. It was leased out to the British to serve their larger strategic and imperial interests with regard to Russia. Later, it became a pawn for the British officers commanding the Gilgit Scouts to deceitfully engineer its accession to Pakistan. Currently, Gilgit Baltistan's strategic

importance has increased because of the Chinese presence. However, in the larger strategic debate, the voice of the region and its people is yet to be heard. Gilgit Baltistan is being continuously exploited both by Pakistan and China to serve their ends with little regard for the well-being of the local people.

The people are demanding autonomy and independence from Pakistan. The Gilgit Baltistan diaspora has played a key role in projecting the grievances effectively at the international level. Within Gilgit Baltistan, there are restrictions on political protests. Therefore, the active diaspora could play a vital role if Gilgit Baltistan is to get its due.

In the current scenario, the future of Gilgit Baltistan looks bleak. The situation in Pakistan is deteriorating. Hence Pakistan's strategic calculations/policy preferences are not likely to change in near future. As long as Pakistan is unstable, such calls for autonomy and independence are bound to be overshadowed by the gravity of the overall situation of Pakistan. The reverse, however, is also true: as long as the situation in Pakistan is unstable, the international focus will remain on this part of the globe. At the international level, there is rage against Pakistan for its role in supporting terrorism. This could, therefore, be an ideal opportunity for Gilgit Baltistan to garner support for its cause, internationally.

It would require a concerted effort, almost a revolution to bring about a change in region today- and this change is required at various levels. It is high time that Gilgit Baltistan and its people get a say in their future on whether they want to be an autonomous unit, a sovereign independent state or re-unite with Kashmir. This can only be achieved by democratic means and methods.

That the US and a few European countries have started to take an interest in the region, is welcome. But the involvement of multilateral institutions such as the IMF, the World Bank and ADB in several projects is unwarranted especially from India's point of view. Pakistan, on its part, is seeking to legitimise its control over the region by persuading these bodies to participate in development projects in Gilgit Baltistan. The onus lies on India to raise stronger objections to such developments and activities.

IX

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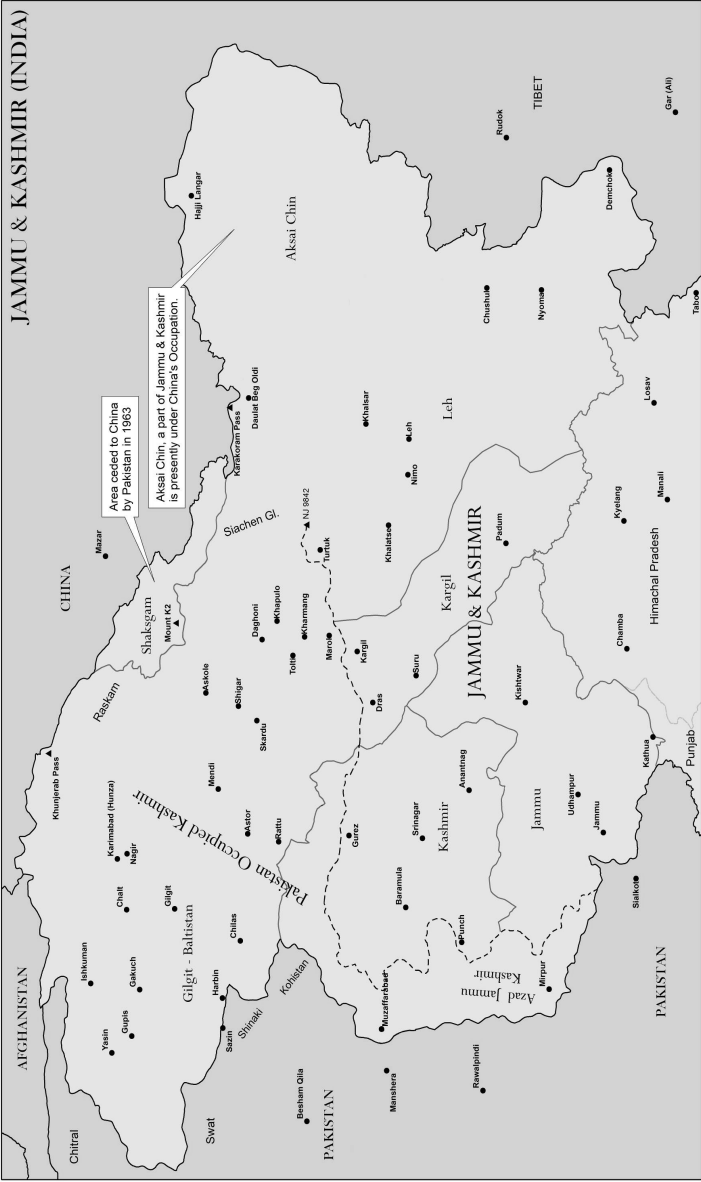
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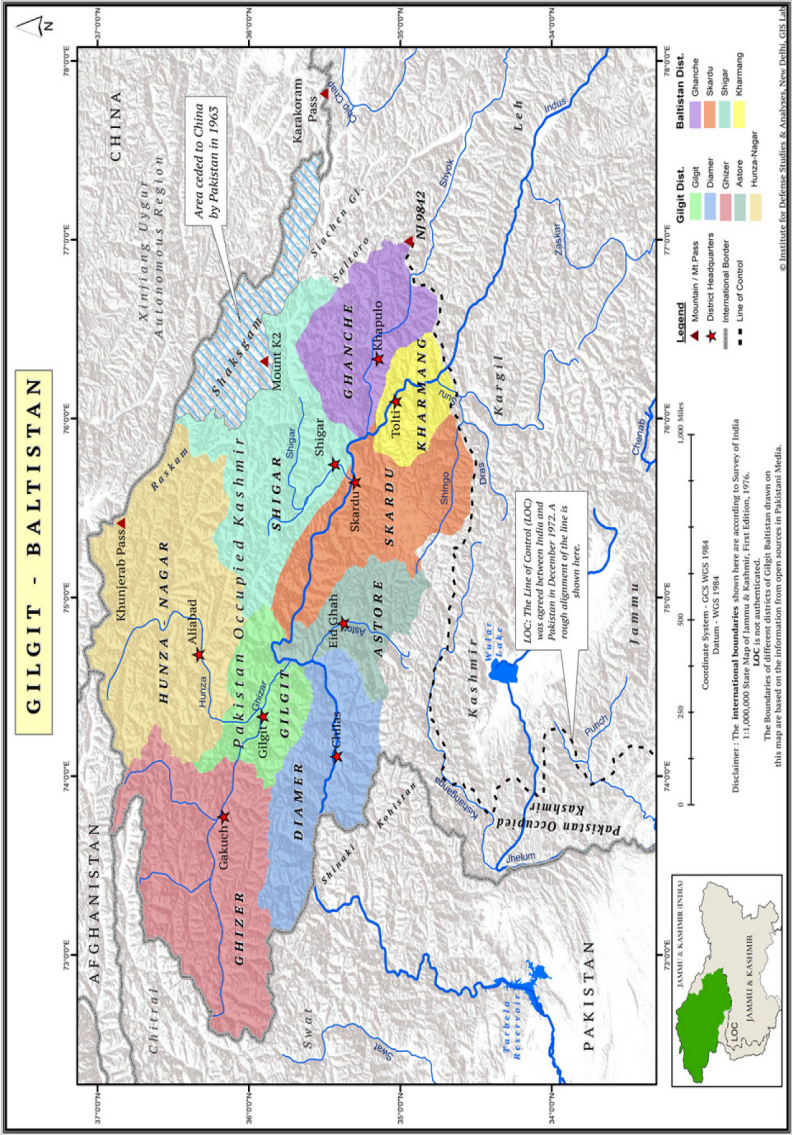
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 The boundaries shown here are according to Survey of India Map
 LOC: The Line of Control (LOC) was agreed between India and Pakistan
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GILGIT - BALTIKAN



The monograph attempts to present an exhaustive account on Gilgit Baltistan (part of the erstwhile princely state of Jammu and Kashmir and now part of Pakistan occupied Kashmir (PoK)) by contextualising it within the larger discourse on Kashmir. It is divided into 7 parts - including a short introduction and the prognosis. The study delves into all aspects of Gilgit Baltistan - the political issues, the socio-economic as well as the geopolitical and international factors. The study by and large takes a neutral/balanced perspective on these aspects. A separate chapter is devoted to the Indian perspective on Gilgit Baltistan and traces it from the time of independence. Apart from policy formulations for India vis-à-vis Gilgit Baltistan, the monograph ends by highlighting certain key points that will be crucial in determining the future course of the region.

Dr. Priyanka Singh is Associate Fellow at the Institute for Defence Studies and Analyses (IDSA), New Delhi. She holds an Honours degree in Political Science from Lady Shri Ram College for Women, University of Delhi and a PhD from University of Lucknow. Her Ph.D thesis was titled "Indo-US Relations in the Last Decade - 1990-2000: Shifting Paradigms". Her broader research interests include Indo-US relations and US engagement in Pakistan, though currently she is focusing on Pakistan occupied Kashmir. She joined IDSA in 2007 and is associated with the South Asia Centre. She is also part of the project team on Pakistan Occupied Kashmir. She compiles and edits IDSA's monthly newsletter, PoK News Digest. She is the co-editor of "Proliferation and the Emerging Nuclear Order in the Twenty First Century" (Academic Foundation, New Delhi, 2009) and "Saving Afghanistan," (Academic Foundation, New Delhi, 2009). She was a contributing author to IDSA's project report titled "Pakistan occupied Kashmir: Changing the Discourse" (May 2011). Her select publications include: "The Diamer Bhasha Dam in Gilgit Baltistan: Concerns for India", Strategic Analysis, Volume 36 (4) July/August 2012, "Growing American Interest in Pakistan occupied Kashmir", IDSA Strategic Comment, July 17, 2012 and "Pakistan occupied Kashmir on the Periphery", Strategic Analysis, Volume 37(1) Jan/Feb 2013.

Institute for Defence Studies and Analyses

No.1, Development Enclave, Rao Tula Ram Marg,
Delhi Cantt., New Delhi - 110 010
Tel.: (91-11) 2671-7983 Fax: (91-11) 2615 4191
E-mail: contactus@idsa.in Website: <http://www.idsa.in>

