

## **Political Transformation in Gilgit-Baltistan 2008-2021**

### **Abstract**

Gilgit-Baltistan is a potentially rich region lying in the Northern Areas of Pakistan, lacking provincial status and constitutional rights. Because of its link to the British colonial rule, it hangs on in the liminal space. As both Pakistan and India claim the region is very much linked to the Kashmir Dispute between India and Pakistan since 1947. The people of Gilgit-Baltistan demand for their political and constitutional rights which mean declaration of provincial and constitutional status of the region. The Government of Pakistan purposefully pushing the issue to constitutional limbo due to the UN led Plebiscite which is yet to be happened. There are also other geopolitical and domestic factors at play. The people of Gilgit-Baltistan experience a lot of challenges, because of its undefined constitutional status, and its link to the Kashmir Dispute. The people of the region believe that they have been deprived of their political and constitutional rights due to the Kashmir Dispute, the political structure has not evolved which creates a power vacuum being filled by clergy and other radical groups. Sectarian problem is a big issue; it is extensively supposed as an external phenomenon which exploits the sentiment of local youth. The people of the region consider poor governance is the main issue and argue these issues are directly linked to the constitutional liminality. This thesis explores why and how liminality persists in Gilgit-Baltistan while applying the concept of liminal space. By inciting internal contention, hiding its control over “the devolved local government,” allowing extensive development of the environmentally complex area without paying for it, and having promises of change in status after age-old plebiscite, the Pakistani government is to blame for establishing and maintaining the long-term liminality in Gilgit-Baltistan.

**Keywords:** Governance, Constitutional Ambiguity, Liminality, Political Status of Gilgit-Baltistan

## **Chapter-1 Introduction**

The locale Gilgit-Baltistan lies in the Northern Areas of Pakistan, sharing lines India, China, and Afghanistan. It goes from the Hindukush to the Karakorum in the North-East with the Western Himalayas in the South and the Pamirs in the super North. These significant mountain ranges rendezvous with one another. With a region of around 27,188 square miles.

In 1935 under an arrangement, the Kashmir Government rented out the locale west of stream Indus to the English for a time of 60 years. This rent was, notwithstanding, ended in July 1947 and a time of battle for opportunity started with the segment of the subcontinent. The Gilgit upset was a response to the very long term's oppression of unfamiliar rulers, In any case, at the hour of truce on first January 1949, each individual of Northern Region had become Pakistani. In November 1947, Legislature of Pakistan designated a political specialist in light of the greeting by the temporary government arrangement in Gilgit after the effective unrest. From 1967 to 1974, the regulatory design of the Northern Regions was reshaped and Hunza and Nagar were caught up in Pakistan.

The entire regulatory and authoritative arrangement was planned on the example of the remainder of the country. After 1985, with the development of Karakorum Interstate, the Northern Regions were given five areas, viz. Gilgit, Ghizer, Diamar, Skardu and Ghangche. During different progressive common and military states, the nearby political and social delegates continued to speak more loudly for changes and requested formative tasks for the inspire of the district. Notwithstanding, the decision world class of Pakistan generally paid a little regard to their issues. Subsequently, a sort of territorial inclination emerged with the progression of time. Yet, the edge of political exercises, went through significant changes with the coming of General Musharraf's standard.

With the rise of Pakistan People's' Party government, individuals of Northern Regions requested an equivalent status for their locale. The new political government made positive strides which assisted local people with remaking their economy. In the space of Argo-based businesses, food handling, wellbeing area, instructive turn of events, water channels development, mineral creation, the travel industry and social government assistance, the central government kept on fortifying the Northern Regions. In 2009, the Parliament of Pakistan gave endorsement of different

crucial and extensive changes bundle by announcing the Governmentally Controlled Northern Regions as the new territory of Gilgit Baltistan.

In this way, subsequently, a total commonplace arrangement has been made. In 2015 Pakistan's Top state leader Nawaz Sharif declares a progression of measures that ought to cultivate the improvement of Gilgit-Baltistan as well as the exceptional portrayal for the district in the CPEC projects. Gilgit-Baltistan holds its second authoritative gathering races after the area has been given commonplace status.

Top state leader Nawaz Sharif sets up a changes board to devise a guide for Gilgit-Baltistan with the objective of in the long run making the district a temporary established region of the country. This would imply that Gilgit-Baltistan would at long last be conceded critical sacred freedoms and in addition to other things. State leader Imran Khan tending to a service in Gilgit-Baltistan and reported a five-year improvement bundle worth Rs 370 billion for Gilgit-Baltistan during his visit.

Close to this multitude of changes Gilgit-Baltistan actually confronting sacred acknowledgment, because of its vague domain and connection with Kashmir issue.

### **Statement of the Problem**

Gilgit-Baltistan confronting loads of political difficulties, due its indistinct region, equivocal status and its relationship with Kashmir struggle. Individuals of GB accepted that they have been denied of their political privileges under the appearance of Kashmir clashes, neighborhood political foundation has not involved and left the tremendous vacuum which is filled by pastorate.

Partisan savagery has turned into a significant issue; it is broadly seen as an external peculiarity which exploit the opinion of nearby youth. Individuals consider joblessness and unfortunate administration as the center issue and contend that these issues are the immediate summit of their indistinct status. Pakistan isn't giving established status to GB, because of Kashmir clashes. Individuals of GB enduring a ton. Gilgit-Baltistan's "holding back to be-a-part-of-Pakistan" has made a character struggle among local people that has appeared as partisan savagery. In any case, it is basic to explain that the shortfall of public character didn't normally prompted an

outrageous relationship with religion. The public authority of Pakistan effectively empowered strict uniqueness in Gilgit-Baltistan to suppress inquiries of public character and push the generally tranquil locale in many years of unpoliced and unrestrained partisan brutality.

These unclear domain, illegal status and Kashmir issue GB experiencing political shakiness and it make obstacles in political turn of events.

My examination work will attempt to figure out how to determine these issues and feature that large number of issues which might make many inconveniences because of political insecurity.

### **Significance of the Study**

The scope of this study comprises of political development in GB 2008-2021 that impact on the people of GB. This study not only on the political development in GB but also focus on the issues caused by its undefined territory and ambiguous status.

This study focuses on the political instability which create many issues that is identity crisis and many other also. GB is not well explored and it provide a gateway for people and it will be recommendation how government can solve these problems and it will provide knowledge for reader.

### **Research Methodology**

The study is based on the Content Analysis and it the most essential research approach. The interviews and written material would be analyzed using Qualitative Content Analysis (QCA). The content might be a written text or an interview. The idea is to reduce the larger texts.<sup>1</sup> To organize the qualitative data, focus group discussions (FGD) were undertaken with students and scholars from Gilgit-Baltistan or with knowledge in the region. The QCA approach is used to study common ideas and views about people. As a consequence, it was used as an independent method to determine the underlying insights.

Both primary and secondary data was gathered and used for the study utilizing the FGD and QCA methodologies, respectively, in order to address the research questions and objectives.

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<sup>1</sup> Flick, U. *An Introduction to Qualitative Research*. (London: Sage Publication Limited, 2009.): 66.

The primary data is from interviews, while the secondary data is from mainly published sources such books, articles, reports, newspapers, and declassified government documents.

The Focus Group Discussions (FGD), which was used as a free technique to explore the underlying perceptions, was how the qualitative data were acquired. The FGD is used to study shared opinions.<sup>2</sup> Prior to the FGD, participants were made aware of the research topic and its location. The graduate students from Gilgit-Baltistan who ranged in age from 18 to 30 participated. Almost all the region of Gilgit-Baltistan was represented, and participants were picked at random.

In addition to that, three FGDs sessions were held, and the participants in the FGDs were university students, graduates, MPhil, and Ph.D. researchers from Gilgit-Baltistan. During the FGD, each participant was given the opportunity to share their thoughts. The first session the FGD was limited to undergraduate students of university; the second session to masters and doctoral scholars; and the third session to the combined participants: undergraduate, graduate, master's, and doctoral scholars.

The secondary data was acquired from books, journal, and newspaper research articles, and also the internet sources. This study gathered both primary and secondary data in order to give answers of the questions with more current and accurate information about the constitutional status. According to Nayak and Singh, the technique of data collecting is closely related to the overall validity of the research.<sup>3</sup>

## **Research Objective**

1. To evaluate a political framework of Gilgit-Baltistan.
2. To analyze ambiguity prevailing about political status of Gilgit-Baltistan.
3. To highlight issues of governance in Gilgit-Baltistan from 2008 to 2021.

## **Research Questions**

1. What is the political-institutional framework of Gilgit-Baltistan?

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<sup>2</sup> Dilshad, R. M. and M.I. Latif. "Focus Group Interview As a Tool for Qualitative Research: An Analysis." *Pakistan Journal of Social Science*, 33(1) (2013): 193.

<sup>3</sup> Nayak, J. K and P Singh. *Fundamentals of Research Methodology Problems and Prospects*. 1st . (New Delhi, India: SSDN Publishers & Distributors, 2015): 134.

2. Why does the ambiguity prevail about political institutions in the people of Gilgit-Baltistan?
3. What are the issues of governance in Gilgit-Baltistan from 2008 to 2021?

### **Theoretical Framework**

This research and my thought were influenced by Johnson and Sorensen's work on permanent liminality in organizational studies. This theory is completely applicable to the present political situation in Gilgit-Baltistan, despite the fact that the study is focused on the extraordinarily resilient liminality of organizational structure. This institutionalization of liminality of areas of post-conflict in McDowell and Murphy's work further develops the notion of this permanent liminality.<sup>4</sup> Therefore, this study suggests that the commitment to an impossibly attainable solution of the Kashmir plebiscite, has given Gilgit-Baltistan an enduring liminality. This chapter has been organized to describe the key words that are used often throughout this thesis.

The term liminality is being described by using Victor Turner's explanation, as uphold by Caylee Hong, "a condition of transition that is an unstructured interval or transition between rituals in which individuals shift their social position from one to another."<sup>5</sup> He describes this ambiguous condition by saying that "liminal entities are neither anywhere, they are unsure the positions doled out and displayed by regulations, custom, laws, and ritualistic."<sup>6</sup> Hong utilizes the liminality hypothesis to grasp what is happening of Gilgit-Baltistan. By utilizing Stefan L. Brandt's depiction of liminality, which is utilized to propel this contention, it signifies "the express that is relegated to things or people that occupy or are in the space of the edge, whether on a super durable premise or as an impermanent occasion."<sup>7</sup> This concept was used by Brandt to explain how the boundaries between "high culture" and "pop culture" are fuzzing up in American cities.<sup>8</sup>

Hong uses theory, but this study uses the concept of liminal space to explain how Gilgit-Baltistan has been categorized in both law and history with such obscurity. It is easier to

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<sup>4</sup> Joanne, Murphy and Meedowell Sara. "Transitional Optics: Exploring Liminal Spaces After Conflict." *Urban Studies* 56, no. 12 (2019): 2501.

<sup>5</sup> Turner, Victor W. *The Ritual Process: Structure and Anti-Structure*. (New Jersey: Aldine Transaction, 1969), 95.

<sup>6</sup> Ibid., 94.

<sup>7</sup> Stefan L, Brandt. "The City as Liminal Space: Urban Visuality and Aesthetic Experience in Postmodern US in Literature and Cinema ." *American Studies* 52, no. 4 (2009): 559.

<sup>8</sup> Turner, 85.

comprehend the region's geopolitical importance and the federal government's authority over the area usage if the area is referred to as a liminal zone. I'll repeat the brief description of liminal space provided by Stefan L. Brandt once more: liminal space is a place which signifies shift and chance. With an emphasis on the dynamic that is always shifting in post-modern cities, Brandt employs this conception of liminality or liminal space to describe “urban visuality and aesthetic experience in post-modern America.”<sup>9</sup> Employing Brandt’s conception, it is also argued that “transitional” does not always mean “changing.” Therefore, transitional means a state of change not the change itself. It makes clear that Gilgit-Baltistan is currently in this transitional period which does not qualify and end to this transitional period. In that case this is permanent. As previously mentioned, this study is relating the socio-political situation of Gilgit-Baltistan to Johnson and Sorenson’s idea of persistent liminality. In accordance with Johnson and Sorenson, “permanent liminality has been conceptualized as a constant social limbo in which domains that are traditionally separated become situated in a zone indistinction.”<sup>10</sup> There is a zone of indistinctness there. The residents are Pakistani citizens with passports and ID cards, but they are not allowed to cast ballots in national elections. Gilgit-Baltistan officials pledge allegiance to Pakistan, but they are also involved in the Kashmir Dispute. The ambiguity of the law and the devolution of a local government under federal control help to contain dissent, which is created and propagated by Pakistan's government. Due to its intrinsic contradiction, it has been claimed that the permanent liminality is merely a loss of liminality.

A state is essentially no longer in limbo if it remains thus. It is contended that the presence of persistent liminality does not come out of a loss of liminality, but rather explains the inherent ambiguity that the state induced in order to redraw the region's borders. If the area was not liminal, there would have not been assurances of a plebiscite and repeated nationalist movements there. Despite popular anticipation of people that Pakistan will attain solid ground, the administration continues to sustain the transitional period. Despite not travelling in the direction of a goal, the area is in motion. This thesis explores why and how liminality persists in Gilgit-Baltistan.

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<sup>9</sup> Stefan L, Brandt. "The City as Liminal Space: Urban Visuality and Aesthetic Experience in Postmodern US in Literature and Cinema ." *American Studies* 52, no. 4 (2009): 561.

<sup>10</sup> Christian Garmenn, Johnsen and Sorensen Bent Meire. "It's Capitalism on Coke!: From Temporary to Permanent Liminality in Organistaion Studies." *Culture and Organistaion* 21, no. 4 (2015): 335.

By inciting internal contention, hiding its control over “the devolved local government,” allowing extensive development of the environmentally complex area without paying for it, and having promises of change in status after age-old plebiscite, the Pakistani government is to blame for establishing and maintaining the long-term liminality in Gilgit-Baltistan. The inability of the national government to uphold its promises to people serves as evidence of its changelessness. The federal government’s hegemony has been maintained while local political groups have been strengthened through deceptive self-empowerment developments and orders. Pakistan’s repudiation of Chinese call for Gilgit-Baltistan to be given province status holds the government’s posture of for the future plebiscite.

Irony is that India’s August 2019 revocation of Article 370 of Indian constitution and annexation of Indian-occupied Jammu and Kashmir completely violated both the bilateral Simla Agreement the 1972 bilateral Simla Agreement and the 1948 agreement of United Nations Commission between India and Pakistan, which Pakistan has repeatedly cited in defense of the vague status of Gilgit-Baltistan. This made the plebiscite justification invalid. There is no longer any justification for Pakistan to reject the requests for the creation of provinces. However, Pakistan does not have to justify her acts to an unrecognized territory; doing so would standardize and concretize the area’s liminality.

## **Literature Review**

The literature which was accessed and reviewed for this study can be categorized into following sequence of reading according to its relevance and order. The first set of readings offer perspectives of political and geographic history. The second set of readings offer perspectives of obstacles in institutional integration and political exclusion. The third set of readings offer perspectives of growing sectarian conflict and development problems.

Martin Sökefeld, a teacher of social and social human sciences in Germany, has composed broadly on the lawful sacred quandary in Gilgit-Baltistan. Sökefeld’s part in Chitrlalekha Zutshi’s book, *Kashmir: History, Governmental issues, Portrayal*, is cited broadly all through this proposition. His part manages pre-1947 and post-1947 political design and protected status of Gilgit-Baltistan. He endeavors to respond to the critical inquiry on Gilgit-Baltistan’s job inside the Kashmir debate concerning its requests for commonplace acknowledgment. I value his



clarification of the effect the China-Pakistan Monetary Passage has had on the financial texture of the district. 'Not Piece of Kashmir, but rather the Kashmir Question', is an outstanding rundown piece on all parts of Gilgit-Baltistan<sup>11</sup>.

'Liminality and Obstruction in Gilgit-Baltistan' by Caylee Hong, Doctoral Applicant at the College of California Berkeley, gives the premise of my contention. Hong subtleties the inborn liminality of Gilgit-Baltistan, particularly appeared through late state-supported political advancements in the district. Hong's portrayal of the unrepresentative government

structure in Gilgit-Baltistan assisted me with acknowledging how liminality in regulation is deliberately camouflaged by the national government. The protection from avoidance through neighborhood, local, and worldwide means, as underscored in Hong's work, permitted me to comprehend the absence of legal help accessible to individuals of Gilgit-Baltistan. Her paper is broadly cited in the part on Gilgit-Baltistan's questionable and steadily changing while at the same time staying consistent political design.

Iqbal's approach to Gilgit-Baltistan's history is commendable. Having started with ancient settler history and finding the genesis of Kashmir word, geography, and boundary lines while describing the 1845 Amritsar Agreement, he proceeds on to the British Raj's consequent border truces with China. He explains that Kashmir's borders were never determined by the Maharaja. Furthermore, notwithstanding the fact that Kashmir attacked Gilgit-Baltistan on many times and was pushed out by the united armies of the smaller kingdoms commanded by Gauhar Aman of Yasin, he claims that Gilgit-Baltistan has never been a part of Kashmir<sup>12</sup>. Furthermore, Iqbal goes at length to explain FCR imposed by the Government of Pakistan in Gilgit-Baltistan which he considers a sheer injustice and punishment for people in Gilgit-Baltistan who joined Pakistan voluntarily. He also emphasizes Major Brown's importance in the insurrection and subsequent ascension. He has also deeply investigated the agonizingly slow and piercing steps taken by different Pakistani governments in this case by issuing successive orders, from the advisory council system in 1970 and for the first-time elections were held there in 1970. The then Prime

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<sup>11</sup> Sökefeld, Martin. *In Kashmir: History, Politics, and Representation*. Edited by Chitralekha Zutshi. (New York: Cambridge University Press, 2017,) 209.

<sup>12</sup> Iqbal, Zafar. *Gilgit - Baltistan in Constitutional Limbo*. (North Books, 2019,) 81.

Minister of Pakistan Zulfiqar Ali Bhutto renamed the council under the Legal Framework Order 1975. This LFO was overturned with other LFOs issued by PPP governments in 1994 and 2009. As a result, name of the council was changed to Gilgit-Baltistan Legislative Assembly and it was given legislative powers on 65 local subjects. Later on, a council was formed, and the legislative Assembly's power was ingeniously regained via it. This has given an additional control to Islamabad by appointing governor there and the authority of Deputy Chief Executive was renamed as Chief Minister.

Julie Flowerday constructs a metaphoric representation of the problem that the residents of Gilgit-Baltistan who live in a region or territory that is not precisely linked any state while focusing on post-partition state identity which nestles between them-anachronistic and discordant-texts<sup>13</sup>.

Nosheen Ali notes, indicating to the federal government's legislative "reforms" adopted after 2008, that the Prime Minister of Pakistan still holds all powers and not the legislative assembly of GB. She adds more that the ruling class's, "attitude towards Gilgit-Baltistan is limited to" what she coins it "elite paternalism and romanticized landscape" rather than granting them "citizenship rights".<sup>14</sup>

While recounting a discussion she had with a former federal minister for northern areas in this respect, she states that when she inquired about citizenship rights, the minister answered to her that the government had provided the people with "CNICs, passports, CPEC, etc." and for that they should be thankful to the government. In her book, she touches the genuine issue of "reality of power" when government employees assumed the roles of lords or masters and when the state taken on a "repressive mood" and viewed "others as a threat".<sup>15</sup>

Feyyaz takes a further step in this direction of public space epistemologically. He argues that it can only "capture the total breadth of structural determinism of a human context". And it is the cause and factor bringing about "intense societal polarization", according to this argument, is

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<sup>13</sup> Julia, Flowerday. "Identity matters: Hunza and the hidden text of Britain and China." *South Asian History and Culture*, 10 (2019): 58.

<sup>14</sup> Ibid.,

<sup>15</sup> Ibid.,

the gap in Gilgit-Baltistan's "traditional public space"<sup>16</sup>. That is causing hindrance in "meaningful public discourse and unity". This disappearance of institutional set-up and prompt action to control polarization and sectarianism is expanding the gap. Feyyaz's work addresses this rapture.

In Flowerday's work, the subject of British colonial rule over Gilgit-Baltistan has been discussed which he maintains is in continuity. While using anthropological interpretations of historical documents which were withheld from the Gilgit-Baltistan population, she constructs a counter-narrative that hints new players in the Kashmir Dispute. Her work establishes close links between the Kashmir Dispute and rights of people of Gilgit-Baltistan, suggests that different interpretations of statehood might help to close the gap between what the local population expects and the international deadlock over the Kashmir Dispute.

Hunzai and Howe discuss how Gilgit-Baltistan's residents have frequently been excluded from the CPEC project's decision-making process and how the public is becoming increasingly conscious of the lack of access to social benefits and financial possibilities, not just to abstract rights.

Ali and Ullah offer verifiable evidence of sectarianism's presence and reflective at workplaces of Gilgit-Baltistan, as well as evidence of its impact on how local government is carried out on a daily basis<sup>17</sup>. This is important since local governance is firmly established in cultural ideals of justice and rights.

This work highlights the existence of an indigenous model of local governance that would be able to navigate the difficult dynamics of regional and federal governance in Gilgit-Baltistan specifically because of sectarianism, in addition to highlighting the extent of sectarianism in Gilgit-Baltistan and conveying a sense of hopelessness regarding the possibility of overcoming it in the present.

Hong named the situation with GB in the middle among status, and he contends the Strengthening Act 2009 was just a strategy to decrease arising patriot opinion and Chinese exchange impact . Bouzas finished up about the situation with Gilgit Baltistan "neither full

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<sup>16</sup> M, Feyyaz. "Geopolitics, statehood, violence and space compression in Gilgit-Baltistan." *South Asian History and Culture*, 10, (2019), 35.

<sup>17</sup> Ibid.,

Pakistani nor recognizing themselves with Kashmiri patriotism". He likewise composed that individuals of GB are confronting a lack of the feeling of having a place inferable from their vague CS. The specialist likewise determined that the "GB Strengthening and Self Administration Request 2009" is something like a decision supported by Islamabad without the agreement of occupants of GB.

Izhar Ali contends in his works that people in Gilgit-Baltistan feel left out of the advantages of the massive trade and commercial corridor known as CPEC, which will revolutionize both China and Pakistan. Pakistan might experience previously unheard-of possibilities and hazards as a result of CPEC. He argues that the credibility of local governance structure with considerable economic, political, and cultural autonomy is the greatest assurance for the success of CPEC and integration of this region.

The thesis has been divided into six chapters. Beginning with this introductory chapter which stretches from introduction including explaining the statement of problem, methodology and theoretical concepts to literature review.

The second chapter is title as "Simplification of Operational Terms of Political Institutions, Political Status and Governance in Gilgit-Baltistan," which touches the operational description of terms above mentioned.

The third chapter is titled as "A Historical Perspective of Gilgit-Baltistan," is concerned with contested historical course of the region of Gilgit-Baltistan. It argues about the colonization and struggle for independence against colonial forces. Further it goes through different times passing the oppressive Dogra rule, revolt and accession to Pakistan and the post-partition period. In fact, it provides perspectives to understand the region.

The fourth chapter is titled as "Institutional Framework of Gilgit-Baltistan," is concerned with evaluation of institutional framework of Gilgit-Baltistan which draws upon reforms done by the repeated Pakistan's governments. It includes complete account of reforms from 2008 to 2021 which tries to explore strengthening control over the region.

The fifth chapter, "Political Status of Gilgit-Baltistan" which analyses ambiguity prevailing about political status of Gilgit-Baltistan in light of different contested perspectives. In fact, it explores what is the relationship between constitutional ambiguity, and political and

sectarian unrest and the role of state of Pakistan. How this situation impacts on the demand for constitutional recognition? It explains how these reforms and procedural developments has increased problems and unrest rather than giving constitutional status to the region.

The sixth chapter, “Governance in Gilgit-Baltistan (2008-2021)” highlights issues of governance in Gilgit-Baltistan from 2008 to 2021. It explores the issues emerging out of ambiguity and uncertainty of constitutional status of Gilgit-Baltistan that how it impacts on domestic dynamics. It includes FGDs, interviews and overall discussions.

The last is the conclusion which concisely summarizes the argument and emphasizes its significance and also includes the recommendations.

## **Chapter-2 Simplification of Operational Terms of Political Institutions, Political Status and Governance in Gilgit-Baltistan**

### **The Executive and Administrative Institutions**

The institutional structure of Gilgit-Baltistan and its relationship to the Federation of Pakistan has been described in the 2009 Order and later replaced with the 2018 Order. The order sets forth an executive council and a legislative assembly for the region. The council is comprised of executive officials containing the prime minister of Pakistan, a governor, a chief minister and ministers as well. The primacy of the Prime Minister’s power is also another critical component of the 2018 Order which makes it more questionable. The Prime Minister has the absolute legislative powers in this context in accordance with Article 60 (2) of the Order.

“The Prime Minister shall have exclusive power to make laws with respect to any matter in the Legislative List.”<sup>18</sup> According to Article 60 (4), the Prime Minister has the right to veto over legislation that is done in the provincial assembly. That is why the Prime Minister shall have the only authority to legislate concerning any topic on the Legislative List. “If any provision of an Act of Assembly is repugnant to any provision of any law which the Prime Minister is competent to enact, then the law made by the law made by the Prime Minister shall prevail and the Act of the Assembly shall, to the extent of the repugnancy, be void.”<sup>19</sup>

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<sup>18</sup> Ibid., part 60 (2)

<sup>19</sup> Ibid., part 60 (4)

The Prime Minister's legislative powers effectively affect the working of the Legislative Assembly and leaves it to just a rubber stamp. It also includes the right to directive on the basis of strategic or peace requirements, as stated in paras of Article 62 (2) and (3).

"The executive authority of the Prime Minister shall also extend to the giving of directions to the Government as to the Government as to the construction and maintenance of means of communication declared in the direction to be of national or strategic importance."<sup>20</sup> "The executive authority of the Prime Minister shall also extend to the giving of directions to the Government as to the manner in which the executive authority thereof is to be exercised for the purpose of preventing any grave menace to the peace or tranquility or economic life of Gilgit-Baltistan or any part thereof."<sup>21</sup>

Notwithstanding the Prime Minister's powers, there are some clauses that permit the State to act on if the local government agrees. The following is Article 60 (7), which deals with executive powers: "The Government may, with the consent of the Federation, entrust to the Federation either conditionally or unconditionally, to the Federation, functions in relation to any matter to which the executive authority of the Government extends."<sup>22</sup>

That's why it is an issue since the area has been let out of the very important decision making: apart from that the State carries on with its hefty interference in the matter about national projects in the region or going through it.<sup>23</sup> It must not be allowed to carry out because it will severely violate socio-economic rights of the region. Whereas the legislative assembly of Gilgit-Baltistan has chief minister, speaker and deputy speaker and also its membership is comprised of 33 members. Twenty-four members directly elected by the adult franchise and six reserved seats for women and three for technocrats as well.

### **The Legislative Institution**

The 2009 Order has granted a Legislative Assembly to the region; however, it has minimal powers. The Order establishes the offices of Chief Minister, Ministers and also Governor in the

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<sup>20</sup> Ibid., part 62 (2)

<sup>21</sup> Ibid., part 62 (3)

<sup>22</sup> Ibid., part 60 (7)

<sup>23</sup> China-Pakistan Economic Corridor: Opportunities and Risks, Crisis Group, 29 June, 2018.

region. In line with Azad Jammu and Kashmir Council, the Gilgit-Baltistan Council was formed with powers of endorsing budgetary policy and the Consolidated Fund were included, and the legislative powers of the Assembly were increased to a greater extent. According to Article 22 of the 2009 Order, the Gilgit-Baltistan Rules of Business, and Budgetary and Financial Management, further the specific responsibilities and procedures for managing the various government agencies in Gilgit-Baltistan were laid down. The Legislative Assembly of Gilgit-Baltistan will form its own procedural rules, whilst the Council and Assembly will do legislation on governance-related issues within their respective domains. Under the directive of the Prime Minister of Pakistan, the subjects of principal interest: management of natural resources and tourism were entrusted to the Council of Gilgit-Baltistan.<sup>24</sup>

The 2018 Order gave the Gilgit-Baltistan Assembly legislative jurisdiction over areas of the mining, hydroelectric, and tourism, which were similar to its predecessor. Nobody was surprised when the Order encountered with significant resistance.<sup>25</sup> After the people of the region rejected it and urged that it be considered as a province. The Supreme Appellate Court of Gilgit-Baltistan followed suit and halted it.<sup>26</sup>

### **Political Status of the Region**

The political status of the region is undeclared or unaddressed as it is not mentioned in the Constitution of Pakistan and is not also represented in the Parliament of Pakistan. Thus, the identity is not clear and it is completely ambiguous as it is not represented at any constitutional forum. Rather are just few ordinances which have merely mentioned the region but do not sanction proper political and constitutional status to the region. Constitutional status could not be changed and remained in liminality. Despite being refuted by residents, the Federation of Pakistan was alleged of only taking from the region, not changing the long-held constitutional ambiguity of the region. This is nothing new. Locals have long worried that Pakistan only accepts them Pakistanis when it is convenient. When the residents of the region ask for equal rights, they feel as though they are constantly being retold of their constitution status.

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<sup>24</sup> Ibid., 11.

<sup>25</sup> "Protest held across GB against new order ." *Dawn Newspaper* 2018.

<sup>26</sup> "Appellate Court suspends GB Order 2018." *Dawn Newspaper* 2018.

This much-awaited 2009 Order officially recognized the Northern Areas' quasi-provincial status and administrative autonomy by renaming it Gilgit-Baltistan. It is said that in response to the constant desire of the locale of the region, the newly Democratic Government of Pakistan determined to change the political status of the region closer to complete internal autonomy, making it equivalent to Pakistan's provinces nevertheless not a province. It is plainly evident that Gilgit-Baltistan is not a constitutional part of the Federation of Pakistan. in accordance with Article 1 of the Constitution of Pakistan, which outlines geographic jurisdiction of the Country. In fact, this reform package, really improves upon and continuity of the 1994 Northern Areas Legal Framework Order and the 2009 Governance Order demonstrated.<sup>27</sup>

The 2009 Order, according to Ehsan Mahmood Khan, is “a clear demonstration of the administrative association of Gilgit-Baltistan with the Federation of Pakistan, a part of Pakistan but not making the part of province.”<sup>28</sup> In reference to Article 258 of the Constitution of Pakistan, which provides the President of Pakistan with unrestricted authority over territories which do not have provincial status. This has highlighted the legal authority of the Government of Pakistan over the region.

## **Governance**

Gilgit-Baltistan's governance model is based on the Institutional Structure described in the 2018 Order for Gilgit-Baltistan. Clearly, the 2018 Order for Gilgit-Baltistan appears to be a hastily completed. The residents of Gilgit-Baltistan were promised by the Prime Minister of Pakistan in 2020 that the region will ultimately be sanctioned the status of the fifth province of Pakistan.<sup>29</sup> But in 2022, the Government of Pakistan brought and imposed new fiscal policy, which taxed more than a hundred goods in Gilgit-Baltistan and transferring the proceeds to the Federal Government. Constitutional status could not be changed and remained in liminality. Despite being refuted by residents, the Federation of Pakistan was alleged of only taking from the region, not changing the long-held constitutional ambiguity of the region. This is nothing new. Locals have long worried

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<sup>27</sup> Livia, Holden. "Law, governance, and Culture in Gilgit-Baltistan-Introduction." *South Asian History and Culture* 10, no.1 (2019):06.

<sup>28</sup> Mahmood, Ershad. "Status of AJK In Political Millieu ." *Policy Perspectives*, 3, no.2 (2006): 107.

<sup>29</sup> Chaudhry, Fawad. *Gilgit-Baltistan to become Pakistan's Fifth Province* Geo Tv. 2020.



that Pakistan only accepts them Pakistanis when it is convenient. When the residents of the region ask for equal rights, they feel as though they are constantly being retold of their constitution status.

These reforms which were issued by a Presidential Order and were never discussed at any legislative body and there was also no public debate regarding the Order. In the reforms package, a Governor and a Federal Minister would work side by side, which introduces some unusual peculiarities: one as the Deputy Chairman and head of the Government of Gilgit-Baltistan and other as In-charge of the Secretariat of Gilgit-Baltistan. The KANA ministers were used to jointly function as Executive head for administration, Deputy Chairman of Council and Governor of Gilgit-Baltistan. Regardless of the reality that Gilgit-Baltistan has been represented by the KANA for quite a while yet the new administrative structure, with further imprecision and discrepancies in jobs as well as duties in the different offices, will be causing obstacles in conveyance of the administrative functions, which will have influence on the workings of government and the new reforms package. There would be a dual structure of two powers—executive and legislative—in this structure of Gilgit-Baltistan Government. The ordinary people would suffer when the Gilgit-Baltistan government and the Gilgit-Baltistan Council would begin to battle for their proper share of authority. In the case of Constraining the Gilgit-Baltistan Council to regulation simply and that would have been enough for the new government in Gilgit-Baltistan.

In terms of how legislation is put in practice, the Government of Gilgit-Baltistan already has enough network of infrastructure that might have been strengthened with help from the Federal Government. However, handling affairs related to the Gilgit-Baltistan from the Islamabad headquarters of the Gilgit-Baltistan Council turn out to be an oddity as well. Even though the Gilgit-Baltistan Legislative Assembly (GBLA) is now a legislative body rather than a development forum, its members are still evaluating development initiatives for the benefit of their respective constituencies. To make the GBLA a successful legislative body, members must experience a paradigm shift from constituency building to policy-making.

In addition, amendments to the constitution are necessary in order to provide the Gilgit-Baltistan government complete autonomy. The New Governance Order ought to be titled the Interim Constitution, much as the basic law of the AJK. Instead of being issued by executive order, the Gilgit-Baltistan Assembly ought to have debated on, endorsed, and ratified that very

constitution. Furthermore, the Gilgit-Baltistan Assembly ought to have the ability to change such constitutional clauses. In order to completely actualize the concepts of the Self-Governance and Empowerment, the Legislative list needs to be revised as well. This will give the Gilgit-Baltistan Assembly additional authority.

In fact, similarly the AJK, Gilgit-Baltistan is neither a Pakistani province nor a totally independent territory. A number of constitutional and legal steps are being taken by Pakistan's government to award it internal autonomy while making it administratively equal with other provinces. Among these steps are the regular issuing of CNICs, and passports by the Pakistani Government and the right to vote people of the region residing in some other provinces of Pakistan.

### **Chapter-3 A Historical Perspective of Gilgit-Baltistan**

The history of Gilgit-Baltistan was entirely chronicled by colonizers. The people in Gilgit-Baltistan have struggled for ages for recognition, yet they have consistently lost. This chapter recounts the intricate history of the area, opening with the oldest documented writings about the area. There will be a summary of the empires and kings who controlled the area. The central theme of this chapter is how liminality and colonization are related. The existing liminality in Gilgit Baltistan is a result of colonial domination. The British neglected residents' rights and went to considerable pains to do so when it came to gaining more authority. The link of colonization was ultimately broken by the indigenous, at least technically, although its status remained murky.

Doctor G.W. Leitner's reports of the region, which was formerly recognized as Dardistan, date from the middle of the 19<sup>th</sup> century and are crucial. Doctor Leitner offered thorough accounts of the area's ecology and wildlife, cultural variety, and linguistic language spoken by the Dards. Doctor Leitner, who considered himself more of a storyteller than a researcher, wrote widely on Dardistan's folklore, music, and traditions; as a result, his works were less objective and more opinionated.<sup>30</sup> Doctor Leitner sought to communicate the tale of his journey through a wild terrain, but it also influenced how the British first perceived the region. Doctor Leitner's tendency to "the

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<sup>30</sup> Leitner, G. W. *Dardistan in 1866, 1886 and 1893*. (India: Asian Educational Services, 1996), 06.

applications of the Maharaja of Kashmir in encouraging Hinduism” in 1869, however, implies that the area was bottled-up even before the British invasion.<sup>31</sup>

The city of Gilgit, which serves as the capital of Gilgit-Baltistan, was “virtually deprived of a ruler, the conquering troops of Kashmir hardly holding their personal army within a few yards of Gilgit Fort” when Leitner first travelled through the region in 1866.<sup>32</sup> This is a succinct summary of the system of governance there. Doctor Leitner asserts that the people in the Gilgit are held in check the Dogra’s Kashmir army, and Gilgit leaders are imprisoned by the Kashmiri authorities. He makes claim that the policies of Kashmir have damaged the intellectual and moral lives of people in the Gilgit. Doctor Leitner fervidly objected to any meddling or seizure of the area.<sup>33</sup>

The Dogra reign in the region from 1840 to 1948 is the Kashmiri government that Doctor Leitner references to throughout the course of his writings. A well-known commander from Punjab named Gulab Singh entered the uninhabited Kashmir valley and established Dogra rule, which lasted almost for a century.<sup>34</sup> Despite being the dominant force on the Indian subcontinent, the British avoided disturbing the strong and ambitious Dogra rulers. At the start of the 1800s, the Mughal Empire created a power vacuum that was filled by the British colonizers and the native Sikhs. The March 1846 Settlement of Amritsar, often known as the “Sale Deed of Kashmir,” ceded Jammu and Kashmir to Gulab Singh for a meagre 75 lacs (about 98,000 USD today) in order to quell resistance and prevent uprising. Article 1 of the Treaty states that:

““The English government moves and makes over every one of the free conditions and assets, towards the east of the Indus waterway and towards the west of Ravi stream including Chamba and barring Lahore being the piece of the English government, to Maharaja Gulab Singh, and the beneficiaries of his male centric society line.”<sup>35</sup>

Jammu and Kashmir, a regal realm, was subsequently changed into Dogra rule's "eternity, free belonging." The English rushed to offer this region to try not to send fighters and authorities

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<sup>31</sup> Leitner, G. W. "On the Races and Languages of Dardistan." *The Journal of the Ethnological Society of London (1869-1870)* 2, no. 1 (1870): 32.

<sup>32</sup> Leitner, *Dardistan in 1866, 1886 and 1893*, 53.

<sup>33</sup> *Ibid.*, 56.

<sup>34</sup> Bakshi, Colonel GD. "The Butchers of Baltistan: Dissent and Rebellion in Northren Areas of Pakistan." *Indian Defense Review* 14, no. 4 (1999).

<sup>35</sup> *Treaty of Amritsar*. 16 March 1846.

into this distant, unseen nation and to subdue any inner contradiction. Gilgit, then again, was presently not a piece of Jammu and Kashmir. The Amritsar Settlement didn't determine precisely exact thing region Gulab Singh acquired. Scarcely any individuals had been into Kashmir's most northern areas, subsequently the exact area of regions like Gilgit wasn't recorded until some other time, exposing individuals there to the oppression of harsh specialists. The Dogra ruler, Gulab Singh broke the arrangement in 1846 by attacking Gilgit, in spite of the way that it was on the western, as opposed to the eastern, side of the Indus Stream. Subsequently, the region was added to Jammu and Kashmir's limits. This Infringement of the Settlement of Amritsar would eventually turn into a quarrelsome issue of post-parcel period.<sup>36</sup> The residents of Gilgit Baltistan never formally consented to Dogra authority or the region's annexation by Jammu and Kashmir.<sup>37</sup> The British disregarded what seemed to be a treaty breach and maintained Gulab Singh in charge until a growing external danger in the north threatened the British colonial power in the subcontinent.

The Jammu and Kashmir region was the focal point of the English's worry of "tricky Afghanistan, temperamental China, and a forceful Russia," which drove them to lay out the Gilgit Organization. With the guide of a political master in Gilgit City, the Gilgit Organization, which incorporated the realms Hunza and Nagar, as well as the more humble pieces of Chilas, Koh Ghizr, Ishkoman, Yasin, and Punial, and the Gilgit Wazarat, had command over the safeguard, correspondences, and outside strategy of the area. While certain region of the Gilgit were heavily influenced by the English rule of India, the Gilgit Wazarat, a part of the Gilgit Organization, was a piece of the Jammu and Kashmir state Gulab Singh had prevailed. The Organization was coordinated to check any danger from territorial powers, especially after Russia caught Kokand, which is found around 600 miles north of the Gilgit. They additionally thought whether the Maharaja would have the option to forestall Russian development in the "Incomparable Game," the contention between the English and the Tsarist Russia in the Focal Asian area, which might prompt the finish of English pilgrim control in India. A twofold managerial framework was developed, with an English Political Specialist running the Gilgit Office and a Dogra Wazir

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<sup>36</sup> Khan, Ehsan Mahmood. "Constitutional Status of Gilgit-Baltistan: An Issue of Human Security." *Margalla Papers* (2017): 87.

<sup>37</sup> *Ibid.*, 92.

regulating the Gilgit Wazarat. Subsequently, the English and the Dogras mutually represented Gilgit Wazarat, a division of the Gilgit Organization.

To facilitate the weight of "duel rule," the English sanctioned out the Gilgit Organization, which contained the Gilgit Wazarat, from the then Jammu and Kashmir Dogra ruler Hari Singh for a drawn out timeframe in 1935. The choice was upheld by developing worries over the Dogra ruler's ineffectual and degenerate administration over the vitally significant area. The vulnerability over the boundaries and area of Gilgit Baltistan, notwithstanding, turned clear as of now. The past history demonstrates that Gilgit Baltistan has been experiencing significant change for a long time. The Gilgit was a confederation of minuscule, sovereign mountain republics from the sixteenth to the nineteenth hundreds of years. It was seized by the merciless Dogras in the nineteenth hundred years, and the English got it from them in the mid twentieth hundred years. The region possesses sat tight an extremely lengthy energy for freedom. The Dogra leader of Kashmir trusted that when the rent terminated, Jammu and Kashmir would join the Gilgit Agency as a whole, not only Gilgit Wazarat. The British made it crystal simple in a letter to the Ruler of Kashmir in March 1941:

“1) Nagar and Hunza: Despite being governed by the Kashmir State, they are separate states rather than parts of Kashmir; 2) Despite being governed by the Kashmir State, Yasin, Koh Ghizr, Chilas, and Ishkoman are tribal regions rather than Kashmir.”<sup>38</sup>

However, the British breached their word on July 30, 1947, only two weeks before the 1947 Partition, and “returned” the Gilgit Agency to Dogra Ruler of Kashmir.<sup>39</sup> As a result of the Agency’s return to the oppressive Dogra Ruler, it became a part of a kingdom that had never before had full political control over the state. There was no consultation with the mirs or local lords before being delivered to Kashmir. When the Indian subcontinent earned the independence on August 14, 1947, Pakistan and India came into being. The provinces had to choose any country of these two in the Indian subcontinent. Kashmir, on the other hand, was a point of disagreement; with a Muslim majority and a Hindu ruler, the decision was perceived as being problematic. The British official, William Brown who was in charge of transferring control of the Gilgit Agency to

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<sup>38</sup> Bangash. *"Gilgit-Baltistan--Part of Pakistan By Choice"*.

<sup>39</sup> Sokefeld. *"Not Part of Kashmir, But the Kashmir Dispute: The Political Predicaments of Gilgit Baltistan."* 134.

Maharaja Hari Singh, was aware that the residents of Gilgit dreaded an Indian takeover. William Brown was informed by a native of Gilgit that:

“Pakistan is supported by the Gilgit Agency as a whole. Without a question, it is. Are you blaming us because we are all Muslims? Hindustan was never a place where we could make oaths. Great if Kashmir chooses to be independent. We will be independent here, but we may also keep friendly relations with our Muslim brothers in Pakistan. It would be much better if Kashmir merged with Pakistan. However, if the Maharaja refused to accept Pakistan due to his stubbornness, appalling advice, political unrest, or appealing compensation, in that case there will be trouble here.”<sup>40</sup>

At the end on October 26, 1947, Hari Singh, the ruler of Kashmir granted India Kashmir, and also the Gilgit Agency. Pakistan strongly criticized and opposed this action on the basis that the Dogra ruler had publicly perpetrated crimes against the Muslims and therefore, Singh should not be permitted to act in the interests of Kashmiris as he had run away from the Kashmir valley after the Partition. Then, Brown got a letter on the name of the prince of Chitral, a princely state which had already joined Pakistan and the letter stated: "All ties between Chitral and the Kashmir are being severed," my state and the Gilgit cannot consent to Kashmir joining India.<sup>41</sup> This was the implication of Pakistan's unofficial claim to Gilgit. After a successful uprising on November 1, scouts waved the flag of Pakistan in the Gilgit Agency and established a provincial government that invited the Federal Government of Pakistan to rule. The Gilgit Scouts officially added the mountainous territory of Baltistan to the Gilgit Agency on August 14, 1948.<sup>42</sup>

Through the Karachi Arrangement in 1949, Pakistan officially assumed command over the locale. The manner in which Pakistan has treated Gilgit-Baltistan over the course of the time, nonetheless, may be named as "postcolonial imperialism." Following quite a while of torment and hopelessness subject to Hindu Dogras and the Christian Britishers and losing many their own kin, the Gilgit Scouts ascended against mistreatment. Then again, Pakistan maintained the locale's status as an ungoverned region and declined to give it territory status making a limbo. Tragically the past of the Gilgit-Baltistan was so liminal. Without losing the urgent help from the Dogra rulers, the English changed it into a liminal space to safeguard itself from Russian, Afghan, and

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<sup>40</sup> Brown, William. *Gilgit Rebellion: The Major who Mutinied over Partition of India*. (United Kingdom : Pen and Sword, 2014.), 47.

<sup>41</sup> *Ibid.*, 56.

<sup>42</sup> *Ibid.*, 71.

Chinese hostilities. Since its actual development, the Gilgit Organization has had a murky political and geological personality. The Dogra ruler, Gulab Singh assumed command over the Gilgit because of the dinkiness and vagueness of the Settlement of Amritsar. The English "returned" the Organization to the Dogra rulers of Kashmir by keeping a not well characterized political and regional limit around it. The boundaries were not totally characterized during the segment, which prompted an impressive level of vulnerability and turmoil.

### **The Post-Partition History**

The principal regulation passed by Pakistan's administration after it officially oversaw Gilgit-Baltistan in 1947 was the pioneer regulation known as the Outskirts Violations Guidelines (FCR). This regulation was in force all through the area. Previous Governmentally Managerial Ancestral Regions (FATA) and any remaining extensions by Pakistan were represented by the FCR. As per this pioneer regulation, the organization was accountable for all authoritative and legal expert in Gilgit-Baltistan and the FATA. By and by, the regions had their own different overall set of laws under the watchful eye of this regulation was passed in Jammu and Kashmir State in November 1947. As the nearby populace's interest for such changes developed over the long haul, the Pakistani government answered by ordering a progression of the regulatory and political changes.

The Ministry of Kashmir Affairs and Northern Areas (KANA), which was founded by the Government of Pakistan in 1950, was given responsibility for the Northern Areas'. Since 1952, the Joint Secretary of the Ministry has been fully authorized with all administrative and judicial powers to perform the responsibilities there. By establishing authority of two political representatives—one for Gilgit and one for Baltistan—and transferred powers of High Court and Revenue Commissioner to them and the Ministry began the reform process. The first democratic elections took place there in 1970. In this election, sixteen members of the Northern Areas Advisory Council got elected.<sup>43</sup>

Zulfiqar Ali Bhutto removed the status of state of Hunza and FCR in 1974 and promised for a process of reforms in administration and judiciary. The first notable move in showing

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<sup>43</sup> Hussain, Altaf. "The Gilgit-Baltistan Reforms 2009." (2010): 21.

Pakistan's departure from Pakistan's attitude towards Gilgit-Baltistan in regards to the Kashmir dispute was the declaration of Gilgit-Baltistan as a separate zone under General Zia-ul-Haq's martial law in 1977.<sup>44</sup> There were representatives of Gilgit-Baltistan in the Parliament. The Federal Cabinet's approval of a "reforms package," Legal Framework Order (LFO) which served as the initial step for Northern Areas, was another important step forward in 1994. The Civil Secretariat and Chief Secretary's offices were formed, and reforms in judicial system were carried out. The Northern Areas Legislative Council (NALC) was given the power to enact legislation on 49 subjects in line with the LFO.<sup>45</sup> The Supreme Court of Pakistan responded to Constitutional Appeal 17 of 1994 in 1999, which sought to protect basic rights under Pakistan's constitution, by issuing a significant ruling clarifying the legal status of the Northern Areas.

Present-day Pakistan uses the liminality of the region, in order to further its own goals, including the persecution of Shia Muslims, and a sizable Muslim voter base in the case of United Nations' plebiscite, and massive irregular development projects by China. Although Pakistan's merger defined the region's boundaries, its political and economic status is still uncertain.

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## **Chapter-4 Institutional Framework of Gilgit-Baltistan**

### **The Executive, Administrative and Legislative Institutions**

The institutional structure of Gilgit-Baltistan and its relationship to the Federation of Pakistan has been described in the 2009 Order and later replaced with the 2018 Order. The order sets forth an executive council and a legislative assembly for the region. The council is comprised of executive officials containing the prime minister of Pakistan, a governor, a chief minister and ministers as well. The primacy of the Prime Minister's power is also another critical component

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<sup>44</sup> Ibid., 25.

<sup>45</sup> Hussain, Ijaz. *Kashmir Dispute: An International Law Perspective* . (Islamabad: National Institute of Pakistan Studies, 1998): 213.



of the 2018 Order which makes it more questionable. The Prime Minister has the absolute legislative powers in this context in accordance with Article 60 (2) of the Order.

Notwithstanding the Prime Minister's powers, there are some clauses that permit the State to act on if the local government agrees. The following is Article 60 (7), which deals with executive powers: "The Government may, with the consent of the Federation, entrust to the Federation either conditionally or unconditionally, to the Federation, functions in relation to any matter to which the executive authority of the Government extends."<sup>46</sup>

That's why it is an issue since the area has been let out of the very important decision making: apart from that the State carries on with its hefty interference in the matter about national projects in the region or going through it.<sup>47</sup> It must not be allowed to carry out because it will severely violate socio-economic rights of the region. Whereas the legislative assembly of Gilgit-Baltistan has chief minister, speaker and deputy speaker and also its membership is comprised of 33 members. Twenty-four members directly elected by the adult franchise and six reserved seats for women and three for technocrats as well.

The 2009 Order has granted a Legislative Assembly to the region; however, it has minimal powers. The Order establishes the offices of Chief Minister, Ministers and also Governor in the region. In line with Azad Jammu and Kashmir Council, the Gilgit-Baltistan Council was formed with powers of endorsing budgetary policy and the Consolidated Fund were included, and the legislative powers of the Assembly were increased to a greater extent. According to Article 22 of the 2009 Order, the Gilgit-Baltistan Rules of Business, and Budgetary and Financial Management, further the specific responsibilities and procedures for managing the various government agencies in Gilgit-Baltistan were laid down. The Legislative Assembly of Gilgit-Baltistan will form its own procedural rules, whilst the Council and Assembly will do legislation on governance-related issues within their respective domains. Under the directive of the Prime Minister of Pakistan, the subjects of principal interest: management of natural resources and tourism were entrusted to the Council of Gilgit-Baltistan.<sup>48</sup>

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<sup>46</sup> Ibid., part 60 (7)

<sup>47</sup> China-Pakistan Economic Corridor: Opportunities and Risks, Crisis Group, 29 June, 2018.

<sup>48</sup> Ibid., 11.

The 2018 Order gave the Gilgit-Baltistan Assembly legislative jurisdiction over areas of the mining, hydroelectric, and tourism, which were similar to its predecessor. Nobody was surprised when the Order encountered with significant resistance.<sup>49</sup> After the people of the region rejected it and urged that it be considered as a province. The Supreme Appellate Court of Gilgit-Baltistan followed suit and halted it.<sup>50</sup>

### **Chronological Sequence of Reforms Package**

Gilgit-Baltistan has been without a constitution for more than seventy-five years. They were denied the right to have their own provincial assembly as well as representation in parliament. While the Azad Jammu and Kashmir Legislative Assembly adopted an intricate governance framework in line with an Interim Constitution in 1974, Gilgit-Baltistan has remained without such a structure.<sup>51</sup> When Pakistan's government assumed control of Gilgit-Baltistan in 1947, the first legislation enacted was a continuation of the colonial law known as the Frontier Crimes Regulations (FCR), which was in effect throughout the region. The FCR applied to all additional agencies that Pakistan annexed, including Federally Administered Tribal Areas (FATA). For the tribal regions and GB, all administrative and judicicia authorities were exercised by civil bureaucracy in conformity with this British law. However, prior to the passage of this statute in the state of Jammu and Kashmir in November 1947, the territories had their own separate legal system. In response to the rising demand for such changes from the local public, the Pakistani government has adopted a number of administrative and political reforms throughout the years.

### **The Ministry for Kashmir Affairs and Northern Areas (KANA)**

The Northern Areas' responsibilities were delegated to the Federal Government's Ministry of Kashmir Affairs and Northern Areas (KANA), which was founded in 1950.<sup>52</sup> Whereas Azad Kashmir was ruled by its own semi-independent government at the time, the Gilgit Agency, which encompassed Gilgit Baltistan today, was directly governed by the federal government. The KANA used the FCR, "a notorious set of laws that allowed collective punishments, outlawed political

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<sup>49</sup> "Protest held across GB against new order ." *Dawn Newspaper* 2018.

<sup>50</sup> "Appellate Court suspends GB Order 2018." *Dawn Newspaper* 2018.

<sup>51</sup> Hussain, Ijaz. *Kashmir Dispute: An International Law Perspective* . (Islamabad: National Institute of Pakistan Studies, 1998) 143.

<sup>52</sup> Mahmood, Ershad. "Status of AJK In Political Millieu ." *Policy Perspectives*, 3, no.2 (2006): 112.

activity, and denied basic rights,”<sup>53</sup> in order to rule over Gilgit and the surrounding districts. Before handing up authority to the KANA, no Gilgit leader questioned.<sup>54</sup> In GB Residents were compelled to report to the local police stations on a monthly basis.

Since 1952, the Resident in the Northern Areas has been held by the Joint Secretary of the Ministry of the KANA, who has complete judicial and administrative power. The Ministry began changes in 1967 by establishing two political agents, one for Gilgit and one for Baltistan, and transferring authority of the Revenue Commissioner and High Court to the Resident. At the district level, the Political Agent is given the ability to function as District and Session Judge, FCR Commissioner, Revenue Collector and Chief Police.

### **Reforms Under the Zulfikar Ali Bhutto Regime**

The First-ever free and fair elections were conducted in 1970. This election resulted in the appointment of 16 members to the Northern Areas Advisory Council (NAAC).<sup>55</sup> The office of Resident was renamed as the Resident Commissioner in 1972, and districts were established for the Gilgit and Baltistan Agencies.<sup>56</sup> Deputy Commissioners were appointed, and a new district was founded in Diamer. It was kept under the direct control of federal government until the then Prime Minister of Pakistan Zulfikar Ali Bhutto brought reforms and decided to establish proper socio-economic and political system.

He declared the abolition of all princely states: Hunza, Nagar, Gilgit and Baltistan Agencies, and the establishment of one combined administrative body known as the Northern Areas.<sup>57</sup> Zulfikar Ali Bhutto established the Northern Areas Advisory Council (NAAC), which comprised on 18 members led by a commissioner and elected by the direct electoral. But the NAAC was not represented in the mainstream political institution. Despite the abolition of the FCR, the region was kept out of the political jurisdiction of Pakistan. It worth to be considered that

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<sup>53</sup> “Almost Pakistan: Gilgit-Baltistan in a Constitutional Limbo.” *Dawn Newspaper*, 19 January 2017.

<sup>54</sup> *Gilgi-Baltistan's History of Political Exclusion*. 22 April 2016.

<sup>55</sup> Altaf. "The Gilgit-Baltistan Reforms 2009." n.d.

<sup>56</sup> "Almost Pakistan: Gilgit-Baltistan in a Constitutional Limbo." *Dawn Newspaper*.

<sup>57</sup> *Gilgi-Baltistan's History of Political Exclusion*. 22 April 2016.

the decision to combine the region's fragmented areas under a single government was made 23 years after Gilgit-Baltistan declared allegiance to Pakistan.

### **Reforms Under the General Zia-ul-Haque Regime**

General Zia-ul-Haque declared martial law in Pakistan in 1977, and Gilgit-Baltistan was designated as Zone-E.<sup>58</sup> It was the first-ever step in demonstrating Pakistan's departure from the Gilgit-Baltistan's position on the Kashmir on the Kashmir dispute. The Gilgit-Baltistan was represented in the federal parliament. The government formed a strong Committee which comprised of the Federal Secretaries of Education, Finance, Interior, Law, Planning and the KANA to bring reforms Gilgit-Baltistan. In line with the committee's recommendations, Aga Ahmed Ali Shah, a representative from the Northern Areas, was named advisor to the Ministry of Kashmir Affairs.

Indecisiveness and identity issues were emerged in the region as a result of Zia-ul-Haque, military dictator's Islamization in the 1980s. For millennia, people of all religions and cultures coexisted peacefully in the region. The only cause for concern in the region was there, liminal and ambiguous political status. As a result of the 1979 Iran Revolution Iran revolution and Islamisation in general, an ideological struggle showed itself through massive sectarian turbulence against the Shia majority. In 1988, almost 400 Shias were slaughtered in Gilgit by anti-Shia policies and educational curricula brought by Wahabi-inclined Islamisation.<sup>59</sup> In the marginalized areas, 47 Sunni and Shia radical outfits began functioning. Almost for two decades, the political liminality continued as internal tensions deflected focus away from the political campaign for province recognition.

### **Reforms Under the Benazir Bhutto Regime**

When Benazir Bhutto was elected as Prime Minister of Pakistan in 1988, she nominated Mr. Qurban Ali, an elected member of the Northern Areas Council as an Advisor to the Premier with equal status of a State Minister. The Federal Cabinet passed a "Reforms Package" bill Legal Framework Order (LFO) in 1994, establishing the posts of Chief Secretary and Civil Secretariats,

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<sup>58</sup> Ibid., 23.

<sup>59</sup> Hunzai. "Conflict Dynamics in Gilgit-Baltistan." Special Report 321. (2013): 5.

judicial reforms and the Northern Areas Rules of Business.<sup>60</sup> The designation of Judicial commissioner was removed, and under the chair of a retired judge, three-member Chief Court was established.

As per this a District Session Judge could be eligible to serve as a member of the Chief Court from Northern Areas, while any senior judicial officer from the federation or the provincial High Court can serve as a member. According to the schedule-II of the LFO, the NALC was granted authority for legislation on the list forty-nine subjects.

### **Reforms Under the General Parvaiz Musharraf Regime**

The Supreme Court of Pakistan announced a significant ruling in May 1999 clarifying the legal status of the Northern Areas while hearing the Constitutional Petition of 1994, which declared imposition of fundamental rights proclaimed in Pakistan's Constitution. The Apex Court of Appeals for Northern Areas was founded in 2005, along with six reservation of seats for one extra women seat and for technocrats as well. Six Advisors were chosen from the Northern Areas Legislative Council and all its members were paid and provided the same benefits as per members of Assembly of Azad Jammu and Kashmir. The Northern Areas Legislative Assembly (NALA) was renamed from the Northern Areas Legislative Council (NALC) and the Northern Areas Governance Order.

It can be judged from Pakistan's attempt to maintain political status quo in the region when the former military dictator of Pakistan created the Northern Areas Legislative Assembly in 1999. That was only responsible to the Federal Government of Pakistan but was not given representation in the Parliament of Pakistan in accordance with Article 257 of the Constitution of Pakistan, "When the people of the State of Jammu and Kashmir decide to accede to Pakistan, the relationship between Pakistan and that State shall be determined in accordance with the wishes of the people of that State."<sup>61</sup> This Article was used to support Pakistan's colonial political tactic in Gilgit-Baltistan, that is considered as a part of Kashmir dispute. Despite the fact that Gilgit-Baltistan

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<sup>60</sup> Hussain, Ijaz. *Kashmir Dispute: An International Law Perspective* . (Islamabad: National Institute of Pakistan Studies, 1998) 109.

<sup>61</sup> *The Constitution of the Islamic Republic of Pakistan*. (Islamabad: National Assembly of Pakistan, 14 August, 1973):122.

repeatedly has insisted on its incorporation into Pakistan but the Government of Pakistan declined it tactically. Because according to Pakistan's perspective granting provincial status to Gilgit-Baltistan would endanger its claim on Kashmir. As a result, the people of Gilgit-Baltistan are compelled to wait for the improbable plebiscite in order to avoid being involved in the dispute.

### **The 2009 Gilgit-Baltistan Order**

On August 29, 2009, the Cabinet of Pakistan adopted the Gilgit-Baltistan Empowerment and Self-Governance Order 2009, which was endorsed by the President of Pakistan and became law.<sup>62</sup> The following are the Order's principal provisions:

- (a) Establishing an elected Gilgit-Baltistan Legislative Assembly and Gilgit-Baltistan Council to provide self-government to the people of Gilgit-Baltistan. As a result, Gilgit-Baltistan became a de facto province without following the Constitution of Pakistan.
- (b) The Gilgit-Baltistan Legislative Assembly will have thirty-three members and will be a unicameral legislature. Elections are used to fill 24 of the 33 seats. Furthermore, six seats are reserved for women and three for technocrats.
- (c) From among its members, the Assembly shall elect a Speaker and Deputy Speaker. The Assembly cannot do anything else until it elects the Chief Minister, which must happen after the Speaker and Deputy Speaker are chosen.
- (d) The Governor calls a special session to elect the Chief Minister on a date determined by the President. The Assembly gives the Chief Minister a vote of confidence within sixty days after commencing office.
- (e) The Legislative Assembly carries the power to pass legislation on sixty-one subjects. (The Gilgit-Baltistan Council, on the other hand, could make laws on fifty-two subjects: mining, tourism, and water resources)
- (f) The formation of Gilgit-Baltistan Consolidated Fund and the presentation of an annual budget to the Assembly for approval, as in other Pakistani provinces.

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<sup>62</sup> *The 2009 Gilgit-Baltistan Order*. Government of GB, n.d.

## **The First Sartaj Aziz Committee**

On October 29, 2015, a constitutional committee chaired by Sartaj Aziz, the Prime Minister's foreign affairs adviser at the time, was created to suggest methods to implement constitutional and political reforms in Gilgit-Baltistan.<sup>63</sup> The following responsibility was assigned to the Committee:

(a) Conduct a survey of constitutional and political provisions in Gilgit-Baltistan and identify any weaknesses about the people:

(b) having reviewed the relevant treaties and historical record, determine whether the territories that comprise Gilgit-Baltistan and the territories that comprise the State of Jammu and Kashmir overlap eternally, and if so, recommend necessary actions:

(c) provide proposals for administrative and constitutional reforms in Gilgit- Baltistan, taking into consideration the implications of UN resolutions on Kashmir. The Committee proposed, among other things, in its March 10, 2017 Report to the Federal Government of Pakistan:

(a) de-facto relationship of Gilgit-Baltistan with Pakistan rather than de-jure change, as this might alter principle stance of Pakistan on Kashmir. It advocated transferring increased administrative, budgetary and legislative powers to Gilgit-Baltistan in order to increase the sense of participation among the people:

(b) Raising the Gilgit-Baltistan Legislative Assembly to the same level as other provincial assemblies, and transferring its fourth schedule from Gilgit-Baltistan Council to Gilgit-Baltistan Assembly for all legislative business other than those stated in Article 142 of the Constitution of Pakistan:

(c) The government of Gilgit-Baltistan may be granted representation in constitutional bodies: NEC, IRSA and the NFC:

(d) Under CPEC, one or more Special Economic Zones (SEZs) can be constructed in Gilgit-Baltistan to increase job possibilities for the people of Gilgit-Baltistan:

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<sup>63</sup> *The First Sartaj Aziz Committee*. (Islamabad: National Assembly of Pakistan, 2015.): <<http://www.na.gov.pk>>.

(e) Gilgit Baltistan residents may be given special seats in the Parliament.

### **The Second Sartaj Aziz Committee**

The Ministers of Finance, Law and Kashmir Affairs were appointed to the Second Sartaj Aziz Committee on July 3, 2017, the Committee released its Supplementary Report,<sup>64</sup> which included the following major recommendations:

- (a) Allocation of special funds to compensate for the financial deficit in Gilgit-Baltistan budget using a specified formula.
- (b) Development funding should be sent directly to the Government of Gilgit-Baltistan and not to the Ministry of Kashmir Affairs.
- (c) Transferring the budgets of Supreme Appellate Court and Chief Court to the Gilgit-Baltistan Council.
- (d) Before issuing any notice to Gilgit-Baltistan government, the Ministry of Kashmir Affairs must consult the Government of Gilgit-Baltistan.
- (e) Gilgit-Baltistan will be granted “Observer Status” in the bodies like the Council of Common Interest (CCI), the Indus River System Authority (IRSA), and the Executive Committee of National Economic Council (ECNEC).

### **Annulment of the Gilgit-Baltistan Council amid the Orders**

Meanwhile the then Prime Minister of Pakistan, Shahid Khakan Abbasi announced for the annulment of Gilgit-Baltistan Legislative Council. Some welcomed the step as “historic,” but others saw it as a ruse to transfer the powers of Council to the Ministry of Kashmir Affairs. There was also ambiguity on other demands of people as representation in the Parliament of Pakistan, CCI, NFC and IRSA. The Secretary for Kashmir Affairs and Gilgit-Baltistan opposed and raised a “technical” fault to the removal of the Council, claiming that the Council was by the Presidential Order and could not be removed by the Government Order.

### **The 2018 Gilgit-Baltistan Order**

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<sup>64</sup> *The Second Sartaj Aziz Committee*. (Islamabad: National Assembly of Pakistan, 2017).



The 2009 Empowerment and Self-Governance Order has been replaced by the 2018 Gilgit-Baltistan Order. It seeks to equalize Gilgit-Baltistan with other provinces by devolving maximum authority and budgetary powers, and it grants the Gilgit-Baltistan Assembly the same Legislative rights as any other Pakistani province, including those conferred under Schedule-IV of the Constitution of Pakistan. There is a list of subjects on which both the premier of Pakistan and Gilgit-Baltistan Assembly can issue directives or legislation. Now the Gilgit-Baltistan Assembly will be in charge of these powers, which were formerly handled by the Gilgit-Baltistan Council. Orders issued by the Prime Minister, however, must be evaluated, and passed by the Governor of Gilgit-Baltistan. Minerals, hydropower, and tourism are a few subjects. Up until this moment, people of the region had only been awarded seventeen basic rights, and those rights were only available in the Gilgit-Baltistan. They now have access to all of Pakistan's apex courts and can exercise their rights wherever in the country, according to the Order.

### **Structural Analysis of the 2009 and 2018 Orders**

The reform Package is the key development when it comes to the constitutional status of Gilgit-Baltistan. By means of a Presidential Order, this reform package is known as the Gilgit-Baltistan Empowerment and Self-Governance Order 2009 has been enacted. Despite being sanctioned by the Federal Cabinet, these reforms were never brought to either house of the Parliament due to the reasoning that this is out of the jurisdiction of the Federal Legislative of Pakistan and cannot be considered here. The Constitution of Pakistan, which is the supreme law of the Nation, stipulates that the President can issue any directives through an ordinance. However, the ordinance must be passed by the Parliament of Pakistan with simple majority before it may become an Act of the Parliament within next 120 days after being issued. Because an executive order by the President does not oblige legally successive governments to carry out the reforms. Under the 2009 Gilgit-Baltistan Empowerment and Self-Governance Order, the Northern Areas was renamed as Gilgit-Baltistan, and authorities of Governor, Chief Minister and Ministers were also formed.<sup>65</sup> The Gilgit-Baltistan Council was founded on the same format as the Azad Jammu and Kashmir Council, and it, too, was chaired by the Prime Minister of Pakistan. Gilgit-Baltistan

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<sup>65</sup> Sökefeld, Martin. *In Kashmir: History, Politics, and Representation*. Ed. Chitralakha Zutshi. (New York: Cambridge University Press, 2017): 166.

was given budgetary powers as well. The Consolidate Fund was proposed, and the Legislative Powers of the Assembly were enlarged to 61 subjects which were previously 49 subjects as was its jurisdiction to act on all other matters not subject to the Gilgit-Baltistan Council.<sup>66</sup> This Council has legislative jurisdiction over 55 subjects.

The Gilgit-Baltistan Assembly was granted the authority to design its own procedural rules, and both the Council and the Assembly were given legislative authority on many governance-related subjects which fell under their jurisdiction respectively. The adult franchise will be used to elect 24 of the 33 members of the Gilgit-Baltistan Assembly. 6 seats for women, 3 for technocrats were reserved and which were to be elected using the same mechanism used in other provinces. A list of 61 subjects was allotted to the lower house as per with the fourth schedule of the Presidential Order.<sup>67</sup> The Gilgit-Baltistan Council is composed of 13 members chaired by the Prime Minister. The Governor was designated as vice Chairman of the Council, while the Minister of State for Kashmir and Gilgit-Baltistan was an ex-officio member with no voting rights. The appointment of the Governor would be done on the Prime Minister's advice to the President.

The 2018 Gilgit-Baltistan Order was passed in February 2018, and it replaced the 2009 Order. This Order was seen as a move towards reducing the powers of Gilgit-Baltistan Council and the Ministry of Kashmir Affairs over Gilgit-Baltistan. The name of Gilgit-Baltistan Chief Court was changed to the High Court; however, it is not clear if appointments would be made at the local level or the Federal level. The 2018 Order, on the other hand, was ultimately rejected because it was "Prime Minister-centered" and did not recognize Gilgit-Baltistan as fifth province of Pakistan.

### **Comparison between Institutional Structure of Azad Kashmir and Gilgit-Baltistan**

"We never needed to be a part of Kashmir, but since we are, why are not we given a delegate government like theirs?" "And for a long time, the Pakistani government has denied us our rights," one of the interviewees from Gilgit-Baltistan asked me. During our encounter, his eagerness to witness more depiction at home was palpable. If the region is so important to the Kashmir Conflict, why does Azad Kashmir has a more delegated government? Despite the fact

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<sup>66</sup> Ibid., 221.

<sup>67</sup> *Gilgit-Baltistan's History of Political Exclusion*. 22 April 2016.

that neither area has a representation in the general parliament, Azad Kashmir has valued independence since its incorporation into Pakistan. Azad Kashmir has a president, a senior state official, a constitution, and a form of elected administration. Apart from state funding, the forty-one members appointed government oversees all administrative concerns. Despite the fact that the Azad Jammu and Kashmir council is led by Pakistan's Premier, who has the unrivalled authority to overturn legislation enacted by Azad Jammu and Kashmir's chosen legislature, it has few experts in practice. 59 In most internal affairs, the Head of State of Pakistan cannot override the top authorities of Kashmir.

Unlike Azad Kashmir, Gilgit-Baltistan is governed by mandates rather than a constitution. The 2009 Gilgit-Baltistan Order delves into the region's administrative structure. According to the 2009 Order, the de facto executive authority in the region is Pakistan's Head of State, who oversees the Gilgit-Baltistan council. Six members from the Gilgit-Baltistan Assembly and nine members from Parliament of Pakistan are appointed to the council by the governor of the region. The governor has the last say, and the Assembly cannot override his or her decisions.<sup>60</sup> By the way, the governor is chosen by the Federal Government alongside the Chief Minister of the region and is accountable to Islamabad, not to the locals.

Several noticeable differences are between the two political structures. As previously stated, Azad Jammu and Kashmir is represented by its Interim Constitution of 1974, which clarifies its standing within the United Nations Commission for India and Pakistan. Surprisingly, the region of Gilgit-Baltistan is governed by ad hoc acts created by the Pakistani government without consultation with locals. The 2009 Order makes a passing reference to the United Nations Resolutions without properly recognising them.

Additionally, the political authorities of Azad Jammu and Kashmir swear an oath for "remaining loyal to the country as well as the justification for the annexation of the region to Pakistan." While oaths for the office in the Gilgit-Baltistan region ask for "remaining loyal to Pakistan." The two regions are regarded as disputed but declare fidelity to different aspects, supposing to be that "Azad Jammu and Kashmir is yet to consent, while Gilgit-Baltistan has proactively acceded." <sup>61</sup>

Finally, while Subject Rule (SSR) has been repealed in the region, it remains in a recoverable state in Azad Kashmir. Clarifying the significance of the SSR for the region is critical for clarity. In August 2019, the News Pakistan published an article named as “The Case of Gilgit-Baltistan,” which detailed the abolition of the SSR, a commonly forgotten violation of basic human rights perpetuated by the government of Pakistan. Martin Sokefeld vehemently disagreed with Pakistan’s removal of the State Subject Rule (SSR) in the region in his chapter on the liminality of Gilgit-Baltistan in Kashmir: History, Government Issues, and Portrayal. Zulfiqar Ali Bhutto, the former Premier of Pakistan, repealed the SSR in 1974 which allowed to non-residents for buying property in the region. This disregards all the agreements over Kashmir that India and Pakistan have made and confirmed.

The majority of the locals have repeatedly urged that the SSR be reinstated.<sup>62</sup> Some interpreted this as proof of official recognition of Gilgit-Baltistan as a province by Pakistan. Some acknowledge that the region’s diversity will be harmed if the SSR is used in the future. Overall, there must be a special bill of rights for the region that clearly characterize residents and protects their rights against infringement and takeover of their properties, vocations, assets, and political and social rights. <sup>63</sup> It is also said that the origin of SSR was colonial and therefore it was a colonial tool that ensnared people in the region and should thus not be reconsidered. Nonetheless, Sokefeld opposes it. He admits that the removal of the SSR caused an unevenness in the region. Moving to Gilgit-Baltistan, Sunni Muslims dispersed the Shia majority and brought about shocking partisan atrocities.

Furthermore, wealthy landowners began acquiring large tracts of valuable land for their own advantage. Locals were completely taken aback. In the mountain terrain, one must understand that land is a precious product. Not only has the withdrawal of the SSR paved the way for people from other provinces, but it has also boosted property acquisition endeavours by Pakistani people and the neighbouring China in the region for commercial purposes. Without any endorsement from the local residents, Pakistan's government allotted some 500 acres land for special economic zones for trading with China in the region. <sup>64</sup> Pakistan has never abrogated the SSR, according to the official website of defence forces, as the SSR was never formally extended to the region of Gilgit-Baltistan. They affirm that the SSR was “theoretically” extended to the region because the region was linked to Maharaja of Kashmir’s rule. <sup>65</sup> It is stimulating how the government of Pakistan

acknowledges that the SSR was never addressed to the region because it was not directly subject to the Maharaja of Kashmir nevertheless also acknowledges the significance of the region to the Kashmir Conflict. This strengthens the region's ambiguity and liminality.

### **A Tiered Structure**

These reforms which were issued by a Presidential Order and were never discussed at any legislative body and there was also no public debate regarding the Order. In the reforms package, a Governor and a Federal Minister would work side by side, which introduces some unusual peculiarities: one as the Deputy Chairman and head of the Government of Gilgit-Baltistan and other as In-charge of the Secretariat of Gilgit-Baltistan. The KANA ministers were used to jointly function as Executive head for administration, Deputy Chairman of Council and Governor of Gilgit-Baltistan. Regardless of the reality that Gilgit-Baltistan has been represented by the KANA for quite a while yet the new administrative structure, with further imprecision and discrepancies in jobs as well as duties in the different offices, will be causing obstacles in conveyance of the administrative functions, which will have influence on the workings of government and the new reforms package. There would be a dual structure of two powers—executive and legislative—in this structure of Gilgit-Baltistan Government. The ordinary people would suffer when the Gilgit-Baltistan government and the Gilgit-Baltistan Council would begin to battle for their proper share of authority. In the case of Constraining the Gilgit-Baltistan Council to regulation simply and that would have been enough for the new government in Gilgit-Baltistan.

In terms of how legislation is put in practice, the Government of Gilgit-Baltistan already has enough network of infrastructure that might have been strengthened with help from the Federal Government. However, handling affairs related to the Gilgit-Baltistan from the Islamabad headquarters of the Gilgit-Baltistan Council turn out to be an oddity as well. Even though the Gilgit-Baltistan Legislative Assembly (GBLA) is now a legislative body rather than a development forum, its members are still evaluating development initiatives for the benefit of their respective constituencies. To make the GBLA a successful legislative body, members must experience a paradigm shift from constituency building to policy-making.

In addition, amendments to the constitution are necessary in order to provide the Gilgit-Baltistan government complete autonomy. The New Governance Order ought to be titled the

Interim Constitution, much as the basic law of the AJK. Instead of being issued by executive order, the Gilgit-Baltistan Assembly ought to have debated on, endorsed, and ratified that very constitution. Furthermore, the Gilgit-Baltistan Assembly ought to have the ability to change such constitutional clauses. In order to completely actualize the concepts of the Self-Governance and Empowerment, the Legislative list needs to be revised as well. This will give the Gilgit-Baltistan Assembly additional authority.

In fact, similarly the AJK, Gilgit-Baltistan is neither a Pakistani province nor a totally independent territory. A number of constitutional and legal steps are being taken by Pakistan's government to award it internal autonomy while making it administratively equal with other provinces. Among these steps are the regular issuing of CNICs, and passports by the Pakistani Government and the right to vote people of the region residing in some other provinces of Pakistan.

## **Chapter- 5 Political Status of Gilgit-Baltistan**

### **Political Status of the Region**

The political status of the region is undeclared or unaddressed as it is not mentioned in the Constitution of Pakistan and is not also represented in the Parliament of Pakistan. Thus, the identity is not clear and it is completely ambiguous as it is not represented at any constitutional forum. Rather are just few ordinances which have merely mentioned the region but do not sanction proper political and constitutional status to the region. Constitutional status could not be changed and remained in liminality. Despite being refuted by residents, the Federation of Pakistan was alleged of only taking from the region, not changing the long-held constitutional ambiguity of the region. This is nothing new. Locals have long worried that Pakistan only accepts them Pakistanis when it is convenient. When the residents of the region ask for equal rights, they feel as though they are constantly being retold of their constitution status.

This much-awaited 2009 Order officially recognized the Northern Areas' quasi-provincial status and administrative autonomy by renaming it Gilgit-Baltistan. It is said that in response to the constant desire of the locale of the region, the newly Democratic Government of Pakistan determined to change the political status of the region closer to complete internal autonomy, making it equivalent to Pakistan's provinces nevertheless not a province. It is plainly evident that Gilgit-Baltistan is not a constitutional part of the Federation of Pakistan. in accordance with Article

1 of the Constitution of Pakistan, which outlines geographic jurisdiction of the Country. In fact, this reform package, really improves upon and continuity of the 1994 Northern Areas Legal Framework Order and the 2009 Governance Order demonstrated.<sup>68</sup>

### **Contesting Perspectives**

The liminality of Gilgit-Baltistan in the context of its political and constitutional status has been discussed by many scholars in their respective works on the subject but they draw up the repeated uncertainty and liminal practices regarding the status of Gilgit-Baltistan. Haines refers to Gilgit-Baltistan's recurring uncertainty of boundaries, as well as its uncertain constitutional position as territorial and, ultimately, political and economic liminality.<sup>69</sup> This Liminal status, which is tied to boundaries and the ambiguity surrounding its constitutional position, has been mentioned by Hong<sup>70</sup> and Kreuzmann.<sup>71</sup> While examining the inequality of justice in Gojal disaster, Cook and Butz also emphasised liminality. Kreuzmann's<sup>72</sup> possible exception, who appears to be more optimistic about financial condition of Gilgit-Baltistan, the liminality about the aforementioned studies denotes the lack of the positive implication of shift and change indicated by Van and Turner.<sup>73</sup>

Instead, it is marked by a continual sense of uncertainty and disorientation, implying some type of intemporality. As a result, Szokolczai's postmodern idea of perpetual liminality illustrates Gilgit-Baltistan's paradox as a transient position that gradually turn out to be "extended, lasting, all eventually but a permanent state."<sup>74</sup> Certainly, many of the social phenomena explored in this study may be related with some sort of the perpetual liminality, which implies a greater degree of skepticism about a tremendous deal of agonized change. Perpetual liminality, however, cannot

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<sup>68</sup> Livia, Holden. "Law, governance, and Culture in Gilgit-Baltistan-Introduction." *South Asian History and Culture* 10, no.1 (2019):06.

<sup>69</sup> Haines, Chad. *Remapping Pakistan's Liminal Geo-Body along the Silk Route: In New Approaches to Pakistan*. Ed. Saeed Shafqat. (Karachi: Oxford University Press, 2007): 189.

<sup>70</sup> Hong, Caylee. "Liminality and Resistance in Gilgit-Baltistan Centre for International." *Ceneter for International Sustainable Development Law* (2012):23.

<sup>71</sup> Kreuzmann, Hermann. "Boundries and Spaces in Gilgit-Baltistan." *Contemporary South Asia* (2015): 09.

<sup>72</sup> Ibid., 11.

<sup>73</sup> Turner, Victor W. *The Ritual Process: Structure and Anti-Structure Lewis Jenry Morgan Lectures 1966*. (London : Routledge & Kegan Paul , 1969.)

<sup>74</sup> Szokolczai, Arpad. "Living Permanent Liminality: The Recent Transition Experience in Ireland." *Irish Journal of Sociology* 22 (1) (2014): 28.

remove disorientation and uncertainty articulated by the studies and the residents of Gilgit-Baltistan.

Due to a dearth of study on cultural and identity-related aspects of boundaries in the region, interpretations based on strategic objectives are unavoidable in Gilgit-Baltistan. Previously, this was mostly about the Kashmir dispute, but the financial interests in major development and construction projects are becoming the center of attention. Both concerns are intertwined with the critical question of whether Gilgit-Baltistan may be deemed to have unified status. However, it is not clear if anthropology can be used to remedy this. According to Abu-Lughod, anthropological arguments on culture and identity often favor dynamic self-perceptions, in which individuals are viewed for their numerous identities rather than their unity.<sup>75</sup> As a result, Jammu and Kashmir and Gilgit-Baltistan can be considered as a totality, but not as a single entity, according to Sokefeld.

He appears to be abandoning the Dardic language and Dardistan, orientalist designations coined by Gottfried Leitner to represent today's Gilgit-Baltistan, which appear to be unique in their combination of cultures and variety. However, non-interventionist opinions on Kashmir have been accused of tacitly supporting the status quo, much as orientalist perspectives on the South Asia have been accused of supporting the colonial political mentality. Singh and Racine, for example, argue that the seeming Western Neutrality on Kashmir merely helps to intensify existing tensions out of fear of a broader conflict that would affect larger powers.

Snedden has been accused of favoring Western ideals by Singh. Snedden has urged that the problem in Gilgit-Baltistan between neutrality and partisanship be handled by allowing the people to make the decision.<sup>76</sup> He criticizes the usage of loaded terminologies as “Pakistan occupied” and “Indian occupied Kashmir,” and while he emphasizes how Jammu and Kashmir is physically and economically linked to Pakistan, he passionately supports self-determination. According to Kreutzmann’s self-determination is related to boundary-marking, actors and factors which are external to Gilgit-Baltistan and are remnants of colonial legacy.<sup>77</sup> Instead, his claim is that the Gilgit-Baltistan this position has aided in the infrastructural development in the region.

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<sup>75</sup> Lila, Abu-Lughod. "Writing Against Culture." *Andamios* 9 (19) (2012): 132.

<sup>76</sup> Snedden, Christopher. *The Untold Story of the People of Azad Kashmir*. (London : Hurst, 2012):78.

<sup>77</sup> Kreutzmann, *Boundries and Spaces in Gilgit-Baltistan*. 109.



“However, activists both inside and outside of Gilgit-Baltistan commonly describe the existing situation as stagnating, economically damaging, and undesirable from a self-determinist standpoint.”<sup>78</sup>

The purpose of this is not to address the Kashmir dispute but it does emphasize how ambiguous constitutional status of Gilgit-Baltistan is seen as having an influence on the lives of people in Gilgit-Baltistan. As it will be observed in the following sections and in greater detail throughout the interactions with people, argument and counter-argument about governance, law and society in Gilgit-Baltistan reveal the loopholes and uncertainty from the so-called institutional instrumentalization, mega economic projects, education to contemporary landscape of sectarianism, as well as the persistent non-availability of healthcare, shrinking public space, and Islamization of education. It would be the case that how people understand and relate this political and constitutional uncertainty to their regular political, economic, social spheres of life in Gilgit-Baltistan and as well as outside of the region.

Hong uses theory, but this study uses the concept of liminal space to explain how Gilgit-Baltistan has been categorized in both law and history with such obscurity. It is easier to comprehend the region's geopolitical importance and the federal government's authority over the area usage if the area is referred to as a liminal zone. I'll repeat the brief description of liminal space provided by Stefan L. Brandt once more: liminal space is a place which signifies shift and chance. With an emphasis on the dynamic that is always shifting in post-modern cities, Brandt employs this conception of liminality or liminal space to describe “urban visuality and aesthetic experience in post-modern America.”<sup>79</sup> Employing Brandt’s conception, it is also argued that “transitional” does not always mean “changing.” Therefore, transitional means a state of change not the change itself. It makes clear that Gilgit-Baltistan is currently in this transitional period which does not qualify and end to this transitional period. In that case this is permanent. As previously mentioned, this study is relating the socio-political situation of Gilgit-Baltistan to Johnson and Sorenson’s idea of persistent liminality. In accordance with Johnson and Sorenson, “permanent liminality has been conceptualized as a constant social limbo in which domains that

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<sup>78</sup> Ibid., 156.

<sup>79</sup> Stefan L, Brandt. "The City as Liminal Space: Urban Visuality and Aesthetic Experience in Postmodern US in Literature and Cinema ." *American Studies* 52, no. 4 (2009): 561.

are traditionally separated become situated in a zone indistinction.”<sup>80</sup> There is a zone of indistinctness there. The residents are Pakistani citizens with passports and ID cards, but they are not allowed to cast ballots in national elections. Gilgit-Baltistan officials pledge allegiance to Pakistan, but they are also involved in the Kashmir Dispute. The ambiguity of the law and the devolution of a local government under federal control help to contain dissent, which is created and propagated by Pakistan's government. Due to its intrinsic contradiction, it has been claimed that the permanent liminality is merely a loss of liminality.

### **Constitutional Ambiguity and Citizenship Clause**

All other problems concerning the rights of the region are caused by the fact that the 2018 Order<sup>81</sup> failed to develop healthy constitutional and political link between the State of Pakistan and Gilgit-Baltistan Region. Many people from the region protested this Order, claiming that this was a step backward from the 2009 Order which was relatively more State-centric than the 2018 Order.<sup>82</sup> The most common and strong criticism of the 2018 Order is about its definition of “Citizen.” In contrast to the 2009 Order, this Order defines the citizen of Gilgit-Baltistan region as: “Citizen” is someone who has the residence or holds a domicile of Gilgit-Baltistan and is a citizen of Pakistan under the Pakistan Citizenship Act of 1951.<sup>83</sup> The following clause is controversial since it indicates that everyone who is a citizen of Pakistan is a citizen of Gilgit-Baltistan whereas it is not in the case citizens of Gilgit-Baltistan in the Federation of Pakistan. Further, this also severely violets the rights of citizens of Gilgit-Baltistan by enabling non-locals to be citizens in Gilgit-Baltistan.

### **Constitutional Ambiguity and Fundamental Rights**

The basic rights defined by the Order are only partially extended or completely limited. As the part of the Order is security driven and restrictive in its practice.<sup>84</sup> The Article 9 (1) of part 2 which deals with protection and safety from arrest and detention, is particularly troubling since it

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<sup>80</sup> Christian Garmenn, Johnsen and Sorensen Bent Meire. "It's Capitalism on Coke!: From Temporary to Permanent Liminality in Oraganistaion Studies." *Culture and Organistaion* 21, no. 4 (2015): 335.

<sup>81</sup> *The 2018 Gilgit-Baltistan Order*. Governemnt of Gilgit-Baltistan, 2018.

<sup>82</sup> "Update of the Situation of Human Rights in Indian-Administered Kashmir and Pakistan-Administered Kashmir from May 2018 to April 2019." 2019.

<sup>83</sup> *The 2018 Gilgit-Baltistan Order*. Governemnt of Gilgit-Baltistan, 2018.

<sup>84</sup> *Ibid.*, part-II.

permits up to three months of detention even without any charge.<sup>85</sup> Additionally, Article 25 (d) allows the state extensive authority to define and fix public interests and needs in terms of the public interest and to assume control of it as a result.<sup>86</sup> Additionally, Article 64 allows the state of Pakistan to obtain any property at the dispose of the government of Gilgit-Baltistan or it can transfer the property directly if it is avail by the government of Gilgit-Baltistan.

“The Government of Pakistan may, if it deems necessary to acquire any land situated in Gilgit-Baltistan for any purpose, require the Government to acquire the land on behalf, and at the expense, of the Government of Pakistan or, if the land belongs to the Government, to transfer it to the Government of Pakistan on such terms as may be agreed mutually.”<sup>87</sup>

However, the law requires compensation for any such property, this gives the right to the State to decide the payment of the property without any court review.

### **Overriding Executive Authority of the Prime Minister**

The primacy of the Prime Minister’s power is also another critical component of the 2018 Order which makes it more questionable. The Prime Minister has the absolute legislative powers in this context in accordance with Article 60 (2) of the Order.

“The Prime Minister shall have exclusive power to make laws with respect to any matter in the Legislative List.”<sup>88</sup>

According to Article 60 (4), the Prime Minister has the right to veto over legislation that is done in the provincial assembly. That is why the Prime Minister shall have the only authority to legislate concerning any topic on the Legislative List.

“If any provision of an Act of Assembly is repugnant to any provision of any law which the Prime Minister is competent to enact, then the law made by the law made by the Prime Minister shall prevail and the Act of the Assembly shall, to the extent of the repugnancy, be void.”<sup>89</sup>

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<sup>85</sup> Ibid., part 9 (1)-(2)

<sup>86</sup> Ibid., part 25 (d), 64.

<sup>87</sup> Ibid.

<sup>88</sup> Ibid., part 60 (2)

<sup>89</sup> Ibid., part 60 (4)

The Prime Minister's legislative powers effectively affect the working of the Legislative Assembly and leaves it to just a rubber stamp. It also includes the right to directive on the basis of strategic or peace requirements, as stated in paras of Article 62 (2) and (3).

"The executive authority of the Prime Minister shall also extend to the giving of directions to the Government as to the Government as to the construction and maintenance of means of communication declared in the direction to be of national or strategic importance."<sup>90</sup> "The executive authority of the Prime Minister shall also extend to the giving of directions to the Government as to the manner in which the executive authority thereof is to be exercised for the purpose of preventing any grave menace to the peace or tranquility or economic life of Gilgit-Baltistan or any part thereof."<sup>91</sup>

Notwithstanding the Prime Minister's powers, there are some clauses that permit the State to act on if the local government agrees. The following is Article 60 (7), which deals with executive powers: "The Government may, with the consent of the Federation, entrust to the Federation either conditionally or unconditionally, to the Federation, functions in relation to any matter to which the executive authority of the Government extends."<sup>92</sup>

That's why it is an issue since the area has been let out of the very important decision making: apart from that the State carries on with its hefty interference in the matter about national projects in the region or going through it.<sup>93</sup> It must not be allowed to carry out because it will severely violate socio-economic rights of the region.

### **Constitutional Ambiguity and Judiciary**

The Order is immune from being amended by the legislative assembly or challenged in Gilgit-Baltistan's superior court. Because of Article 11 (2), it is exempt from being legally challenged. As it follows:

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<sup>90</sup> Ibid., part 62 (2)

<sup>91</sup> Ibid., part 62 (3)

<sup>92</sup> Ibid., part 60 (7)

<sup>93</sup> China-Pakistan Economic Corridor: Opportunities and Risks, Crisis Group, 29 June, 2018.

“No Court, including the Gilgit-Baltistan Supreme Appellate Court and the Gilgit-Baltistan High Court, shall call into question or permit to be called into question, the validity of this Order.”<sup>94</sup>

In addition to that other problematic thing is the recruitment of non-local administrators to govern the region. Although there are local administrators as well, but the top posts of secretaries and chief of provincial police have never been held by locals.<sup>95</sup> Because these posts exert the executive authority and the element of biasness reflects during the governance of the region towards the locals.<sup>96</sup>

The State of Pakistan has embedded Article 75 (7) regarding the appointment of the Chief Judge of the region in this Order which has effectively preventing the locals from participation in the governance. It follows as: “A person shall not be appointed as the Chief Judge of the Supreme Appellate Court of Gilgit-Baltistan unless he has attained the age of sixty-five years and, is a retired judge of the Supreme Court of Pakistan; or is a retired Chief Justice of a High Court under the Constitution of Islamic Republic of Pakistan”<sup>97</sup>

Because of this the locals of the region could not reach the posts of these courts. As a judge from the region had never been appointed to these courts. Therefore, it is clear that the Chief Judge of the Supreme Appellate Court of Gilgit-Baltistan is always from other provinces of Pakistan. Besides, when it is read including Article 57 of the Order, which completely prohibits any critique of the judge’s conduct thus this provision is problematic.<sup>98</sup>

“No Discussion shall take place in the Assembly concerning matters relating to foreign affairs, defense, internal security and conduct of any Judge in the discharge of his duties.”<sup>99</sup>

As a result, the appointment of judges has become a topic of contention in the region. In this respect, Article 21 (2) of the law of the Legal Status of the Gagauzian, which was enacted by the Parliament of the Republic of Moldova, considering as a precedent, since it makes the

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<sup>94</sup> *The 2018 Gilgit-Baltistan Order* . Governemnt of Gilgit-Baltistan , 2018.

<sup>95</sup> Alok, Bansal. *Gilgit-Baltistan and its Saga of Unending Human Rights Violations* . (Pentagon Press LLP, 2018):91.

<sup>96</sup> "G-B Chief Secretary Snubs Man Demanding Health Facilities, Video Goes Viral ." 11 June 2018.

<sup>97</sup> *The 2018 Gilgit-Baltistan Order* .part 75 (7)

<sup>98</sup> *Ibid.*, 57.

<sup>99</sup> *Ibid.*...

nomination of judges subject to the agreement of the local assembly.<sup>100</sup> The law basically forbids any type of monitoring over the judges and their behavior, which is especially concerning considering that judges in the region have a record for their biasness towards local staff. The following is the text of the article that deals with the appointment of the judges reads as follows: “judges of the judicial bodies of Gagauzia shall be appointed by a decree of the President of the Republic Moldova on the recommendation of the People’s Assembly of Gagauzia, with the agreement of the Superior Council of Magistrates.”<sup>101</sup>

A method that removes the need that a candidate has previously served as a judge of the Supreme Court or High Court and involves the assent of the Legislative Assembly and Bar Councils is the best course of action for building an impartial and unbiased judiciary.

### **The 2009 and 2018 Reforms: Enduring Liminality**

The residents of Gilgit-Baltistan were promised by the Prime Minister of Pakistan in 2020 that the region will ultimately be sanctioned the status of the fifth province of Pakistan.<sup>102</sup> But in 2022, the Government of Pakistan brought and imposed new fiscal policy, which taxed more than a hundred goods in Gilgit-Baltistan and transferring the proceeds to the Federal Government. Constitutional status could not be changed and remained in liminality. Despite being refuted by residents, the Federation of Pakistan was alleged of only taking from the region, not changing the long-held constitutional ambiguity of the region. This is nothing new. Locals have long worried that Pakistan only accepts them Pakistanis when it is convenient. When the residents of the region ask for equal rights, they feel as though they are constantly being retold of their constitution status.

This much-awaited 2009 Order officially recognized the Northern Areas’ quasi-provincial status and administrative autonomy by renaming it Gilgit-Baltistan. It is said that in response to the constant desire of the locale of the region, the newly Democratic Government of Pakistan determined to change the political status of the region closer to complete internal autonomy, making it equivalent to Pakistan's provinces nevertheless not a province. It is plainly evident that Gilgit-Baltistan is not a constitutional part of the Federation of Pakistan. in accordance with Article

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<sup>100</sup> The Law on the Special Legal Status of Gagauzia. Part 21 (2).

<sup>101</sup> Ibid. ...

<sup>102</sup> Chaudhry, Fawad. *Gilgit-Baltistan to become Pakistan's Fifth Province* Geo Tv. 2020.

1 of the Constitution of Pakistan, which outlines geographic jurisdiction of the Country. In fact, this reform package, really improves upon and continuity of the 1994 Northern Areas Legal Framework Order and the 2009 Governance Order demonstrated.<sup>103</sup>

The 2009 Order has granted a Legislative Assembly to the region; however, it has minimal powers. The Order establishes the offices of Chief Minister, Ministers and also Governor in the region. In line with Azad Jammu and Kashmir Council, the Gilgit-Baltistan Council was formed with powers of endorsing budgetary policy and the Consolidated Fund were included, and the legislative powers of the Assembly were increased to a greater extent. According to Article 22 of the 2009 Order, the Gilgit-Baltistan Rules of Business, and Budgetary and Financial Management, further the specific responsibilities and procedures for managing the various government agencies in Gilgit-Baltistan were laid down. The Legislative Assembly of Gilgit-Baltistan will form its own procedural rules, whilst the Council and Assembly will do legislation on governance-related issues within their respective domains. Under the directive of the Prime Minister of Pakistan, the subjects of principal interest: management of natural resources and tourism were entrusted to the Council of Gilgit-Baltistan.<sup>104</sup>

Hong excellently exemplifies the liminality of the region by addressing basic concerns related with the ostensibly the 2009 Order. First, despite the pledges of the Federal Government that the democratic procedure would be followed after the Kashmir Dispute is settled, Gilgit-Baltistan still lacks constitutional representation in the Parliament of Pakistan. As a result, the liminal conditions have been retained. Second, as argued above, the 2009 Order corroborates liminality by not granting it access to jurisdiction of the Supreme Court of Pakistan. This reflection that “Some citizens lesser or less equal than others” bolsters feelings of inferiority complex among the people of the region.<sup>105</sup> Most notably, the Order does not confer provincial status on the region, just referring to it as a “province.” Therefore, this ambiguity of the law and the complicated phrasing of the Federal Order confirms enduring liminality of the region.<sup>106</sup>

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<sup>103</sup> Livia, Holden. "Law, governance, and Culture in Gilgit-Baltistan-Introduction." *South Asian History and Culture* 10, no.1 (2019):06.

<sup>104</sup> Ibid., 11.

<sup>105</sup> Ibid.,11.

<sup>106</sup> Hong, Caylee. "Liminality and Resistance in Gilgit-Baltistan Centre for International." *Ceneter for International Sustainable Development Law* (2012): 25.

The 2009 Order, according to Ehsan Mahmood Khan, is “a clear demonstration of the administrative association of Gilgit-Baltistan with the Federation of Pakistan, a part of Pakistan but not making the part of province.”<sup>107</sup> In reference to Article 258 of the Constitution of Pakistan, which provides the President of Pakistan with unrestricted authority over territories which do not have provincial status. This has highlighted the legal authority of the Government of Pakistan over the region.

Following massive demonstrations and demands for change, the Government of Pakistan passed another order, the 2018 Order of Gilgit-Baltistan which substituted the 2009 Order. The sole notable reform was the delegation of all powers formerly held by the Council to the Gilgit-Baltistan Assembly. This Order has been considered by the Federal representatives including the Prime Minister as an “achievement for Gilgit-Baltistan as a greater development has been made to guarantee the improvement of the people.”<sup>108</sup> However, Part IV Article 41 of the Order states, “The Government of Gilgit-Baltistan will be bound to the instructions of the Prime Minister of Pakistan,” a prime minister-centric article.<sup>109</sup> Expectedly, this Order again was ultimately rejected since it restored the status quo while disregarding recurring calls for the provincial status.

The 2018 Order gave the Gilgit-Baltistan Assembly legislative jurisdiction over areas of the mining, hydroelectric, and tourism, which were similar to its predecessor. Nobody was surprised when the Order encountered with significant resistance.<sup>110</sup> After the people of the region rejected it and urged that it be considered as a province. The Supreme Appellate Court of Gilgit-Baltistan followed suit and halted it.<sup>111</sup>

The Government of Pakistan challenged it at the Supreme Court of Pakistan. The Supreme Court again reopened the Kashmir Issue case and refused the constitutional status to Gilgit-Baltistan. The result was clear: Pakistan would govern the region without provincial status as long as it can. The continued its reference to the Al-Jehad Trust ruling and the 2009 Order. It shown up its complete sympathy with the people of the region, but finally determined that the Supreme

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<sup>107</sup> Mahmood, Ershad. "Status of AJK In Political Millieu ." *Policy Perspectives*, 3, no.2 (2006): 107.

<sup>108</sup> Desk, News. "Gilgit-Baltistan Order 2018: GB Governemmnt to enjoy Greater Powers: Prime Minister." *Business Recorder* (28 May 2018 ).

<sup>109</sup> Shah, Samina. "Gilgit-Baltistan Order 2018: A Copy-Paste Bureaucratic Endeavor ." *Pamir Times* 5 June 2018.

<sup>110</sup> "Protest held across GB against new order ." *Dawn Newspaper* 2018.

<sup>111</sup> "Appellate Court suspends GB Order 2018." *Dawn Newspaper* 2018.



Appellate Courts lacks the jurisdiction to review a presidential order thus has no jurisdiction in relation to deciding the provincial status.

The Supreme Court of Pakistan is the only authority to do so, which has no official authority over the region. Though, it assured the people of the region that they could appeal to the courts of Pakistan. This seems to be illusive. In order to offer the people of Gilgit-Baltistan with the right to “Self-governance,” the Pakistan’s Supreme Court also eliminated a fundamental component of “self-governance”: the right to choose how the region should be governed best.<sup>112</sup>

The region of Gilgit-Baltistan was just at arm’s length from being declared as province and then the new order was announced. The region has been miserably affected due to a perpetual sense disorientation and ambiguity, fostering an insatiable demand for a judgement that will never be given. A well-known anthropologist, Holden who has worked extensively on the region of Gilgit-Baltistan, uses Skakolczai’s research about liminality to the Gilgit-Baltistan conundrum, “a temporary situation which becomes, extended, lasting, all eventually but a permanent state.”<sup>113</sup> The procrastination and fumbling can no longer be hidden behind the pretext of a possible option of plebiscite. The continual orders which pretend to transfer powers, but they fail to accept the demand which is almost a century-long old, putting the region in the permanent constitutional limbo.

A state is essentially no longer in limbo if it remains thus. It is contended that the presence of persistent liminality does not come out of a loss of liminality, but rather explains the inherent ambiguity that the state induced in order to redraw the region's borders. If the area was not liminal, there would have not been assurances of a plebiscite and repeated nationalist movements there. Despite popular anticipation of people that Pakistan will attain solid ground, the administration continues to sustain the transitional period. Despite not travelling in the direction of a goal, the area is in motion. This thesis explores why and how liminality persists in Gilgit-Baltistan.

By inciting internal contention, hiding its control over “the devolved local government,” allowing extensive development of the environmentally complex area without paying for it, and

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<sup>112</sup> *The 2018 Gilgit-Baltistan Order* .

<sup>113</sup> Szakolczai, Arpad. "Living Permanent Liminality: The Recent Transition Experience in Ireland." *Irish Journal of Sociology* 22 (1) (2014): 35.

having promises of change in status after age-old plebiscite, the Pakistani government is to blame for establishing and maintaining the long-term liminality in Gilgit-Baltistan. The inability of the national government to uphold its promises to people serves as evidence of its changelessness. The federal government's hegemony has been maintained while local political groups have been strengthened through deceptive self-empowerment developments and orders. Pakistan's repudiation of Chinese call for Gilgit-Baltistan to be given province status holds the government's posture of for the future plebiscite.

### **Resistance Against the Liminality**

The people of the region did not remain silent in the face of another colonial setup and resisted with complete energy. As Martin Sokefeld traces beginning of the dissent to Mirza Hassan Khan, who was a prominent figure during the accession times. In 1956, he founded the Gilgit League, the first political party of the region. However, it was dissolved during General Ayoub's martial law in 1958. The young generation from the region began studying at the colleges and universities of Pakistan, eventually realizing the deceit of political autonomy in the region. Johar Ali Khan, a local politician, formed the Tanzim-e-Millat Party in 1971. The party demanded the removal princely state and the region must be given the status of province.<sup>114</sup> Nevertheless, sectarianism pervaded the region, fueling rivalry among the local political groups. In the opposition of Tanzim-e-Millat Party, Jamhuri Mahaz another party was formed. The Jamhuri Mahaz, which was dominated by Sunnis, backed accession of Gilgit-Baltistan to Azad Jammu and Kashmir in order to establish a state of Sunni majority.<sup>115</sup>

General Zia-ul-Haque restricted any kind of political participation and opposition throughout the country during his dictatorship. However, the political activism sprang back up once the Karakoram National Movement (KNM) was founded in the late 1980s. The Movement demanded for the recognition of the region with provincial status and also participation in the parliament of Pakistan. It was led by the students and political activists of the region. Following the KNM, the Balwaristan National Front (BNF) demanded for the complete autonomy from Pakistan by means of creating an independent state of Gilgit-Baltistan. This anti-Pakistan

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<sup>114</sup> " Caught in a New Great Game? Report of an HRCP Fact-Finding Mission to Gilgit-Baltistan ." 2014.

<sup>115</sup> Sökefeld, "Not part of Kashmir but the Kashmir Dispute," 67.

sentiment by the BNF was fostered and given support by India. However, the BNF was an anti-Pakistan element which demanded for the independence of Gilgit-Baltistan from Pakistan but it had brought the issue of the region to the Federal Government of Pakistan and its neglect.<sup>116</sup>

The Gilgit-Baltistan Faction of Pakistan Peoples Party has grown in popularity since the last three decades, not only because it is affiliated with one of main political parties of Pakistan, but also because it opposes the removal of the State Subject Rule (SSR). The political parties in Gilgit-Baltistan clearly function on paradoxical positions. The Awami Action Committee (AAC), which is an alliance political groups in Gilgit-Baltistan, has long advocated for some form of autonomy in of Gilgit-Baltistan. Following the proclamation of 2018 Order, the AAC was badly attacked by police during its protests against the 2018 Order and for protection of rights of people. When it protested, “the administrative structures of Azad Jammu and Kashmir and Gilgit-Baltistan have sheer differences.”<sup>117</sup> “Azad Jammu and Kashmir is run through a state set-up whereas Gilgit-Baltistan through presidential orders.”<sup>118</sup>

Despite the fact that General Zia-ul-Haque’s authoritarian dictatorship in Gilgit-Baltistan came to an end almost four decades ago. The Federal Government of Pakistan often restricts political opposition in the region. Following the landslides in January 2010 in the region, a resident of Gilgit-Baltistan and political activist Baba Jan organized people who were homeless and victims of the landslides to ask the Federal Government for compensation and reconstruction. When he and other protesters protested for the rights of unpaid families in 2011, the police opened fire, killing several innocent people. He including other 11 protesters were charged and convicted of organizing political riots and were sentenced to jail for 40 years under the Anti-Terrorism Act.<sup>119</sup>

He was released when several famous individuals from all over the world, including Noam Chomsky, signed petitions demanding his release. Baba Jan, though, spent over ten years behind bars. As a result, Caylee Hong draws attention to international initiatives to combat liminality in the region and the false guarantee of freedom of speech for “citizen of Pakistan.”<sup>120</sup> According to

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<sup>116</sup> Sökefeld, “Not part of Kashmir but the Kashmir Dispute,” 140.

<sup>117</sup> Shahid. "Gilgit-Baltistan: Pakistan's Geopolitical Loophole." *The Diplomat* 16 Fedraury 2019.

<sup>118</sup> Mir, Shabir. "G-B Order 2018 Triggers Protetst in Gilgit." 27 May, 2018.

<sup>119</sup> Mukhtar, Muzammil. "Baba Jan: An Ideology cannot be Imprisoned." *Daily Times Pakistan* 29 August 2016.

<sup>120</sup> Ibid.,

Hong, “international attention is seen as necessary to contest constitutional liminality.”<sup>121</sup> The diplomatic intervention of the European Parliament in Gilgit-Baltistan is a proof that global activity is necessary for their demands to be heard. The 2007 report on the lack democratic process in Gilgit-Baltistan by the European Parliament caused the introduction of the 2009 Order.<sup>122</sup> This report brought attention to the International Covenant on Civil and Political Rights, which declares that everyone has the fundamental right to self-determination, and harshly criticized Pakistan for its failure to provide the people of Gilgit-Baltistan with democratic representation.<sup>123</sup>

## **Chapter-6 Governance in Gilgit-Baltistan (2008-2021)**

### **Governance**

Gilgit-Baltistan's governance model is based on the Institutional Structure described in the 2018 Order for Gilgit-Baltistan. Clearly, the 2018 Order for Gilgit-Baltistan appears to be a hastily completed. The residents of Gilgit-Baltistan were promised by the Prime Minister of Pakistan in 2020 that the region will ultimately be sanctioned the status of the fifth province of Pakistan.<sup>124</sup> But in 2022, the Government of Pakistan brought and imposed new fiscal policy, which taxed more than a hundred goods in Gilgit-Baltistan and transferring the proceeds to the Federal Government. Constitutional status could not be changed and remained in liminality. Despite being refuted by residents, the Federation of Pakistan was alleged of only taking from the region, not changing the long-held constitutional ambiguity of the region. This is nothing new. Locals have long worried that Pakistan only accepts them Pakistanis when it is convenient. When the residents of the region ask for equal rights, they feel as though they are constantly being retold of their constitution status.

In terms of how legislation is put in practice, the Government of Gilgit-Baltistan already has enough network of infrastructure that might have been strengthened with help from the Federal Government. However, handling affairs related to the Gilgit-Baltistan from the Islamabad headquarters of the Gilgit-Baltistan Council turn out to be an oddity as well. Even though the

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<sup>121</sup> Hong. “Liminality and Resistance in Gilgit-Baltistan.” 19.

<sup>122</sup> Ibid., 19.

<sup>123</sup> Ibid., 19.

<sup>124</sup> Chaudhry, Fawad. *Gilgit-Baltistan to become Pakistan's Fifth Province* Geo Tv. 2020.

Gilgit-Baltistan Legislative Assembly (GBLA) is now a legislative body rather than a development forum, its members are still evaluating development initiatives for the benefit of their respective constituencies. To make the GBLA a successful legislative body, members must experience a paradigm shift from constituency building to policy-making.

In addition, amendments to the constitution are necessary in order to provide the Gilgit-Baltistan government complete autonomy. The New Governance Order ought to be titled the Interim Constitution, much as the basic law of the AJK. Instead of being issued by executive order, the Gilgit-Baltistan Assembly ought to have debated on, endorsed, and ratified that very constitution. Furthermore, the Gilgit-Baltistan Assembly ought to have the ability to change such constitutional clauses. In order to completely actualize the concepts of the Self-Governance and Empowerment, the Legislative list needs to be revised as well. This will give the Gilgit-Baltistan Assembly additional authority.

As a result of the continued repudiation of the constitutional and political rights under the pretense of the Kashmir Dispute, there is widespread distrust of the Federal Government of Pakistan and the way it treats the people of Gilgit-Baltistan. The participant in the Focus Group Discussions (FGDs) believe that their identity problem is not getting the attention it needs in the larger political discourse in Pakistan. They think that because of the Jammu and Kashmir Dispute they are being suffered from lack of fundamental rights and the dispute dominants their cause as well. Because of the democratic deficit in Pakistan, they feel insecure and alienated from decision-making and mainstream politics of the country. They believe that because they are unable to successfully project the Federal Government, Gilgit-Baltistan cannot profit financially from its natural resources due to its ambiguous constitutional status. They contend that the ambiguous identity, recognition and without autonomy, which could reinforce institutional and social integrity in a society, is impeding human development in the region as whole. Gilgit-Baltistan does not have that.

### **How young people view the existing set-up**

Despite their general disappointment with the current political set-up, the participants mainly applauded the 2009 Gilgit-Baltistan Order and the 2018 Gilgit-Baltistan Order. Nearly 82 percent of the young generation considered this order favorable, viewing it as a positive move

towards the empowerment of the region. Many were sure it might have assisted to develop a new culture that values accountability collectivism and ownership. According to the survey, approximately 70 percent of the youth feel the Order has provided them with their identity. Although I am aware, “the Gilgit-Baltistan Council Chairmen has complete control, at least this system has provided me with identity and prestige,” according to a student. Others think it has at least allowed them to pass legislation on a number of local issues. The Judicial reforms brought forth by the new system are also advantageous.

However, they have objected the way these reforms were brought. They believed there could have been consultations with local stakeholders before doing as well. “The Federal Government executed it unilaterally without even getting the consent of anybody, including the Legislative Assembly.” A political activist claimed that in order to bring everyone on board, the Order must have been deliberated first at appropriate platforms and that the absence of such an activity revealed a colonial continuity. He continued by saying that such unilateral measures only serve to increase alienation and mistrust rather than to create bridges of mutual trust and friendship. He thought that Gilgit-Baltistan had started to achieve some sort of internal autonomy as other provinces and due to the struggle, which had begun for the democratic governance.

Others who share this optimism think that the Orders should be considered as a new beginning for better governance and political developments and that it may usher in a new period of empowerment and self-rule. They think it may move towards the point Gilgit-Baltistan to be incorporated into the rest of Pakistan. “This must be considered as the beginning of the journey that should end in the provincial set-up, where we should be given equal rights representation in the Parliament Pakistan,” said a youngster.

### **The Lack of Democratic Process**

However, a lot of people are more worried about the democratic nature of the orders. They contend that the orders do not come up with democratic values. The youth, who see the Gilgit-Baltistan Council as an extra-constitutional entity, frequently criticize the functions and role of the body. Even while the Order purports to give the Legislative Assembly additional authority, it actually gives the Gilgit-Baltistan Council, which has no authority at all, jurisdiction over the most crucial subjects. The Council has a lot of administrative, constitutional and financial powers under

the orders. It has almost no checks and balances and covers more than 55 subjects. In addition to several crucial policy making areas of water storage, economic planning and development of industries and electric supply, including economically important subjects of forestry, mineral resources and tourism.

The lack of representation and the greater executive position of the Gilgit-Baltistan Council criticized by the participants. It is in fact controlled by the Federal Government: eight of the fifteen members are not elected by the residents of the region, and remaining seven are directly nominated by the Prime Minister of Pakistan. In his capacity as the Chairman of the Council, the Prime Minister of Pakistan is given a wide range of powers, including the “power to pardon, reprieve, respite and to remit, suspend any sentence passed by any court, tribunal or other authority.” The young generation believed that the Council has the upper hand over the Legislative Assembly and diminished its power for decision-making. The system has increased the bureaucratic role because the governor is a political appointment and also the chief secretary of the Ministry of Kashmir Affairs is a federal bureaucrat.

Furthermore, Pakistan has not been given political status or national representation at the Parliament level. For instance, the people of the region cannot elect senators and members of the National Assembly. One student claimed, “We do not have representation on the National Finance Commission (NFC) which is a rejection of our rights.” Though the orders states that Gilgit-Baltistan will have a Supreme Appellate Court, it also states that the decisions cannot be appealed to the high courts of Pakistan. With the consultation of the governor, the chairman the Council appoints the chief judge of the Supreme Appellate Court of Gilgit-Baltistan.

After communicating with the governor and the chief judge, the chairman will appoint other five judges. Similar to AJK, the governor of Gilgit-Baltistan appoints the auditor general after consulting with the Council. Despite falling well short of their objectives, the orders are nonetheless viewed by the young people of Gilgit-Baltistan as a modest step towards empowerment. They hold that there is need of building and developing systems that implement inclusive policies, ensure equitable representation and resource sharing require constructive partnership with the federal government.

### **How young people view the local politics and political engagement**

The majority of participants agreed that the ideals of representative democracy and effective governance are at odds with this administrative system. There is a prevailing belief that the current political leadership is inefficient to ensure effective governance. The performance of the elected representatives has disillusioned people of the region. “Our current Chief Minister is powerless since the current government is more concerned with rewards and privileges than with law,” according to a young student who complained about it. People, particularly the youth, think that the government is now unable to offer the people with basic needs and services.

The corrupt practices of the Government departments are a source of tremendous concern and dismay. The influence of bribery, favoritism, and nepotism has tainted the nature of political governance. According to the survey, over 75 percent of participants said the government lacked transparency and primarily served the interests of some ethnic and political groups in the region. When it comes to governance challenges, civil society is an ever-changing process that is less equipped to stand up to the government. They also agree that it is popular to blame the Federal Government for all issues, while disregarding the incompetence and failures of the local leadership.

People ponder how far the Legislative Assembly has advanced in resolving such challenges, despite the fact that the Council has total power over the most crucial administrative and constitutional affairs. They think that because of political incapacity, bureaucracy can now manage their issues. The majority of the political leadership in Gilgit-Baltistan, according to a person from Gilgit, has largely contributed to corruption and nothing else to development. Political parties lack the strong organizational structure. They are viewed as the puppets of political parties. Their decision-making system is ineffective. People think that political parties cannot advocate for or claim rights. A young student said during FGD, “We vote in favor of Khandans (clans) and families.”

According to the majority of people, independent local governance systems that provide effective accountability measures are urgently needed. The problem of dam subsidies is taken as an instance of the failure of local government. In addition to constructing dams, the Federal Government is pursuing the policy of divide and rule. Many people expressed their views on the mainstream electronic media, which gave 24-hour coverage of the recent local elections for



the first time. As a result, the cause of Gilgit-Baltistan has acquired national attention. During the most recent elections, federal political parties focused much more on the concerns of Gilgit-Baltistan. Nonetheless, some people were angry at the political parties for destroying the basic identity of people of Gilgit-Baltistan.

Another political change that young people considered was the influence of non-governmental organizations (NGOs). These NGOs and clergy in Gilgit-Baltistan have taken advantage of the ambiguity in the constitution in some way. Although the NGOs play a vital role in creating impartial social cohesiveness, they also contributed to the creation of the concept of apolitical or political impartiality, which has a detrimental influence on young engagement in Gilgit-Baltistan's political affairs. Despite the fact that the youth in Gilgit-Baltistan have faith in democratic norms and political process, the removal of the idea of political impartiality will diminish after some time.

The youth in Gilgit-Baltistan is passionate about politics, regardless of their difficulties. Despite its flaws, they admit that the new political process has offered chances for engagement. They are involved in a wide range of political activities. The FGD revealed that the youth has a limited understanding of what it means to be a political participant, and that their acts are not always seen as political. Politics is defined in a restricted and limited sense. They found it tedious and unrelated to their daily lives. Despite having a limited comprehension of politics, they wish to participate in the ongoing political process and be a part of the established political structures. During FGD a student from Baltistan explained, "There is a perceived lack of opportunity for young people to become involved in formal politics."

## **Education**

Education is the most effective and efficient way to promote socioeconomic and political development in a country. Nelson Mandela once quoted, "A good head and good heart are always a formidable combination." "But when you combine that with a literate tongue or pen, you have something truly exceptional." Education is one of the most important concerns facing the youth in Gilgit-Baltistan currently. The majority of the respondents from Gilgit-Baltistan compared their educational position to AJK while the FGDs, despite the fact that they are reluctant to do so.

According to a respondent, Gilgit-Baltistan does not, despite pledges, have a medical or engineering college. On the other side, AJK has two more universities, one engineering institution, and three medical colleges. “Our deserving youngsters cannot pursue engineering or medical degrees in Gilgit-Baltistan, and they encounter several difficulties when they travel beyond the region. Many of them are unable to pay for transportation, accommodation, and boarding, let alone study elsewhere,” according to him. Many students from the region stated during FGDs that they find it challenging to settle down in large cities: Islamabad, Lahore, or Rawalpindi for advanced education. Some participants also emphasized that due to lower educational standards of the region, students from the region seldom qualify for open merit admission procedure to the top academic institutions. They have a restricted admissions quota that is frequently filled by students who are already enrolled at the institutions.

The youth says that the government appears to place little emphasis on education. The allotted budget is rather little. Education receives just 629 million Pakistani rupee which is 3 percent of the entire budget out of 24.95 billion for 2022-2023.<sup>125</sup> According to one participant, the fact that the salaries and the non-developmental funds absorb the bulk of the budget which illustrates that there is lack of commitment to education by the government. The young students of the region assume that individuals who are unable to find work in any other department move towards and try to get job in in the education department. There is a prevalent notion that the teaching staff in the public schools lack proper training.

They cannot educate properly the region because they are not qualified teachers. According to them, their educational system does not prepare them for positions of leadership in society. They say it stifles political and economic progress in Gilgit-Baltistan. They recognize that it is not transforming the youth as good learners, thinkers and social beings. “Our educational system demands fundamental change: in the case we want to be with others, we must increase the quality of instruction, management, supervision.”

They also emphasized the importance of basic infrastructure in providing quality education, stating that without it, neither students nor instructors can function to their maximum capacity. They also noted a number of recent studies that found Gilgit-Baltistan pupils fared badly

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<sup>125</sup> Retrieved from [www.gilgitbaltistan.gov.pk](http://www.gilgitbaltistan.gov.pk)

on average, and that poverty is another reason parents do not send their children to public or private schools; instead, they send their children to free madrassas. At last, they reported a considerable brain drain from the region. College-educated young people either relocate to major cities like as Karachi, Lahore, or Islamabad for better prospects in the public and commercial sectors or travel overseas in quest of better prospects.

### **Economic Prospects**

The region is rich in natural resources. The Indus, which runs across the region, provides enormous hydroelectric potential for across Pakistan and the region as well. It provides several critical minerals to the nation and the world. Given the available economic resources, the youth in Gilgit-Baltistan is very optimistic. There is a strong belief that the region can become economically self-sufficient. This strongly engrained belief of self-reliance provides strength and optimism to the economically challenged young generation of the region. Communication, mineral resources, trade and transportation have all seen tremendous development and diversification in recent years. Communication between Gilgit-Baltistan and the rest of Pakistan has grown quickly in the last ten to twelve years. The hotel business has given fresh vitality and wealth to the region.

Yet, there are several impediments to the economic development. Its economic potential has been harmed due to a lack of investment and insufficient infrastructure. Energy, mining, tourism and other potential economic sectors have not experienced considerable development in any other region than in Gilgit-Baltistan. Initiatives taken to increase mining in the region face several constraints. Its close connectivity with KPK and War on Terror have badly stumbled economic transformation of the tourism sector in the region. Due to a lack of financial, human and technical resources, as well as the ambiguous constitutional status of the region, it is difficult to acquire investment for industrial growth. Furthermore, communities are unable to negotiate with other actors in areas of economic interest.

### **How young people view economic prospects**

The absence of local people from the development projects, notably which launched under the China-Pakistan Economic Corridor (CPEC), mining licenses, decision making process in the government has compounded the sense of economic and political estrangement among the people

in the region. According to the respondents, non-residents often dominated prominent jobs in both the business and public sectors, leaving natives with only menial or clerical employment.

The majority of respondents believed that the local people of the region had been technically excluded from or had not gotten their fair part of the region's development programs. They said that, despite being a hub for the CPEC projects, a single special economic zone has not been developed in the region. Likewise, despite supplying over 70 percent of Pakistan's electricity-generating water, the area was not linked to the national electric grid. Another instance of discrimination given by them was the Diamer-Basha Dam: According to one respondent, despite the fact that the reservoir of the dam was built in the region, the KPK government earns royalties only because, "the turbine was fixed there." They more stressed that the mining leases were often sanctioned to persons and companies which are located in other provinces of the country, thereby excluding local people of the region. One local respondent of the region wondered, "Currently 600 mineral leases have been granted and only some of these are granted to the local people of the region."

Despite believing that the region of Gilgit-Baltistan has the capacity to transform the economic state of the region and the whole country as well, the youth feels economically disadvantaged and politically disenfranchised. They consider their economic problems with the dispute of Jammu and Kashmir. They assume that the ambiguous constitutional status of the region has hindered their different governments from establishing viable economic policy and needs. As a result, there are limited economic opportunities and widespread poverty in the region. One result is a reliance on exceedingly harmful ways of livelihood. During the FGDs, they raised a worrying trend: the local population's reliance on ecologically hazardous practices. It is often indicated by deforestation and commercial use of wood, often without the authorization of appropriate authorities. A student from Diamer stated that the wood smuggling is increasingly prevalent and that the woods of the region are gradually vanishing.

In order to empower local communities, they stressed the importance of enlarging and diversifying the economic basis. They admit a small improvement brought about by the arrival of a few heavy and high-tech businesses to this primarily rural region. "There are resources, but lack of connectivity with the area, skilled human capital, and technology, complained one young

individual. Modern trends must be taken into account as our sector develops. The region lacks in value-added equipment such as stone cutting, grafting, polishing, and fruit processing equipment, as well as, most significantly, human resources.” If the government prioritizes forestry, tourism, and the smart use of other natural resources, a strong industrial base can be developed in the region which would bring economic prosperity in the region.

They feel that if the region is open to all and connected to the rest of the world, they will grow economically. But there is dissatisfaction with the abolition of SSR. Some believe that SSR was withdrawn from the region for purely monetary reasons, and that, as not in AJK, other people from the Federation may now get land and assets in Gilgit-Baltistan. Despite this, it is argued that the Federal Government is impeding the region's economic progress by prohibiting international firms from investing there. As per them the Government of Pakistan hinders international investment due to the Kashmir Dispute. For instance, despite the fact that it is unclear if this capability fits under their purview, the Legislative Assembly has forbidden gemstone mining and the export of valuable stones from the area. “It is not consistent with approach of the Government and its plan other parts of the region, as in Diamer, where the Government of Pakistan just laid the foundation Basha Dam which is a mega project,” one respondent discussed. It creates suspicious condition that from the dam project, Gilgit-Baltistan will not get any royalties for the generated revenues by this project because it lacks a proper constitutional status.

The people of the region strongly believe that the Federal Government must have to arrange away to pay royalties to the local people as failing to do so would suggest that Pakistan is more interested in catering to the needs of foreigners than those of the local people. One of the participants observed that they were powerless to push for legislation that protected their economic interests since they did not have political representation in Pakistan's mainstream politics. Despite their view that natural resource distribution and royalties should be fair and equal, they do not get royalty, unlike Khyber Pakhtunkhwa (KPK) Khyber and other provinces.

In the recent past, residents of the region have questioned the Khalsa Land Issue and asked the Federal Government to drop its colonial mindset. The phrase "Khalsa Land " refers to “unoccupied barren land,” which has been government property since the very Dogra rule. The demonstrators also alleged that some powerful groups had a hand in the Khalsa Land Issue

involving prominent people or its allocation by the courts. A committee has been proactively established by the Government of Gilgit-Baltistan to reconsider the prevailing approach regarding Khalsa Land. The locals also concern over the burdensome levies and taxes imposed by the Gilgit-Baltistan Revenue Authority Bill 2022. The new taxes for 135-items have been proposed in the Bill. The residents of Gilgit-Baltistan believe they area financially weak because agricultural land is inaccessible, and the weight of these taxes will also have an impact on their financial situation. As a result, the burden of the new taxes is typically opposed by the residents and is very much linked to the undefined constitutional status of the region.

In order to help the Government in the region in producing some revenue and funds, the Revenue Authority has just been established up. Whatever the case, the Government of Gilgit-Baltistan is required to instruct the people about this novel idea of income at local level. Another problem in the region is power blackouts, specially during the winter. The region has a 280 MW requirement and a 180 MW shortfall. Hydel power is the main source of electricity in the region. However, just the Indus river and its tributaries can produce up to 40,000 MW of electricity in the region. There is a variety of reasons for blackouts, including population blast in Gilgit and Skardu, a decrease in water advancement in winters, a hiccup, unique affiliations, non-payment of bills, and a lack of link with public bracing. People are required to use other means, for example, using wood, oil lamp, oil warmers, the LPG, and lanterns. During the winter, they stay indoors and preserve food; during the summer, they make use of locally made wood-ovens. Because of the freezing weather and electric blackouts, many people relocate to other cities like Rawalpindi, Islamabad, and Lahore.

The 1976 policy for wheat subsidy is another problem in the region. A supply of 1.6 million bags was subsidized the Federal Government to the region. Due to financial crisis at the Federal level, the part has now been reduced, and subsidy is not currently permitted. 160,000 metric tonnes of wheat are consumed in the region each year. As media sources state that the Economic Coordination Committee (ECC) has asked the Gilgit-Baltistan government to raise the transaction price for wheat up to 70 percent, following which the quota for wheat procurement would be raised.

Like that another one stated that there is no transparent process for disclosing the revenue earned from sector like tourism. Further the Federal Government amasses environmental expedition and trekking fees nevertheless does not publicly announce these profits or transfer any earnings to the areas where they are collected.

One more complained regarding that the Federal Government need to be transparent about the amount of money it receives from taxes on Chinese trucks passing through the region. This money is not being transferred to the local people. It is viewed as unfair due to the additional environmental harm brought on by the excessive traffic and the development of new infrastructure system for the cross-border traffic. A centralized control like this, in the opinion of PPP political leader, is a prime example of the federal government's colonial attitude. "The people of the region going through sharp economic discrimination comparatively with the people of other provinces as a result of no political representation at the National Assembly and other decision-making bodies," according to another respondent from Islamabad.

Such viewpoints reflect the prevalent displeasure that likely areas of income generation which are out of the jurisdiction the GB Assembly, and are under the authority of the Federal Government. It is in sharp contrast to the situation of other four provinces of Pakistan, where authority over sectors such as dams, gas, minerals, oil and tourism has been returned to the provinces as a consequence of the 18<sup>th</sup> Amendment to the Constitution of Pakistan, allowing them to reap the financial rewards. It appears that a large number of young people believe that Gilgit-Baltistan cannot be granted the same rights until the Kashmir Dispute is settled down.

Sectarianism

### **Sectarianism**

Gilgit-Baltistan is divided into three primary communities: the Islamailis, the Sunnis, and the Shias. Sunnis and Ismailis predominate in Diamer and Hunza, whereas Shias predominate in Skardu. During the late 1970s, when Shias and Sunnis began to separate, before the three religiously diverse populations coexisted harmoniously. Ismailis were also shunned due to their beliefs and religious thinking. In 1975, a Sunni mosque in Gilgit town was set on fire during a Shia led Muharram procession, sparking the first sectarian violence in Gilgit-Baltistan. When a Sunni clerk was arrested for encouraging others to violence, the rioting blowout to many other areas. The

following major fight erupted in 1988, sparked by a disagreement over sighting the Moon declare end of the month-long fasting of Ramadan and starting Eid festivities. After their religious clerks stated that they had seen the Moon, the Shia community broke their fast and began rejoicing, whereas the Sunni community continued to fasting.<sup>126</sup> The issue was serious since Muslims are not permitted to fast on Eid.

As a result of the sudden escalation in tensions, violent fights erupted in Gilgit, killing two individuals and injuring a number of others. Sectarianism has sadly increased throughout the region since then, usually bringing harm to innocent people. In 2014 the foreigners were killed which indicated that sectarian violence in the region had devolved into a general breakdown of law and order, and that foreigners' safety could no longer be assured.<sup>127</sup>

In accordance with discussion with the youth the situation has progressed to the point where individuals regard those who do not agree with them. They consider them as troublesome and view everything through the prism sectarianism. The fact that Shia and Sunni people reside separately in distinct cities and localities suggests that social integration and cohesiveness between them is still a long-term aim. They compared social structure of Gilgit-Baltistan to apartheid Africa to emphasize the gravity of the situation.

### **What concerns young people**

Youth have taken a very strong exception to this state of affairs, and fear that things may take an even more nasty turn if corrective steps are not taken immediately by the authorities. During FGDs held in both Gilgit and Skardu divisions, participants held a number of domestic and international factors responsible for this situation. Some say, for instance, that the unsettled status of Gilgit-Baltistan and the democratic deficit have resulted in a slew of economic, social, and political issues. Sectarianism is just one of those.

They argue that very limited space for political participation and activism exacerbates situation into spirals and confrontations, which inevitably lead to bloodshed. And in their opinion the region is now experiencing the phase. They thoroughly recognize that political issues are

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<sup>126</sup> "Sectarian Violence." Dawn Newspaper.

<sup>127</sup> "Killing of the foreigners." The Express Tribune.



vexing because of the lack or absence of democratic system in the region. As Brown explains that the ethnic violence is caused by a number of factors or circumstances, including disappointment with the existing system, economic struggle, or general weakness of state and also failures in consolidating power or exclusion from that power structure.<sup>128</sup>

But people, who were interviewed, gave another reason and strongly linked it with the state of Pakistan. Their argument is that the Karakorum Highway (KKH), which connects the region to “mainland” Pakistan, has brought bigotry and intolerance to the region, which has sadly become a characteristic of Pakistani society and specifically of the state over time. Because of its lack of safety mechanism, the highway has changed the demography of the region and bringing in illegal weapons, narcotics, and intolerant attitudes from there. State of Pakistan has in dubious way facilitated attacks, such as the one in 1988 when religious militias stormed Gilgit-Baltistan to exact vengeance on Shias for supposedly murdering Sunnis. As a result, around 400 Shias were slaughtered, and whole Shia villages were set on fire.

The demographic changes are causing tensions in the region. The respondents blame this sectarian element on the decision to dissolve the SSR, which made it feasible for outsiders to reside in the region. They mostly practiced Sunni Islam, which the locals perceived for an organized effort to change the demography of the region. Shias contend that the constant migration of Pathans and Punjabis who are ethnically Sunni has weakened their numerical dominance in Gilgit-Baltistan. Some even believe that their very survival is at peril and that, because the government has failed to provide them protection, they have every right to secure their faith, community, and way of life in any manner they can.

According to a lot of young people, the Sunni population in Gilgit-Baltistan feels economically and politically marginalized by the Shia-majority government. Sunnis claim that because the Shia still dominate the administration in Gilgit-Baltistan, they are considered as second-class citizens and are the victims of the sectarianism. Their claim is that the government, which now has additional authority and resources as a result of the 2009 and the 2018 Orders, has little or even no representation from them. Sunnis also has claim of being denied of critical

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<sup>128</sup> Brown, M. E and O. E. Jr Cote. *Nationalism and Ethnic Conflict*. (Cambridge : MIT Press, 1997): 311.

government and private sector posts and employment prospects, while Shia-dominated valleys receive the greater share of developmental funds.

Furthermore, the youth is mainly anxious about the security and safety of the Ismaili minority in the region. They claim that because the community is well-known for its impartiality and peaceful stance, as well as its exclusive concentration on educational, social, and economic development of the region. But several elements openly condemn them for being complicit with the West, becoming sole benefactor of funds and unobtrusively promoting interests of their community while the rest of the region is going violence. In response to that the Ismailis say they are completely misunderstood, and that, as proven by their track record, they strongly believe in the shared development of all communities in the region. Nevertheless, there are fears that radicals would target this community in response to even small incident. According to the understanding of respondents doing so would simply contribute to widen the chasm that currently exists in society.

## **Discussion**

University undergraduates and recent graduates belonging to Gilgit-Baltistan shared their viewpoint on the problem Gilgit-Baltistan's constitutional status by taking part in the sessions. Graduate and undergraduate students are thought of as the cornerstone of society and play a key role in determining the destiny of the society. The young generation from the region is pursuing educational activities in many cities of Pakistan. The only two universities in Gilgit-Baltistan have fewer students enrolled than universities outside the region. Concerns over the political association and constitutional status of the region among the students who are outside of the region grow. The participants discussed three areas of concern: the first, the main challenges to the determination and delay of the constitutional status of the region; the second, ambiguity and anxiety among the young people regarding the constitutional status issue; and the third, the desires and demands of young people with regard to the constitutional status.

Some decades ago, the people of the region, including all parties involved and the young generation, had just one goal in mind: constitutional affiliation with Pakistan. However, as time goes on, the young people in the region are voicing their reluctance and reservations regarding their affiliation with Pakistan in light of the circumstances at hand. The results confirm that Gilgit

Baltistan's young people consider the Kashmir dispute to be a major barrier to deciding the region's constitutional status.

Participants' replies show that the Kashmir conflict is the main barrier to deciding constitutional status of the region, with majority or almost 70 percent of respondents thinks that Gilgit-Baltistan is connected to the Kashmir dispute, which is similar to what Sering<sup>129</sup> and Flowerday<sup>130</sup> shared in their research. It is related to the conflict between India and Pakistan over Kashmir. The young people believe that the political statements made by leading Kashmiri leadership on the constitutional status of the Gilgit-Baltistan discourages the course. The young people think that the Kashmir conflict has link to the region because the region got independence from the state without the support of other parties. The opinions of the participants also suggested that the absence of political leaders is a factor impeding the resolution of the constitutional problem of the region.

Young people of the region have worries and anxiety as a result of the ambiguous status of the region, mainly young students. Many prospects for the region's young people constrained due to the constitutional ambiguity. The respondents reasoned that the region competes with other cities of the country with top ten positions due to the lack merit and accountability, which are contributing to the growing ambiguity regarding the education rate and location. The university graduates like to serve in the region after receiving their degrees, but when they return, they can only take advantage of private teaching job.

The Federal Government is in charge of announcing and creating positions and the local government is depends on the Federal Government. Because there is no analogous system in the region, the administration of tests and interviews for advertised posts is similarly reliant on the Federal Government's Public Service Commission and private testing services. As stated by

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<sup>129</sup> H., S. "Constitutional Impasse in Gilgit-Baltistan (Jammu and Kashmir)." : *The Fallout: Strategic Analysis*, 34(3) (2010): 356.

<sup>130</sup> J., Flowerday. "Identity matters: Hunza and the hidden textof Britian and China." *South Asian History and South Asian History and Culture*, 10(1) (2019): 49..

Dad,<sup>131</sup> Flowerday,<sup>132</sup> and Lambah,<sup>133</sup> the ambiguous status of the region is a crucial cause of anxieties and ambiguity.

According to the findings, the people of the region experience discrimination in every field as a result of the constitutional ambiguity. The major administrative positions in all governmental department of the region are filled by outsiders which leads to lower representation of local graduates or degree holders of the region. As Bodla notes in his research that it causes among the young people feelings of sub-nationalism.<sup>134</sup>

Moreover, the respondents are skeptical regarding the importance of the mega development projects of Diamer-Basha Dam and CPEC in resolving the constitutional status, particularly the latter because the region serves as the entrance point for it. This constitutional ambiguity of the region harms both the region and also CPEC. To maximize legitimacy of the project, they must be given constitutional recognition. As according to Asif and Ling's research, the respondents are very much critical of not being engaged in the decision-making of the CPEC.

The young people of the region want for provincial recognition and its complete autonomy since the existing legislative assembly of the region mostly carry out the decisions of the Federal government under this supposed provincial structure. The subjects of primary importance, which include budget allocation, external affairs, tourism and many other responsibilities, are directly under the jurisdiction of the Prime Minister, and even the secretary of Kashmir and Gilgit-Baltistan Affairs. Tourism, being the main source of revenue, all the policy and decision-making pertaining to tourism, including income, are under the control of the Federal Government. The young people in the region, particularly graduates, are constantly becoming more pessimistic and dissatisfied with constitutional and political future of the region. An equal share in Diamer-Basha Dam, CPEC and the NFC, as well as representation in both the Senate and the National Assembly including the provincial status, were among the demands made by the respondents while the FGDs.

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<sup>131</sup> Dad, A. A. " Boundaries and Identities: The Case of Gilgit-Baltistan." *The crossroads Asia Working Paper Series*, 34 (2016).

<sup>132</sup> Flowerday. "Identity matters: Hunza and the hidden textof Britian and China."

<sup>133</sup> Lambah, S. K. "The Tragic History of Gilgit-Baltistan since 1947 ." *Indian Foreign Affairs Journal*, 11(3) (2016).

<sup>134</sup> Bodla, S. " Making a nation in high mountains: Balawars and Balawaristan nationalism in Ghizer district of Gilgit Baltistan. 16.1." (2014): 125-139.

The current under practice in the region is like a province but not a province in true sense. On March 9, 2021 the Gilgit-Baltistan Legislative Assembly passed a bill overwhelmingly, represents the desire and demand of the people of the region that the constitutional ambiguity must be ended noted by Nagri.<sup>135</sup> They asked that Gilgit-Baltistan must be recognized as the fifth province of Pakistan in response to the 2019 removal of the articles 35A and 370 of the Indian Constitution.

## **Conclusion**

The people of Gilgit-Baltistan have been suffering since the beginning owing to the constitutional ambiguity. Because of the ambiguous constitutional status of the region, they are none: neither Kashmiri nor Pakistani citizens. This study figures out that historical factors, the Kashmir Dispute, lack of leadership in Gilgit-Baltistan, the undesirable attitude of Kashmir leadership, and the most important is that the non-serious and partial behavior of Islamabad and also its institutions are the primary obstacles in the process of determining and delaying the constitutional status of the region.

This ambiguity causes fears and anxiety among the people of Gilgit-Baltistan specially the young generation leading them to sub-nationalism and nothing else. The Anti-Terrorism Act (ATA) and the Exit Control List (ECL) have been enforced on a number of activist and nationalists which widens already growing misperception and trust deficit in the region. Inferred from the uncertainty of constitutional status, the feeling of sub-nationalism is growing yet the people looking forward to political resolution of the problem.

The study also shows that the people are unsure of how the development (Diamer-Basha Dam, CPEC) would affect the status of the region. The project CPEC also causes fear and uncertainty among the youth due to lack of local representation in the project. Though this project only includes a few projects for the region, it will badly change demography and destroy ecology of the region. Additionally, prejudice and challenges for its residents are brought on by the ambiguous status of the region. They feel being persecuted due to the condition. It also suggests that the people in the region are frustrated and dissatisfied with the current set-up and they demand

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<sup>135</sup> Nagri, Jamil. "Almost Pakistan: Gilgit-Baltistan in a Constitutional Limbo." *Dawn Newspaper* 19 January 2017.

for the Azad Kashmir like system with complete internal autonomy if not the provincial status. They demand full recognition in accordance with the 18<sup>th</sup> Amendment, provincial autonomy, equal representation the Parliament of Pakistan and just share in the NFC and CCI. Even the constitutional liminality is in contrast of defamation of the ruling given by the Supreme Court of Pakistan in 2019, and the ruling by the Gilgit-Baltistan Legislative Assembly.

### **Recommendations**

Now it is the right time to address the constitutional question of Gilgit-Baltistan, like India has done in the Indian occupied Kashmir. Despite the fact of what India did, but Pakistan refuses to solve and recognize constitutional status of the region. The constitutional future of the region seems to be pessimistic because the United Nations lack the resolve and capability to step in and solve the Kashmir Issue in such international political scenario as currently it is. As in accordance with the 2019 ruling given by the High Court of Pakistan, the status of Gilgit-Baltistan will not be decided until the Kashmir dispute is resolved.

The Government of Pakistan must legislate properly pertaining to Gilgit-Baltistan, and despite its relationship to the Kashmir conflict, the region needs to become the fifth province of Pakistan. Gilgit-Baltistan should be represented at both houses of the Parliament of Pakistan: The National Assembly and the Senate. The Legislative Assembly of Gilgit-Baltistan should be given the status of the Provincial Assembly of Gilgit-Baltistan as per other provinces. Direct or indirect election system should be introduced and the Federal Minister for the region be elected.

The Federal Government on the immediate basis must build engineering and medical colleges in the region, as per the standard set by Higher Education Commission of Pakistan (HEC). The provincial government of Gilgit-Baltistan should be entitled to royalties generated from the sectors: the CPEC, the Diamer-Basha Dam, the Indus River, the K2 mountain, the KKH and including other departments. Tourism should be promoted to the greater extent which can generate more jobs and revenue while it will reduce the element of sub-nationalism in the region.

## Bibliography

" Caught in a New Great Game? Report of an HRCP Fact-Finding Mission to Gilgit-Baltistan ." 2014.

Alok, Bansal. *Gilgit-Baltistan and its Saga of Unending Human Rights Violations* . Pentagon Press LLP, 2018.

Anderson, B. *Imagined Communities*. 3rd. Verso, 1995.

- "Appellate Court suspends GB Order 2018." *Dawn Newspaper* 2018.
- Bakshi, Colonel GD. "The Butchers of Baltistan: Dissent and Rebellion in Northern Areas of Pakistan." *Indian Defense Review* 14, no. 4 (1999).
- Bangash, Yaqoob Khan. "Gilgit-Baltistan--Part of Pakistan By Choice The Express Tribune,." *The Express Tribune* January 9 2016.
- . "Three Forgotten Accessions: Gilgit, Hunza, and Nagar." *The Journal of Imperial and Commonwealth History* 38, no. 1 (2010): 117-143.
- Bodla, S. " Making a nation in high mountains: Balawars and Balawaristan nationalism in Ghizer district of Gilgit Baltistan. 16.1." (2014): 125-139.
- Brown, M. E and O. E. Jr Cote. *Nationalism and Ethnic Conflict*. Cambridge : MIT Press, 1997.
- Brown, William. *Gilgit Rebellion: The Major who Mutinied over Partition of India*. United Kingdom : Pen and Sword, 2014.
- Chaudhry, Fawad. *Gilgit-Baltistan to become Pakistan's Fifth Province* Geo Tv. 2020.
- Christian Garmenn, Johnsen and Sorensen Bent Meire. "It's Capitalism on Coke!: From Temporary to Permanent Liminality in Organizational Studies." *Culture and Organization* 21, no. 4 (2015): 321-337.
- Correspondent, A. "'Lawyers Boycott Oath Taking Ceremony of GB Chief Judge'." 1 September 2015.
- Dad, A. A. " Boundaries and Identities: The Case of Gilgit-Baltistan." *The crossroads Asia Working Paper Series*, 34 (2016).
- Desk, News. "Gilgit-Baltistan Order 2018: GB Government to enjoy Greater Powers: Prime Minister." *Business Recorder* (28 May 2018 ).
- Dilshad, R. M. and M.I. Latif. "Focus Group Interview As a Tool for Qualitative Research: An Analysis." *Pakistan Journal of Social Science*, 33(1) (2013): 191-198.
- Flick, U. *An Introduction to Qualitative Research*. London: Sage Publication Limited, 2009.



- "G-B Chief Secretary Snubs Man Demanding Health Facilities, Video Goes Viral ." 11 June 2018.
- Gilgi-Baltistan's History of Political Exclusion*. 22 April 2016.
- H., S. "Constitutional Impasse in Gilgit-Baltistan (Jammu and Kashmir)." : *The Fallout: Strategic Analysis*, 34(3) (2010): 354-358.
- Haines, Chad. *Remapping Pakistan's Liminal Geo-Body along the Silk Route: In New Approaches to Pakistan*. Ed. Saeed Shafqat. Karachi: Oxford University Press, 2007.
- Hong, Caylee. "Liminality and Resistance in Gilgit-Baltistan Centre for International." *Center for International Sustainable Development Law* (2012).
- Hunzai, Izhar. "Conflict Dynamics in Gilgit-Baltistan." Special Report 321. 2013.
- Hussain, Altaf. "The Gilgit-Baltistan Reforms 2009." (2010).
- Hussain, Ijaz. *Kashmir Dispute: An International Law Perspective* . Islamabad: National Institute of Pakistan Studies, 1998.
- J., Flowerday. "Identity matters: Hunza and the hidden text of Britain and China." *South Asian History and South Asian History and Culture*, 10(1) (2019): 46-63.
- Joanne, Murphy and McDowell Sara. "Transitional Optics: Exploring Liminal Spaces After Conflict." *Urban Studies* 56, no. 12 (2019): 2499-2514.
- Khuldune, Shahid Kunwar. "Gilgit-Baltistan: Pakistan's Geopolitical Loophole." *The Diplomat* 16 February 2019.
- Kreutzmann, Hermann. "Boundaries and Spaces in Gilgit-Baltistan." *Contemporary South Asia* (2015): 1-16.
- Lambah, S. K. "The Tragic History of Gilgit-Baltistan since 1947 ." *Indian Foreign Affairs Journal*, 11(3) (2016).
- Leitner, G. W. *Dardistan in 1866, 1886 and 1893*. India: Asian Educational Services, 1996.
- Leitner, G. W. "On the Races and Languages of Dardistan." *The Journal of the Ethnological Society of London (1869-1870)* 2, no. 1 (1870): 31-35.

- Lila, Abu-Lughod. "Writing Against Culture." *Andamios* 9 (19) (2012): 129-157.
- Livia, Holden. "Law, governance, and Culture in Gilgit-Baltistan-Introduction." *South Asian History and Culture* 10, no.1 (2019): 1-13.
- M, Feyyaz. "Geopolitics, statehood, violence and space compression in Gilgit-Baltistan." *South Asian History and Culture*, 10 (2019): 28-45.
- Mahmood, Ershad. "Status of AJK In Political Millieu ." *Policy Perspectives*, 3, no.2 (2006): 105-123.
- Mir, Shabir. "G-B Order 2018 Triggers Protetst in Gilgit." 27 May, 2018.
- Mukhtar, Muzammil. "Baba Jan: An Ideology cannot be Imprisoned." *Daily Times Pakistan* 29 August 2016.
- Nagri, Jamil. "Almost Pakistan: Gilgit-Baltistan in a Constitutional Limbo." *Dawn Newspaper* 19 January 2017.
- Nagri, Jamil and Asad Malik. "'Judicial Crisis Erupts in GB after Lawyers, Judges Protest Action against Registrar' ." 19 July 2016.
- Nancy, Cook and David Butz. "Mobilty Justice in the Context of Disaster ." *Mobilities* 11 (3) (2016): 400-419.
- Nayak, J. K and P Singh. *Fundamentals of Research Methodology Problems and Prospects*. 1st . New Delhi, India: SSDN Publishers & Distribtutors, 2015.
- "Protest held across GB against new order ." *Dawn Newspaper* 2018.
- Shah, Samina. "Gilgit-Baltistan Order 2018: A Copy-Paste Bureaucratic Endeavor ." *Pamir Times* 5 June 2018.
- Snedden, Christopher. *The Untold Story of the People of Azad Kashmir*. London : Hurst, 2012.
- . *Understanding Kashmir and Kashmiris*. London : Hurst and Company , 2015.
- Sökefeld, Martin. *In Kashmir: History, Politics, and Representation*. Ed. Chitralekha Zutshi. New York: Cambridge University Press, 2017.

- Stefan L, Brandt. "The City as Liminal Space: Urban Visuality and Aesthetic Experience in Postmodern US in Literature and Cinema ." *American Studies* 52, no. 4 (2009): 553-581.
- Szakolczai, Arpad. "Living Permanent Liminality: The Recent Transition Experience in Ireland." *Irish Journal of Sociology* 22 (1) (2014): 28-50.
- The 2009 Gilgit-Baltistan Order.* Government of GB, n.d.  
<[www.gbchiefcourt.gov.pk/downloads/pdf](http://www.gbchiefcourt.gov.pk/downloads/pdf)>.
- The 2018 Gilgit-Baltistan Order .* Governemnt of Gilgit-Baltistan , 2018.
- The Constitution of the Islamic Republic of Pakistan.* Islamabad: National Assembly of Pakistan, 14 August, 1973.
- The First Sartaj Aziz Committee.* Islamabad: National Assembly of Pakistan, 2015.  
<<http://www.na.gov.pk>>.
- Treaty of Amritsar.* 16 March 1846.
- Turner, Victor W. *The Ritual Process: Structure and Anti-Structure Lewis Jenry Morgan Lectures 1966.* London : Routledge & Kegan Paul , 1969.
- "Update of the Situation of Human Rights in Indian-Administered Kashmir and Pakistan-Administered Kashmir from May 2018 to April 2019." 2019.