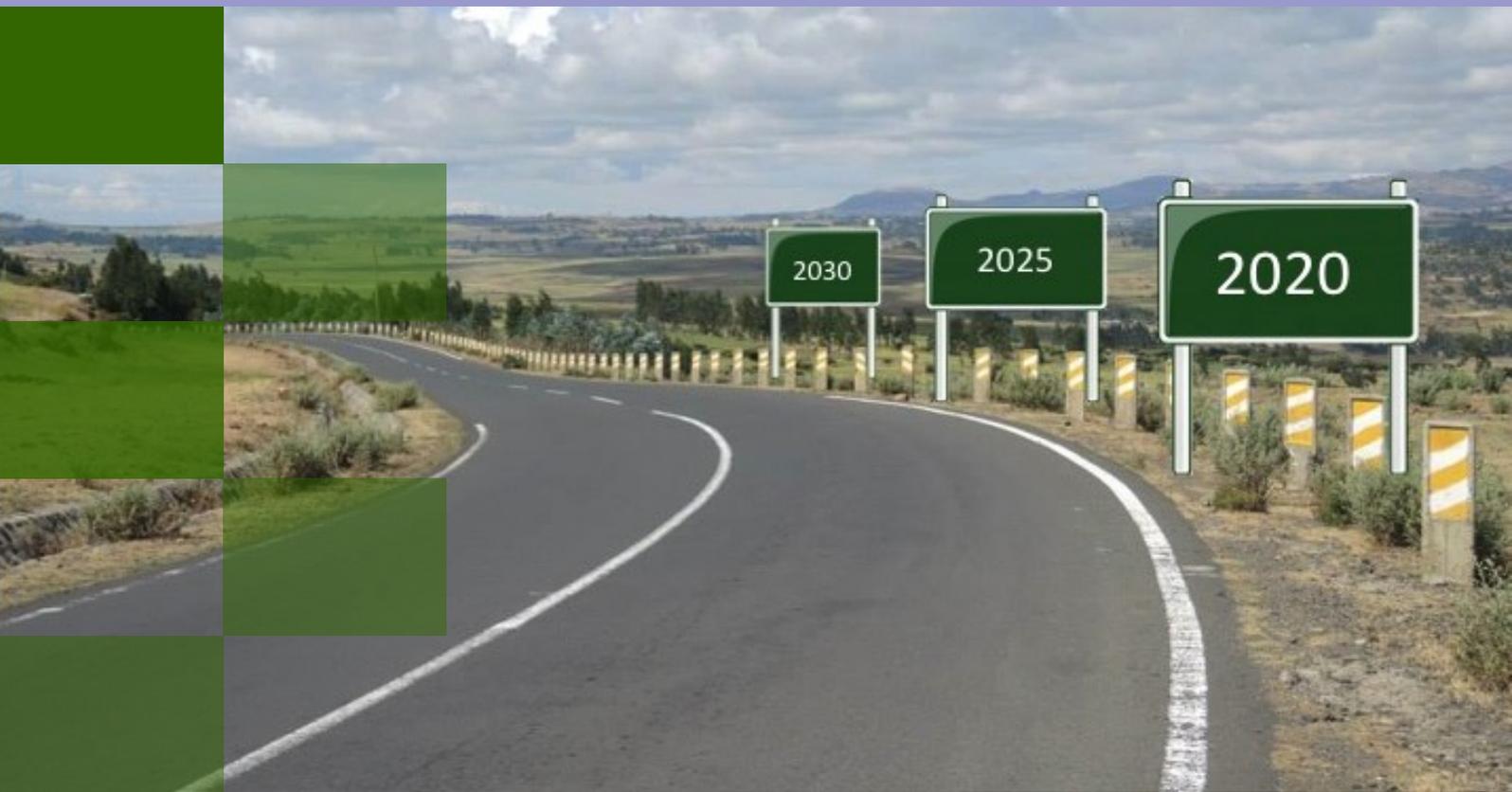


Trends. Threats. Projections

Will Pakistan integrate Gilgit-Baltistan? And what if?

D. Suba Chandran



February 2016



International Strategic and Security Studies Programme
National Institute of Advanced Studies (NIAS)

Indian Institute of Science Campus, Bengaluru - 560 012, India

Will Pakistan integrate Gilgit-Baltistan? And what if?

D. Suba Chandran

Pakistan government has recently constituted a committee to “upgrade the status” of Gilgit-Baltistan (GB) either into a “constitutional province” or a “provisional province” of Pakistan. This perhaps is the second major step by Islamabad in the recent years, after creating the current Gilgit Baltistan Legislative Assembly through a Presidential Order by Asif Ali Zardari in 2009.

What is the contemporary need for Pakistan to change the status of GB? Is it responding to internal demands from GB, or external pressure from China? Or is there a slow burn in the recent years, in terms of fully integrating GB, but through an administrative salami slicing? What is likely to become of the GB status?

I

Will Pakistan make GB as its Fifth Province?

Until September 2009, loosely referred as the Northern Areas, the seven districts (Gilgit, Skardu, Diamer, Astore, Ghanche, Ghizer and Hunza-Nagar) with an estimated population of one million plus today was ruled more as a colony by Islamabad (more by Rawalpindi) or their proxies. When compared to the other Kashmiri unit under Pakistan’s occupation referred as “Azad Jammu and Kashmir (AJK)”, these seven districts of GB were ruled with less democratic representation and insufficient administrative structures from below. At least the AJK have a nominal President, Prime Minister and even a High Court.

The Presidential Order 2009 was a major benchmark in the recent history of the region. Besides changing the name from the Northern Areas to Gilgit Baltistan, the 2009 Presidential Order witnessed the creation of a Gilgit Baltistan Legislative Assembly (consisting of 24 elected members) located within the region and a Gilgit Baltistan Council (GBC) mostly functioning from Islamabad. The GBC chaired by the Prime Minister with the Minister of Pakistan’s Kashmir Affairs as his deputy, serves not merely as the Upper House, but as a real power center. Most of the important legislations covering tourism, power, water and minerals are with the GBC and not the Legislative Assembly or its Chief Minister.

Though cosmetic, it did address at least some concerns of the people in Gilgit and Baltistan. For example, it changed the name from “Northern Areas” into Gilgit Baltistan, an appropriate term, and importantly provided space for election, representation and a Chief Minister. Until then, it just had a Chief Executive. Besides these cosmetic measures and an element of direct elections, there has never been any substantial transfer of power to GB since then. If the constitutional provinces of Pakistan – Sindh, Balochistan and KP complain of the same, it is unlikely that Islamabad will transfer any real power to GB – kept unconstitutionally and through brute power and manipulation since 1947.

What is the contemporary need for Pakistan to change the status of GB? Is it responding to internal demands from GB, or external pressure from China? Or is there a slow burn in the recent years, in terms of fully integrating GB, but through an administrative salami slicing? What is likely to become of the GB status?

Though for rest of the World, Pakistan would project Gilgit, Baltistan and Muzaffarabad as a part of “disputed territory”, for all practical purposes they remained Islamabad’s colony. So, why is Pakistan attempting now to change, or as it is being claimed to “upgrade” the status of Gilgit and Baltistan?

Addressing Local Concerns?

Is the change in the status of GB due to domestic demand from GB? A section within GB has been asking for a better political status for the region,

primarily for administrative and governance reasons. The region did not have a voice in Pakistan's Parliament; hence could not take part in institutional meetings along with other provinces discussing crucial federal issues such as sharing of resources, importantly water and electricity. Though endowed with the mighty Indus and its multiple tributaries on the northern side (such as Astore, Gilgit, Hunza and Shigar), the region could not exploit or get adequate compensation in terms of water usage, or hydel power production.

With Chinese investing substantially on multiple hydel projects and building road infrastructure (including the much touted Karakoram Highway linking Kashgar in Xinjiang, China with the Gwadar port in the Arabian Sea), the local population want to have ownership of its resources. Hence, it has been demanding a better legal status within Pakistan, with adequate representation in the Parliament. Lest, it will remain truly as a Pakistan colony.

The crucial question here - is the recent debate initiated in Islamabad aimed upgrading the status of GB based on administrative reasons or to empower the local people? Neither, as the following reasoning would explain.

China, CPEC and a “Legal Status” for GB

Legally speaking, a “provisional province” should be a unique experiment in constitution building and be considered as a Pakistani contribution in South Asia. There are not many examples around the World of a “provisional State” or a “provisional province”. But then, the innovators of such an idea in Pakistan would want to address the twin purposes of showing GB as a Pakistani province, without endowing the region with any real power.

The primary reason for Pakistan seems to stem from domestic and international requirements of the China-Pakistan Economic Corridor (CPEC). Outside the sharing of Indus Waters, no other issue has created such a divide between the federation and the provinces, as the 46 million USD CPEC has managed in the recent months. Sindh, Balochistan and KP have been up in arms against the Corridor, for these three provinces see Punjab (led by the Shariffs and their PML-N) trying to usurp their genuine demands and requirements. The fact that these three provinces are ruled by non-PML governments makes the demand politically volatile. China also seems to have taken aback with the shrill in non-Punjab provinces and have asked the federal government to settle the issue fast. In GB, the issue is yet to become political, as it has been in these three provinces.

But Chinese concerns in GB emanate also from the India factor. Though China has not been sensitive to the nature of dispute in the areas it has invested (from Asia to Africa), GB and India's position is an issue for Beijing. For long, China has been objecting to global investments by financial institutions such as the Asian Development Bank (ADB) and World Bank (WB) in Arunachal Pradesh. For Beijing Arunachal is a disputed territory, hence there cannot be any international investments. India could very well return the favour (if it has not already done so far) in terms of Chinese investments and infrastructure building in GB.

China has gone ahead in its plan and investments in the CPEC, linking Gwadar with Kashgar as a part of its One Belt One Road (OBOR) initiative, and cannot afford to back off at this stage. Hence, it is important for China that the GB has a political status within Pakistan. From Beijing's point, a political status for GB would address the domestic concerns of the local people from being exploited by Islamabad, and externally the Indian objections.

Natural Resources, especially the Indus Waters and the Sectarian Question

Despite Chinese concerns and the CPEC pressure, Pakistan is unlikely to convert GB into a “full” province for the following reasons. First, given the federal interaction, irrespective of what Pakistan's constitution bestows to the provinces, the ruling elite (to be read as the Punjabi elite) cannot afford another full province, that too the strategically placed GB, which is the gateway to China and CPEC. Even more, any formal declaration of

Pakistan is likely to go ahead with the initiative, but without sharing any meaningful rights – sanctioned by the Constitution and safeguarded by its Supreme Court. And how long will GB remain as a provisional province? As long as it suits the primary interests of Pakistan.

GB as the fifth province would also entitle GB to be a part of various federal institutions including the Indus River System Authority (IRSA) and Water and Power Development Authority (WAPDA). Given the enormity of the Indus rivers, its waters and power generation from the various projects such as the Basha dam, is the Pakistani elite seriously interested in having another province with real powers?

Another question, would emerge from the demographic nature of the would be GB province. It would become the first and only province with a non-Sunni majority. Except for Astore (that too because of demographic machinations and strategic settlement), most of the other districts have a non-Sunni majority led by the Shias. With Pakistan getting more and more Sunnized (some would even call Wahabised), can the ruling elite agree to a Shia province in Pakistan? Less likely.

And of course, the so called AJK government based in Muzaffarabad has been opposing any change in GB's legal position, for the government and its "High Court" feel that Gilgit and Baltistan belong to the "Azad Jammu and Kashmir" government and not Pakistan. This position has been repudiated by Pakistan's Supreme Court way back, and politically any objection from Muzaffarabad should be a non-issue for Islamabad in integrating GB.

Integrating GB and Pakistan's International Position on Kashmir

External factor, especially India would also figure highly in integrating GB or changing its legal status. It would also affect Islamabad's "principled" position in J&K, that the entire territory is disputed. If Pakistan has to formally integrate GB, it would not only affect its international position, but also reveal its duplicity to the different Kashmiri sections across the Line of Control (LoC). Also, a section in India has been claiming the conversion of LoC into an international border, which Pakistan has been resisting as a solution. If Islamabad has to integrate GB formally into Pakistan as a fifth province, it would in reality mean (and also in legal terms) the division of erstwhile J&K into two and administered by India and Pakistan. Hence, the issue of J&K would be considered settled, which Pakistan cannot afford.

II

What if Pakistan does?

Despite the above arguments, will Pakistan still go and convert Gilgit Baltistan due to CPEC requirements? If it does, will GB enjoy equal rights constitutionally enshrined, or be in a lower orbit within Pakistan's provincial pantheon?

Perhaps the proposers of GB as a "provisional" province consider this as a smart move to address Islamabad's domestic and international concerns. Though the CPEC demands a political recognition of the GB, Pakistan's domestic calculations and its "principled" position on Kashmir would ensure that the "provisional province" remains a charade and in fact a colony. The fact that people of GB are positively inclined on this issue will greatly help Islamabad's position.

As a result, Pakistan is likely to go ahead with the initiative, but without sharing any meaningful rights – sanctioned by the Constitution and safe-guarded by its Supreme Court. And how long will GB remain as a provisional province? As long as it suits the primary interests of Pakistan. Despite independence from the British and carving a separate political entity, political leaders never took the integration of FATA or removal of the FCR; as a result FATA continues to be governed (rather mis-governed) – with adequate constitutional provisions! GB may very well become another novel idea within Pakistan's constitutional making. So despite opposition from "AJK" and the so called Kashmiri nationalists in India, Pakistan is likely to continue and cosmetically annex Gilgit Pakistan.

PS: Since the primary objective of this essay is to analyse the trends and projections, it does not address the issue of options for India, if Pakistan goes ahead and covert GB into a fifth province.. It is a

**D. Suba Chandran is Professor, ISSSP,
National Institute of Advanced Studies
(NIAS).**

Views expressed are author's own.

