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GILGIT-BALTISTAN SPECIAL

INDIAN CONCERNS IN GILGIT-BALTISTAN

K. Warikoo

GILGIT-BALTISTAN'S STATEHOOD:
EXAMINING PROSPECTS AND IMPLICATIONS

Priyanka Singh

GILGIT BALTISTAN: GROWING CHINESE INROADS AND
TRANSFORMATIONS IN LEGAL IDENTITY

Prateek Joshi

INDIA-PAKISTAN CROSS-CULTURAL CONNECTIVITY:
THE *Baltis* OF LADAKH & BALTISTAN

Zainab Akhter

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Editor : K. WARIKOO

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Editor's Page

With its borders touching China and Afghanistan and being in close proximity to Tajikistan, the Gilgit-Baltistan (GB) region of erstwhile Jammu and Kashmir State enjoys a unique strategic location. It is situated at the trijunction of the Hindu Kush, Karakoram and Pamir mountains, where the frontiers of India, China, Pakistan, Afghanistan and Central Asia meet. The very fact that boundaries of China, Pakistan, India, Afghanistan and Tajikistan converge at Gilgit - Baltistan, lends a unique geostrategic importance to this region. It is through this area that the Karakoram Highway and the China-Pakistan Economic Corridor (CPEC) pass, providing Pakistan direct land access to Central Asia. As such this frontier region is highly important for the security and defence of north and north western frontiers of India.

This region is the cradle from where ancient Indian culture including Buddhism spread to different directions in Central Asia, East Asia and South East Asia. Gilgit, Hunza, Chitral, Skardu, Leh and other frontier areas have been important mileposts on the famous Silk Route. The region displays a diversity of cultural patterns, languages, ethnic identities and religious practices. The entire region has been a melting pot of different cultures and faiths – Zoroastrianism, Buddhism and Islam. That this frontier area has been part of the Indian political and cultural system in ancient times, is corroborated by historical evidence. Thousands of rock carvings, inscriptions, petroglyphs etc. spanning the Karakoram-Himalayas provide clinching evidence of the prevalence of Hindu and Buddhist faith and rule since ancient times.

Skardu, Gilgit, Hunza, Nagar, Chilas, Astor, Gupis, Kuh-Ghizar, Punial, Ishkoman, Yasin, Darel, Tangir etc. were part of the territories of Jammu and Kashmir State till 1947. Whereas after 1947, Ladakh including Kargil has been a province of Indian state of Jammu and Kashmir, a sizeable portion of Ladakh territory covering an area of 73,000 sq. kms. in Gilgit-Baltistan, Raskam, Shimshal and Muztagh valley have been under the occupation of Pakistan and China after 1947-48. Even though the British took over Gilgit Agency from the Maharaja of Kashmir in March

1935 on lease, it was clearly stipulated that “the territory falls within the boundaries of Maharaja’s domain and he continues to exercise sovereign rights over the area”. And when the British left the sub-continent in August 1947, the area reverted back to Maharaja’s control. However, Major Brown, the British Commander of the Gilgit Scouts staged a coup against Brigadier Ghansara Singh, the Kashmir Durbar’s Wazir-e-Wazarat at Gilgit, and handed over the area to Pakistan in November 1947.

Gilgit-Baltistan has ten districts – Ghizer, Gilgit, Hunza, Nagar (in Gilgit Division), Ghanche, Skardu, Shigar and Kharmang (in Baltistan Division) and Astor and Diamer (in Diamer Division), with a total population of about 2 million. Whereas the entire population of Hunza, Punial, Yasin, Ishkoman and Gupis are Ismailis (followers of Agha Khan), the people of Nagar and Baltistan (Skardu, Ghanche) are Shia Muslims. Gilgit has 60% Shias and 40% Sunnis (mainly Punjabi and Pakhtoon settlers from Pakistan). Chilas, Astore and Darel/Tangir have Sunni Muslim majority. Over the years, the demographic profile of the region has been changed due to settlement of Sunni Muslims from Punjab, NWFP and also from Afghanistan. The 80 per cent Shia majority of the area (as in 1947) has thus been whittled down to about 50 per cent. The influx of Punjabis and Pathans has not only been causing pressure on local resources and employment opportunities, but has also created sectarian tension between the Shias and Sunnis.

Whereas Kashmir has been the focus of national and international attention during the past seven decades or so, Gilgit-Baltistan region has eluded attention. This is mainly because this frontier area has been put under iron curtain by the successive Pakistani governments. After Pakistan assumed full control over Gilgit and Baltistan region in 1947-48, and redesignated it as “Northern Areas”, this region has not been represented in the federal statutory bodies. Ever since, Pakistan’s Federal Ministry of Kashmir Affairs has been directly administering the region. Even though the 1949 Karachi agreement became defunct after the promulgation of the 1974 Interim Constitution by Z.A. Bhutto, Pakistan did not let ‘Northern Areas’ to be part of ‘Azad Kashmir’. And when in July 1977, General Zia-ul-Haque promulgated martial law in Pakistan, he declared ‘Northern Areas’ as Martial Law Zone E. In early 1982, late General Zia-ul-Haque, the then President of Pakistan publicly announced that this area was never a part of Jammu and Kashmir State before 1947, evoking protests in Jammu and Kashmir on both sides of the LoC.

Ambivalence in Pakistan’s Kashmir policy is best reflected in its

political and constitutional relationship with Pak-occupied Kashmir and Gilgit-Baltistan (GB). While insisting that Jammu and Kashmir is disputed territory, Gilgit-Baltistan has been annexed and colonised by Pakistan. Though the Gilgit-Baltistan Empowerment and Self Governance Order of 2009 gave the region its first Legislative Assembly, Pakistan's Prime Minister continues to exercise control over the Gilgit Baltistan Council. Now moves are afoot to accord provisional provincial status to GB. It remains to be seen if GB is fully integrated as a province of Pakistan, jeopardizing Pakistan's stand over the disputed character of Jammu and Kashmir.

The parliament of India in its unanimous resolution of 22 February 1994 laid the policy framework in terms of retrieving its lost territory of Jammu and Kashmir in Pak-occupied Kashmir and Gilgit-Baltistan and also the Chinese occupied Aksai Chin . On 5 August 2019, Indian parliament passed the Jammu and Kashmir Reorganisation Bill, 2019 creating two separate Union Territories of Ladakh and Jammu and Kashmir. That the Pak-occupied territory of Gilgit-Baltistan has been included in the Union Territory of Ladakh, is a recognition of the historical reality and a course correction in Indian policy. It reflects the Indian resolve to retrieve its lost territory, which is important in historical-cultural and security terms.

K.Warikoo

INDIAN CONCERNS IN GILGIT-BALTISTAN

K. WARIKOO

Pakistan occupied territory of Gilgit Baltistan includes highly strategic area of Gilgit, Hunza, Nagar, Chilas, Astor, Darel/Tangir, Gupis, Ghizar, Punial, Ishkoman, Yasin and Baltistan (Skardu, Shigar, Kharmang and Ghanche), all situated at the trijunction of the Hindu Kush, Karakoram and Pamir mountains, where the frontiers of India, China, Pakistan, Afghanistan and Central Asia meet. The very fact that boundaries of China, Pakistan, India, Afghanistan and Tajikistan converge at Gilgit - Baltistan, lends a unique geostrategic importance to this region. It is through this area that the Karakoram Highway and the China-Pakistan Economic Corridor (CPEC) pass, providing Pakistan direct land access to Central Asia. It has been an important constituent of India's trans-Himalayan communication network in the continent and beyond. As such this frontier region is highly important for the security and defence of north and north western frontiers of India.

This region is the cradle from where ancient Indian culture including Buddhism spread to different directions in Central Asia, East Asia and South East Asia. Gilgit, Hunza, Chitral, Skardu, Kargil, Leh and other frontier areas have been important mileposts on the famous Silk Route. The region displays a diversity of cultural patterns, languages, ethnic identities and religious practices. The entire region has been a melting pot of different cultures and faiths – Zoroastrianism, Buddhism and Islam.

The region is referred as *Daraddesa* (corresponding to present Gilgit and adjoining areas) and *Polulo* (corresponding to present Baltistan area) in several ancient sources. The entire region is also referred to as Bolor, Baloristan or Balawaristan. Whereas Gilgit was under the reign of *Palola* or *Patola* Shahis who practiced Buddhism during 6th to 8th centuries, Baltistan remained Buddhist upto 15th century. That this frontier area has

been part of the Indian political and cultural system in ancient times, is corroborated by historical evidence. Thousands of rock carvings, inscriptions, petroglyphs etc. spanning the Karakoram-Himalayas provide clinching evidence of the prevalence of Hindu and Buddhist faith and rule since ancient times. Fourteen rock edicts of the Mauryan emperor Ashoka dating to mid-3rd century B.C. in Kharoshthi script and detailing both the moral teachings and administrative orders inscribed on huge boulders, have been found along the Karakoram Highway.¹ Ashoka is referred here by his titles of *Devana Priya Priyadasi Raja* (The King, beloved of gods, of noble appearance).² A number of inscriptions in Brahmi, Kharoshthi and Hindu temples with engravings of *Swastika*, *Trishula* (trident) and Buddhist figures found at Shatial, Thor, Hodur and Chilas point to the existence of Hindu faith and rule in the region in ancient times.³ A Kharoshthi inscription near Chilas mentions *Uvimadasakesa* (a name referring to the second emperor Vima Kadphises).⁴ Kharoshthi inscriptions belonging to Kushana period are concentrated at Alam Bridge, 25 miles west of Gilgit.⁵ The Sacred Rock at Hunza also has Kushana inscriptions and carvings.⁶

It is thus established that Dardistan was a constituent unit of Kanishka's empire. Kalhana's *Rajatarangini* refers to the military exploits of King Lalitaditya of Kashmir (6-7th century) in Gilgit region. Similarly, Gilgit-Baltistan formed a part of medieval Kashmir Sultanate of Shahbuddin and Zain-ul-Abidin. Whenever the local chiefs asserted their independence, they continued to be influenced by Indian culture and way of life. Even in modern times, they have been known by their titles like *Raja* and *Mehtar*, which is the corrupt form of Sanskrit title *Mehattar*. Life-size images of Buddha carved out of rock, abundance of Buddhist inscriptions throughout this region, discovery of famous Gilgit MSS there (in early 1930s) etc. are living testimony of the Indian cultural influence in this frontier area. Even as late as in nineteenth century, Muslims of Gilgit were found to be lax in their practicing of Islam. Major J. Biddulph, who joined as the Political Officer in Gilgit in 1877 is emphatic that "Buddhism was no doubt the religion of the country at the time of Shin invasion. There seem good grounds for supposing that the religion of the Shins was of the Brahminical type."⁷ According to him, "till a very recent period burning the dead was practiced. The ashes were carefully collected and buried in rude wooden boxes, sometime carved out of a solid block, or in round earthen jars. The bones are neatly packed in the boxes, which have previously been lined with birch bark."⁸ However, Biddulph found that

“the burning of the dead ceased to be practiced more than sixty years ago”⁹ (i.e., around 1810 AD). Biddulph ascribes the “names of many of the rulers and of a number of places, not only in the Indus and Gilgit valleys, but also in the Chitral Valley,” to a Brahminical origin.¹⁰ It was actually the Sikh Commander, Nathu Shah who was Muslim by religion and Syed by caste and was functioning as Kashmir’s Governor at Gilgit for several years, who made his subjects follow Islam more strictly. According to Frederic Drew, who for several years was the British Joint Commissioner in Ladakh, the people of Astor used to cremate their dead which practice was changed to that of burial after the arrival of Nathu Shah in 1842 AD.¹¹ Yet, they continued to light some fire near the grave.¹²

In ancient times Baltistan was under the sway of Kushans who introduced Buddhism here. However, in 7th century AD, Tibetans expanded their authority to this region, only to be expelled in early 8th century by Lalitaditya Muktapida of Kashmir. The presence of Buddhist inscriptions and rock carvings in Baltistan and the survival of Tibetan/Buddhist names, dialect and script to this day points to the prevalence of Buddhism and the existence of active socio-economic contacts between Baltistan and Ladakh. In 13th century, a Muslim adventurer Ibrahim Shah is reported to have come to Baltistan, married a local princess, assumed power and founded the Makpon dynasty.¹³ A Muslim missionary Mir Shamsuddin Iraqi who came to Baltistan in 15th century, spread Islam and established Nurbakhshiya order here. Quite a large number of people in Baltistan continue to follow the Nurbakhshiya sect of Islam. Ali Sher Khan who ruled Baltistan from 1595 to 1633 AD, established matrimonial and friendly relations with the Mughal rulers.¹⁴ However, following Ali Sher’s death, the internecine feuds among his sons and successors led the Mughal rulers Shah Jahan and Aurangzeb to extend their authority over Baltistan.¹⁵ However, during the decline of Mughals, the Balti chiefs regained their authority, which lapsed again when the Afghan Governor of Kashmir Haji Karim Dad Khan sent a large force to Skardu in 1779 AD and brought Baltistan under Kashmir’s control.¹⁶ Whereas the Afghans were defeated in Kashmir by the Sikhs in 1819 AD, Baltistan witnessed internecine feuds amongst its chiefs. Ahmad Shah, the powerful chief of Skardu sought assistance of the Sikh rulers of Kashmir (1832-1834 AD) in his fight against the chief of Khaplu.¹⁷ The internal feuds among the local chiefs facilitated the Dogra general Zorawar Singh’s military campaign in the region which brought Baltistan under the control of Sikh/Dogra rulers of Kashmir. Zorawar Singh established a military post at Skardu in

a newly built fort and appointed a *Thanedar* (Commander) to supervise the garrison.

Before Gulab Singh became the Maharaja of Jammu and Kashmir under the treaty of Amritsar (1846), he as the Raja of Jammu under the Sikhs had conquered the whole of Ladakh including Skardu (Baltistan), thanks to his trusted and dynamic military commander Zorawar Singh and Diwan Hari Chand. Maharaja Ranjit Singh - the Sikh potentate, who had long coveted Ladakh (due to its being transit route for shawl wool and a big revenue earner) recognized Gulab Singh's conquest of this frontier region. The area was thus brought under the full administrative control of Jammu and Kashmir State. When the treaty of Amritsar was signed in 1846, the British not only recognized Gulab Singh as the Ruler of Jammu and Kashmir but also of Ladakh and Baltistan. In 1899, Baltistan, Ladakh and Gilgit were merged into one 'frontier district' and placed under *Wazir-i-Wazarat*.¹⁸ Two years later in 1901, separate district of Ladakh was established which incorporated Skardu, Kargil and Ladakh tehsils.¹⁹ The areas of Gultari and from Pari to Kharol were included in Kargil tehsil.²⁰ Now onwards Skardu became the winter headquarters of the Ladakh district. Amar Nath Pragal of Jammu was the last Wazir of Skardu, before he was brutally killed by Pakistan raiders when they occupied Skardu in August 1948.

The historical evidence and contemporary records, as discussed above show that Skardu, Gilgit, Hunza, Nagar, Chilas, Astor, Gupis, Kuh-Ghizar, Punial, Ishkoman, Yasin, Darel, Tangir etc. were part of the territories of Jammu and Kashmir State till 1947. Whereas Kashmir government exercised direct authority over Gilgit, Bunji and Astor which were part of Gilgit Wazarat till 1947, Skardu, Rondu, Shigar, Tolti, Khaplu etc. were part of a Tehsil in the Ladakh district. However, the chiefships of Hunza, Nagar and Governorships of Punial, Yasin, Chilas, Kuh-Ghizar, Ishkoman and the tribal territories of Darel, Tangir, Thor, Kandia, Jalkot, Shatian, Harban etc. were feudatories of the Kashmir Durbar, which received tribute from them but were allowed internal autonomy in their local administration.

When the British left the sub-continent in August 1947, the area of Gilgit Agency reverted back to Maharaja's control. Maharaja Hari Singh appointed Brigadier Ghansara Singh as new *Wazir-i-Wazarat* (Governor) of Gilgit, who assumed charge on 31 July 1947. On 1 August 1947 illumination was done in the entire J&K State to celebrate resumption of civil and military administration of Gilgit. However, Major Brown, the

British Commander of Gilgit Scouts organised and led a revolt of Gilgit Scouts and arrested Brigadier Ghansara Singh, the Kashmir Durbar's *Wazir-e-Wazarat* at Gilgit. On 4 November 1947, Brown hoisted the Pakistani flag at Gilgit and handed over the area to Pakistan, which appointed its Political Agent.

Covering an area of about 28,000 sq. miles (about 73,000 sq. kms) Gilgit-Baltistan has fourteen districts – Ghizer, Gilgit, Hunza, Nagar, Gupis-Yasin (in Gilgit Division), Ghanche⁷¹⁻⁷⁹, Skardu, Shigar, Kharmang and Roundu (in Baltistan Division) and Astor, Diamer, Darel and Tangir (in Diamer Division), with a total population of about 2 million. Whereas the entire population of Hunza, Punial, Yasin, Ishkoman and Gupis are Ismailis (followers of Agha Khan), the people of Nagar and Baltistan (Skardu, Ghanche) are Shia Muslims. Gilgit has 60% Shias and 40% Sunnis (mainly Punjabi and Pakhtoon settlers from Pakistan). Chilas, Astore and Darel/Tangir have Sunni Muslim majority. Pakistan secured direct administrative control of Gilgit-Baltistan by virtue of Karachi agreement with Presidents of “Azad Kashmir” and Muslim Conference on 28 April 1949 by detaching this area from Pak-occupied Kashmir and terming it as “Northern Areas”. Ever since this region has been directly governed by Ministry of Kashmir and Northern Affairs (KANA) from Islamabad. Obviously this arrangement has come in handy for Pakistan in its military colonisation of the area and in its dealings with China including the ceding of about 2,100 sq. miles²¹ territory in Skaksgam and Muztagh valleys of Gilgit-Baltistan. On the other hand “Azad Jammu and Kashmir” (AJK) has had a modicum of democratically elected governments and assembly. AJK has an area of 5,134 sq. miles (13,297 sq. kms) and a population of about 4 million. For administrative purposes it has been divided into 10 districts- Muzaffarabad, Hattian Bala, Neelum Valley, Mirpur, Bhimber, Kotli, Poonch, Bagh, Haveli and Sudhnoti. The people of AJK who are Sunni Muslims speaking Punjabi, Pothowari, Mirpuri, Pahari/Gojri languages, have very little in common with those of Gigit-Baltistan region. Pakistan, besides maintaining regular army detachments and Northern Light Infantry (NLI) formation, has been operating scores of training camps for terrorist groups like *Lashkar-e-Toiba*, *Harkat-ul-Mujahideen*, *Jaish-e-Mohammad*, *Hizbul Mujahideen*, *Al Badar*, *Harkat-ul-Ansar* etc. at Marol, Baghicha, Dou, Dhappa, Skardu, Daral, Aztor, Bunji, Damiyor, Gilgit (in Gilgit-Baltistan) and at Muzaffarabad, Bagh, Kotli, New Mirpur, Tain, Kahuta, Rawalkot, Manshera, Palandri, Bhimber (in AJK) for carrying out proxy war against India.²² China has been consistently providing

diplomatic, military, logistics, physical and financial support to Pakistan to enable it consolidate its grip over the strategic frontier area of Gilgit-Baltistan.

SHADOW OF 'GREAT GAME'

During the period of 'Great Game', the importance of Hindu Kush-Karakoram - Pamirs region had become clear to the British as it was the meeting point of the Kashmir frontiers in Gilgit, Hunza and Chitral, the Afghan provinces of Badakhshan and Wakhan, the Russian territory of Kokand and the Sarikol area of Chinese Turkestan.²³ The British strategy was to create a barrier between Russian and British empires right on the Pamirs, simultaneously extending their effective control over the frontier areas in Gilgit, Hunza, Chitral and Yasin through the Maharaja of Kashmir. The British used Ladakh and adjoining areas in Gilgit, Skardo, Hunza and Chitral as 'frontier listening posts' to monitor the developments in Central Asia and Xinjiang throughout the Dogra period. With these strategic considerations, the British encouraged the Maharaja of Kashmir to bring the warlike and unruly Dardic tribal chiefs inhabiting the obscure mountainous valleys of the Hindu Kush and Karakoram under his effective control.²⁴ The Maharaja was given the freedom to choose any means from conciliation to military expeditions or both and was provided with the necessary arms and ammunition too. The idea behind several military expeditions carried out jointly by the Kashmir forces and the British officers against Hunza, Nagar, Chitral and Yasin was to put the defence of north and northwestern frontiers on a firm footing.²⁵ Once these unruly tribes were coerced into subjugation to Kashmir, a strong military garrison was established at Gilgit, thus making it the nucleus of the whole defence arrangements.²⁶ The importance of Gilgit as a convenient base for extending the British influence upto the territories lying south of the Hindu Kush had now been fully realized. To quote Alder, it was a "natural choice" being situated at the "hub of routes leading off to all parts of Dardistan."²⁷ According to E.F. Knight, the celebrated author of *Where Three Empires Meet*, "the value of Gilgit to the Kashmir State, commanding as it does the Indus Valley and the mouth of the Hunza river, and so holding in check the unruly tribes in either side. Gilgit, the northernmost outpost of the Indian Empire covers all the passes over the Hindoo Koosh, from the easternmost one – the Shimshal, to those at the head of the Yasin river. Possession of the Gilgit valley affords a direct communication through

Kashmir territory to the protected state of Chitral.”²⁸

By 1876, the British Indian government was convinced about the necessity of extending Kashmir’s control over Chitral and Yasin right up to the south of Ishkoman and Baroghil passes. The incorporation of Kokand by Russia, which pushed the Russian frontier beyond Osh, only catalysed the British forward policy in this region. It is against this background that Lord Lytton enunciated the future course of action to be taken in this frontier belt, which he finally conveyed to Maharaja Ranbir Singh personally at Madhopore on 17 and 18 November 1876.²⁹ Lytton impressed upon the Kashmir ruler the need to strengthen Indian frontiers by assuming control over the territory that lay between the Hindu Kush and Kashmir frontier, in order to secure command of such passes as were thought to be practicable for the passage of Russian forces.³⁰ To the British, it was now of vital importance that the states like Chitral and Yasin “should come under the control of a friend and ally” like Maharaja of Kashmir, “rather than be absorbed by powers inimical to Kashmir.”³¹ But while encouraging Ranbir Singh to obtain “an effective but peaceful control over the countries lying between those passes and Kashmir frontier namely Chitral, Mastuj, Yasin and their dependencies”,³² the British secured the right to station an Agent at Gilgit “to collect information regarding the frontier and the progress of events beyond it”.³³ The Kashmir ruler, however, relented to this measure only after obtaining written assurance from Lytton that the Gilgit Agent would in no case interfere in his internal administration. The Maharaja also volunteered to connect Gilgit, Srinagar and Jammu with the British Indian telegraph system. Maharaja Ranbir Singh stuck to his stand that the frontier territories in Ladakh, Baltistan, Gilgit, Yasin, Puniyal, Hunza and Nagar formed a part of Gulab Singh’s territory even before the Amritsar treaty was signed in 1846. After having obtained Kashmir’s concurrence, the formal announcement for the appointment of Captain J. Biddulph as Officer on Special Duty in Gilgit was made on 22 September 1877. He was assigned the task of collecting information about the topography and resources of the territory beyond the Kashmir frontier and also to extend British influence among the tribal people by cultivating friendship with them.³⁴ Though Biddulph succeeded in keeping track of the Russian movements in Badakhshan, Afghan Turkestan and Kokand, he could not win the support of Kashmir Durbar officials posted in Gilgit. Obviously Kashmir Durbar disparaged the foisting of a British Agent on its territorial jurisdiction. The assault by Hunza and Yasin on Gakuch and Sher Kila on 28 October 1880 proved to be the

proverbial last straw for the Gilgit Agent. And finally it was decided in July 1881 to withdraw the Gilgit Agent, only to be re-established in 1888.

The British Indian government developed Gilgit as the defensive nucleus of Dardistan and establish there a garrison of locally raised troops under a British commandant carrying out both the political and civil functions.³⁵ The Secretary in the Foreign Department (GOI) H.M. Durand recommended the re-establishment of the Gilgit Agency with a garrison of Kashmir troops and local levies, Durand wanted the British Indian government to adopt a more active policy towards this northern frontier so that in the event of any difficulties with Russia, Kashmir would not be "more or less shaky and inclined to hedge."³⁶ It was in October 1887 that more clear directives reached the Resident in Kashmir regarding the revised policy of the Indian government about the frontier defence. He was informed:

Time has come for establishing on the north-west frontier of Kashmir an effective political control, which will enable us to watch the passes of the Hindu Kush and the country beyond, and a military organization sufficient both to control the Chiefships over the border and also to check, in the event of war with Russia, any demonstration towards the passes not backed by a respectable force.³⁷

The need to strengthen Kashmir's hold over its frontier tributaries assumed urgency in view of a joint attack by Hunza and Nagar on Kashmir posts at Chaprot and Chalt in early 1888, and also due to the Chinese links with Hunza. It was against this backdrop that Dufferin decided to depute Capt. A.G.A. Durand (younger brother of the Foreign Department Secretary, H.M. Durand) on a mission to Gilgit. He was required to "report on the military position at Gilgit with reference to the recent tribal disturbances and to future possible complications with Russia, and to work out a scheme for rendering Gilgit secure without the aid of British troops and for dominating from Gilgit, through the Kashmir forces, the country upto the Hindu Kush; thus rendering Kashmir territory thoroughly secure against attack...."³⁸ On his return in late 1888, Capt. Durand proposed the re-establishment of a political agency at Gilgit and stationing of about 2,000 Kashmir troops there to function under four British officers.³⁹ He also recommended the improvement of Kashmir-Gilgit-Chitral road and the early completion of telegraph line to Gilgit.⁴⁰ The local chiefs of Chitral, Punjab, Hunza and Nagar were proposed to be encouraged by grant of increased subsidies to them.⁴¹ Lord Lansdowne, who succeeded to the Viceroyalty in December 1888, accepted Captain Durand's

recommendations. He had high hopes of success this time, “we shall have the upper Hindu Kush well watched, and the countries to the south of it closed against interference from China and Russia and Afghanistan, and we shall get some useful information from the districts beyond. We shall be protected against any *coup de main* from the northward and we may eventually succeed in establishing our influence in Kafiristan also. We shall thereby have provided for a really important part of our scheme of frontier defence, and at small cost to ourselves.”⁴² Accordingly Captain Algernon Durand alongwith two British officers Dr. Robertson and Lt. Manners Smith arrived in Kashmir in April 1889 to make preparations for their journey to Gilgit.⁴³ Durand who left Srinagar for Gilgit in mid-June 1889, was formally appointed as the British Agent at Gilgit in July 1889. Durand’s position was quite different from that of his predecessor Biddulph, as a British Resident had already been appointed in Kashmir in 1885. Now the virtual administration of Dardistan (Gilgit, Hunza, Nagar, Astor, Yasin, Chitral, Gor, Chilas, Darel, Tangir and Kohistan) passed into the British hands through their Agent, though the Kashmir Governor at Gilgit continued to exercise civil authority over this territory.⁴⁴

Lord Curzon, who before assuming the Viceroyalty of India (1899-1905) travelled extensively in this frontier even upto the Pamir, was convinced that protection of the British colonial state in India required dominance of the strategic Himalayan neighbourhood to stem any incursions by other interested regional state actors like Russia and China. The idea of developing ‘buffer states’ formed an integral part of this strategic philosophy and formed the crux of efforts to develop an integrated external policy paradigm during his term in India. Curzon sought to “extend the idea of ‘buffer zones’ – whether notionally independent like Afghanistan or under British control like the North West Frontier Province - to India’s strategic Himalayan neighbourhood in a proactive but composite manner.”⁴⁵

Post-independent India and the then Prime Minister Jawaharlal Nehru was conscious of the importance of the frontier areas of Gilgit and Baltistan as India’s only overland corridor to Central Asia. That explains why Nehru as the first Prime Minister of India wrote a letter on 20 August 1948 to UNCIP Mission which was finalising the ceasefire agreement, asserting the authority of Jammu and Kashmir over the ‘northern areas’. He wrote;

“The authority of Government of J&K over the sparsely populated and mountainous region of the J&K State has not been challenged or disturbed,

except by roving bands of hostiles or in some places like Skardu. The Commission resolution, as you agreed in the course of our interview on the 18th, does not deal with the problem of administration or defence in this large area. We desire that, after Pakistan troops and irregulars have withdrawn from the territory, the responsibility for the administration of the evacuated areas should revert to the Government of Jammu and Kashmir and that for defence to us. We must be free to maintain garrisons at selected points in this area for the dual purpose of preventing the incursion of tribesmen, who obey no authority and to guard the main trade routes from the state into Central Asia."⁴⁶

Responding to Prime Minister's letter, the Chairman of the UN Commission for India and Pakistan (UNCIP), Joseph Korb in his letter of 25 August 1948 to Jawaharlal Nehru assured that the matter of defence administration of Northern Areas "could be considered in the implementation of 13 August 1948 resolution."⁴⁷ But the Commission later resorted to subterfuge declaring that it would study the situation in those areas. Bringing this fact to the notice of the Security Council, one of the Commission members, Dr. Chyle submitted a minority report on 1 December 1948, giving some interesting insights on the inner workings of the UNCIP, which in his view was "heavily influenced in its decisions and judgements by Western strategic considerations and designs."⁴⁸

When the UNCIP asked the UN Secretary General to send to Kashmir 40 military observers and a military adviser, the then Security Council Chairman, M. Jacob Malik (of USSR) called a meeting of the Council and proposed to draw these military observers from all the five countries represented on the Commission - Argentina, Belgium, Colombia, USA and Czechoslovakia. Malik's suggestion was brushed aside and foreign military observers drawn from the armies of USA, Canada, Australia, Belgium and Norway were despatched to Kashmir.⁴⁹ The US member on UNCIP mission had brought with himself military and political experts and a large staff of field workers to make on the spot survey of this strategically important area to assess its value for military and air bases. It may be recalled that at the height of cold war era, USA and Britain were obsessed with the rise of Communist China and Soviet Union, near the borders of Pakistan and India, and were desperately looking for a foothold in this strategic frontier of Gilgit to monitor the developments in Xinjiang, Tibet, Afghanistan and Central Asia.

Dr. Oldrich Chyle, the Czechoslovak member of the UNCIP in his minority report⁵⁰ blamed the Commission for the failure of its efforts for reaching a "positive solution of the whole problem".⁵¹ He pointed out

that the “cancellation of the joint Indo-Pakistan political conference; the unauthorised proposal for arbitration; the disclosure of the secret memorandum on arbitration to the Governments of the United States of America and Britain”⁵², were the principal factors responsible for undermining the mediatory role of the Commission. Dr. Chyle while referring to the problem of ‘Northern Areas’ stated that “in both the resolutions of 13 August 1948 and 5 January 1949, the Commission did not refer to the situation in the strategically very important territory to the north of Kashmir.”⁵³ And by the time the Commission decided to study the situation, Pakistan army contrary to the provisions of the 13 August 1948 resolution, had occupied these strategic regions and presented the Commission with a *fait accompli*. Dr. Chyle in his report to the Security Council explained that: “The Commission facing later on the materially changed situation in the Northern Areas is bound to admit that while the reservation of the government of India of 20 August 1948 may be legally valid, it is physically impossible to implement it.”⁵⁴ And the Government of India did not pursue the matter to its logical conclusion.

It is pertinent to point out that the British Embassy in Moscow wrote to the Commonwealth Relations Office, London on 6 January 1948 informing that Novikov of the Soviet foreign ministry (and later Soviet Ambassador in India) had told Mrs. Vijaylakshmi Pandit, the then Indian Ambassador in Moscow that “the Soviet Union and India had a common frontier of 16 miles” at Gilgit.⁵⁵ Around the same time *The Times*⁵⁶, London also reported the speech of Gopalaswami Ayyangar at the UN Security Council in which he had explained that “ Kashmir and Jammu matched with Chinese Turkestan in the north, Tibet to the north east and the Soviet Union to the northwest, so that it was of vital importance to the security and international contacts of India”. The British government taking an urgent view of the matter concluded that “it is a little unreal to speak of anything but a ‘presumptive frontier’ in an area as mountainous as this.”⁵⁷

STRATEGIC ADVANTAGES OF PAKISTAN

Whereas after 1947, Ladakh including Kargil has been a province of Indian state of Jammu and Kashmir, a sizeable portion of Ladakh territory (Baltistan, Raskam, Shimshal and Muztagh valley and Aksai Chin) besides Gilgit region have been under the occupation of Pakistan and China after 1947-48. Out of a total area of 2,22,236 sq. kms, only about 45.6%, i.e. 1,01,387 sq. kms remains in the Indian State of Jammu and Kashmir.

Kashmir valley covers only 7.2%, i.e., 15,948 sq. kms. Ladakh covers 59,146 sq. kms constituting 26.6% and Jammu region spans about 26,293 sq. kms, i.e., about 11.8%. Pakistan occupied territory of Jammu and Kashmir covers 35.1%, i.e, 86,000 sq. kms. of the total territory (13,297 sq. kms. in Mirpur-Muzaffarabad and 73,000 sq. kms. in Gilgit-Baltistan). China is in occupation of an area of about 37,555 sq. kms (16.9%) in Aksai Chin and 5,180 sq. kms. (2.3%) which was ceded by Pakistan in Shimshal, Muztagh and Raskam area to China in 1963.

Even though Kashmir has been the focus of national and international attention during the past sixty five years, Pak-occupied Kashmir (PoK) and Gilgit-Baltistan have eluded attention. This is mainly because this frontier area has been put under iron curtain by the successive Pakistani governments. Pakistan took over the administration of this area enforcing Frontier Crimes Regulations (FCR). The Muslim Conference which assumed power in POK in 1947 with Muzaffarabad as the capital of 'Azad Jammu and Kashmir', was not even allowed to open its branch in Gilgit-Baltistan region. Pak policy was to segregate this strategic area from POK both in name and governance. And by the Karachi Agreement of April 28, 1949, signed between Pakistan government, 'Azad Kashmir Government' and the Muslim Conference, Pakistan assumed full control over Gilgit and Baltistan region. There was no representative from this region. Pakistan's Federal Ministry of Kashmir Affairs directly administered the 'Northern Areas'. Even though the 1949 agreement became defunct after the promulgation of the 1974 Interim Constitution of POK by Z.A. Bhutto, Pakistan did not let 'Northern Areas' to be part of 'Azad Kashmir'. And when in July 1977, General Zia-ul-Haque promulgated martial law in Pakistan, he declared 'Northern Areas' as Martial Law Zone E. In early 1982, late General Zia-ul-Haque, the then President of Pakistan publicly announced that this area was never a part of Jammu and Kashmir State before 1947, evoking protests in Jammu and Kashmir on both sides of the LoC. In fact, late Sheikh Mohammad Abdullah, the then Chief Minister of Indian State of Jammu and Kashmir while addressing a huge May Day rally at Iqbal Park in Srinagar in May 1982 reiterated that "the whole of PoK including Gilgit constitutes the territory of the State". Subsequently, the State government issued a White Paper detailing the historical evidence of Gilgit-Baltistan area being part of Jammu and Kashmir.⁵⁸

The draconian Frontier Crimes Regulation was replaced by the Northern Areas Governance Order of 1994 by late Prime Minister, Benazir Bhutto, which with some amendments was later renamed as The Legal

Framework Order by President Musharraf in 2007.⁵⁹ And in 2009, the Zardari government taking cognizance of the local demands for restoration of original name, issued Gilgit-Baltistan Empowerment and Self-Governance Order, in a bid to deflect criticism over human rights violations in the region.

Ambivalence in Pakistan's Kashmir policy is best reflected in its political and constitutional relationship with the region. While insisting that Jammu and Kashmir is disputed territory, Gilgit-Baltistan are neither included in the definition of territories of Pakistan as per its constitution of 1973 (Article 1), nor does the AJK Interim Constitution of 1974 define this area as under its administrative control.⁶⁰

SINO-PAK AXIS: IMPLICATIONS FOR INDIA

Soon after the defeat of India by China in the 1962 war, China and Pakistan signed a border agreement in March 1963 following which Xinjiang's border with PoK was delineated and demarcated with Pakistan ceding about 5,180 sq. kms area in Shaksgam and Muztagh valleys of PoK to China. Though the Sino-Pak agreement of 1963 accepted and recognised that "it did not affect the status of the territory of Jammu and Kashmir", both China and Pakistan went ahead with building of 1,330 kms long Karakoram Highway. Now this highway has been expanded and rebuilt to make it an all-weather highway and an expressway, railways, oil/gas pipeline⁶¹ are planned through it thereby giving immense strategic advantage to China in terms of speedy transport of its armaments and military forces, securing easy access to sea, resources of Central Asian Republics, energy supplies from West Asia etc. China has been constructing a number of tunnels in Gilgit-Baltistan⁶², besides helping Pakistan in the expansion of its network of feeder roads and bridges in this area. China has already built feeder roads through Shaksgam, Raskam and Shimshal valley (ceded by Pakistan to China in 1963), linking Gilgit to Khotan which is connected to Qinghai province of China through the Qinghai-Golmud Highway⁶³. Over 10,000 Chinese personnel are reported to be working in PoK and Gilgit-Baltistan⁶⁴. There have also been reports of China establishing its Consulate in Gilgit.

Sino-Pak CPEC project which passes through PoK along the Karakoram Highway poses serious security challenge to India in Kashmir and Ladakh. That China opened a new high altitude airport at Ngari in Tibet (4,300 metres) claimed to be the highest airport in the world facing

Ladakh, demonstrates China's determination to consolidate its physical presence in outlying provinces of Xinjiang and Tibet, by building quick and efficient means of air communication. This not only facilitates direct flights between Ngari, Lhasa, Southern Xinjiang and mainland China, but also poses direct threat to Indian positions in Ladakh. For the past few years, China has been making incursions in the Ladakh sector, particularly in Demchok, Chushul, Spanggur, Hot Springs, Depsang and the Pangong Lake areas. The prevailing geopolitical situation and rapidly expanding physical reach of China even within Central Asia, Pakistan, PoK and Gilgit-Baltistan, all are going to work to the advantage of China. This situation calls for bold and out of the box solution to the vexed problem.

India needs to safeguard its interests in this strategic frontier by securing direct overland access to Afghanistan, Tajikistan and other Central Asian countries, and also to ensure that it has peaceful, tranquil and benign neighborhood. Taking into account the concept of strategic frontiers, India needs to determine the area within which no hostile or potentially hostile focus is to be allowed to exist or develop, so that national security is not threatened.

Both houses of Indian parliament unanimously passed a resolution on 22 February 1994 expressing deep concern over "Pakistan's role in imparting training to the terrorists in camps located in Pakistan and occupied Kashmir, the supply of weapons and funds, assistance in infiltration of trained militants including foreign mercenaries into Jammu and Kashmir with the avowed purpose of creating disharmony and subversion." The resolution firmly declared that:

- a) The State of Jammu and Kashmir has been, is and shall be an integral part of India and any attempts to separate it from the rest of the country will be resisted by all necessary means;
- b) India has the will and capacity to firmly counter all designs against its unity, sovereignty and territorial integrity;
- c) Pakistan must vacate the areas of the Indian State of Jammu and Kashmir, which they have occupied through aggression.

The parliament of India has thus laid the policy framework in terms of retrieving its lost territory in Jammu and Kashmir. Time has come for India to take all necessary steps to reverse its adversarial situation and free itself of the strategic bottleneck, it has been facing due to the continued illegal occupation of PoK and Gilgit-Baltistan by Pakistan. This will enhance the prestige and stature of India among the neighboring countries of Central

Asia and Afghanistan which are eagerly looking forward to see India playing a balancing role vis-à-vis China in the region. It will once for all resolve the vexed Kashmir problem, which has been sapping the energy, resources, morale and profile of Indian nation state both within and outside the country. By doing so, India will secure its appropriate international position proportionate to its size, population, geopolitical position, economy and status of a rising power.

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GILGIT-BALTISTAN'S STATEHOOD *EXAMINING PROSPECTS AND IMPLICATIONS*

PRIYANKA SINGH

At a political rally in the region in November 2020, Pakistan's prime minister, Imran Khan announced his government's decision to grant Gilgit-Baltistan (GB) provisional statehood by making it the country's fifth province. "We have made a decision to grant provisional provincial status to Gilgit-Baltistan, which has long been the demand here," Khan noted in his address.¹ GB is part of Pakistan occupied Kashmir (PoK), earlier part of the erstwhile princely state of Jammu and Kashmir, over which India has a standing legal claim validated by the Instrument of Accession signed in 1947 by the Maharaja of Kashmir, Hari Singh. The question whether or not Gilgit-Baltistan will be subsumed as the fifth province of Pakistan is a long debated matter. The issue has received added traction of late. Prior to Khan's announcement, there was a slew of widely circulating conjectures that Pak Prime minister Imran Khan may soon make an announcement to this effect. The issue has been of prime importance in view that Gilgit Baltistan held elections for the local legislature on 15 November 2020 in which Imran Khan's political outfit, the *Pakistan Tehrik Insaf* (PTI) won the largest number of seats and later formed government with the support of others including independents. In fact, the elections were due in June 2020 but were deferred due to the pandemic and a caretaker set up was installed thereafter.

GILGIT-BALTISTAN: GEOGRAPHY, GEOPOLITICAL SALIENCE AND POLITICS

In ancient times, GB was originally referred to as Balawaristan or Boloristan. The total area under GB is 72,496 square Kilometres with a roughly approximate population of about 1.8 million. 5,180 square

Kilometers of GB i.e. the Trans Karakoram Tract, was ceded to China by Pakistan in 1963, in the aftermath of the India-China War of 1962 through a provisional border accord despite India's stiff opposition towards it.

Till 2009, GB was known as the Northern Areas- a geographical connotation given by the government of Pakistan. The region lies at the strategic confluence of key geographical areas- nestled between the Himalayas and the Karakoram Range, the Hindu Kush and the Pamirs and shares borders with the Wakhan Corridor of Afghanistan, rest of J&K and Ladakh and the so-called Azad Jammu and Kashmir ('AJK'- the other part of PoK), China's Xinjiang, and Pakistan's Khyber Pakhtunkhwa.

Given the sheer size of the territory- it has three administrative divisions and 14 districts, and its centrality is unequivocal in Pakistan's strategic ties with its all-weather ally, China, considering it as the only land link shared by the two countries. Despite this, it has been an irony that the region has remained neglected under the political subjugation of Islamabad for decades.

For 70 years since GB has been under Pakistan's control, it has been ruled by ad hoc transient arrangements which continued to entrench/ cement the control of Islamabad over the region. For a brief period after 1947, the region was placed under the control of the so-called 'AJK' till 1949. GB was separated from the so-called 'AJK' as a result of the signing of the Karachi Agreement in 1949. Later, the region was ruled by the Frontier Crimes Regulation (FCR) and the Legal Framework Order (LFO), etc. It is currently, ruled under the Gilgit Baltistan Order-2018; till recently under the GB Governance and Self-rule order 2009. Within this political set-up, there is a Governor, a Chief Minister, 33-member GB Assembly (24 directly elected); 15-member GB Council –headed by Pak Prime Minister which exercises virtual powers. The 2009 Order was supplemented by GB Executive Order 2018 and this act supposedly curtailed the powers of the Council and entrusted them to the Assembly which in due course proved to be a sheer eyewash.

The political processes in GB have remained abysmally low and discredited. Apart from the mainstream political parties of Pakistan, there are several nationalist groups that exist in GB such as Balawaristan National Front (BNF), Gilgit Baltistan Thinkers Forum, Gilgit Baltistan United Movement, the Karakoram National Movement, the GB Democratic Alliance (umbrella group of nationalist groups), GB National Alliance, All Parties National Alliance, etc. But they do not enjoy much of electoral capital as has been witnessed in the past local elections.

IS GB A DISPUTED TERRITORY?

Gilgit Baltistan is a disputed territory and presently claimed by India. It has been under Pakistan's control since a rebellion in late 1947 was organised by the Pakistan and British forces which led to the seizure of the territory. Ever since, the United Nations Security Council (UNSC) resolutions and all other proceedings/processes thereafter consider GB as part of the Kashmir issue. More importantly, by Pakistan's own admission the region has been designated as part of a pending dispute. In the earliest phase, Pakistan's former Foreign Minister Zafarullah Khan's remarks at the UN linked it to the Kashmir issue. Given the fact that GB was preponderantly inhabited by Muslim population, the region was pivotal to Pakistan's Kashmir stratagem especially in view of the then impending plebiscite.

Most importantly, the entire rationale behind GB's pending political/constitutional status is based on this "disputed" status. The fact that the remaining half of PoK was awarded a separate constitution in 1974 and GB's political fate was left in lurch, was due to Pakistan's predilections in keeping it within the Kashmir fold for the long time. The region finds no mention in the constitution of Pakistan. The equations between Pakistan and PoK, including Gilgit-Baltistan, are delineated in a vaguely written statement of Pakistan constitution's Article 257 that states: "When the people of the State of Jammu and Kashmir decide to accede to Pakistan, the relationship between Pakistan and the State shall be determined in accordance with the wishes of the people of that State".² The excerpt from Pakistan's constitution, nevertheless, reveals Pakistan's objectives on Kashmir that only seeks territorial control over the region- presuming that people of Kashmir would accede to Pakistan- notwithstanding the sham it has constructed all these years around trying to be seen as supporting the cause of Kashmiri peoples' will.

More recently, the Pakistan Supreme Court in its judgement of January 2019- on a petition seeking the repeal of GB reforms- categorically stated that GB is a disputed territory and that the Pakistan government has no right to effect changes in the region-constitutional and political.³ At the same time it extended the Supreme Court jurisdiction over GB noting that people from the region could appeal against the judgement of the GB Appellate Court in Pakistan Supreme Court. This was, however, a self-contradictory statement on the part of Pakistan's judiciary.

GB'S PROVINCIAL STATUS: DISCORD, DILEMMA AND DEBATE

Pakistan for long nurtured its discriminatory approach towards GB all this while retaining/reiterating its link to the broader Kashmir issue. The primary plank of discord over GB's constitutional absorption is, therefore, vis a vis its Kashmir connect. Incorporating Gilgit-Baltistan as a province bodes important implications for Pakistan's Kashmir policy including tinkering with one of its critical components - GB and its political status. All these years, its Kashmir connect has been irreverently manipulated to keep GB stateless, disempowered and deprived of basic rights and freedoms. The provincial move will necessitate a tweaking in Pakistan's Kashmir strategy from thereon. GB's link to the Kashmir issue is the primary deterrent. Subsuming the region could be equivalent to a climb-down from Pakistan's decades-old public posture where it will be seen grabbing a territory for which it has been advocating *azadi* or freedom. So Pakistan's fix is to shield its Kashmir strategy from the potential repercussions of the change in GB's political status.

Secondly, absorption of GB cannot materialise without making significant amendments in the constitution of Pakistan. An important challenge that faces Pakistan is whether and how the Article 1 of its constitution that lists out the territories of Pakistan, will remain unaltered even after GB is given the status of a full-fledged province. The challenge lies in reconciling the Article 1 of the constitution with the provincial upgrade of GB.

The move would usher in bilateral contention for Pakistan with regard to India. Pakistan would need to contend with how India would respond to Pakistan effecting a material change in GB's political status. Not that Pakistan has not affected changes in the territory- it has re-configured the region's demography by revoking the State Subject Rule way back in 1974. But constitutional absorption is something that Pakistan policy makers believe is a pinnacle act, an overarching measure that could tarnish pursuits on Kashmir vis a vis India.

Pakistan's long drawn qualms on giving GB statehood are mired in apprehensions and potential geopolitical/bilateral fallouts. All this while Pakistan seemed to be exploring a middle of the road solution, one that does not tinker with its Kashmir policies- especially as Pakistan does not seem to be comfortable upsetting the threshold of its enmity with India.

Another contentious quarter has been the separatist leadership in J&K that has categorically opposed the idea and have expressed their

displeasure to the leadership in Islamabad. Given Pakistan's long nurtured ties with these groups, Pakistan has been seen wanting finding it extremely difficult to outright ignore their concerns. Yasin Malik, Chief of the Jammu and Kashmir Liberation Front (JKLF) in his letter urged Pakistan's Prime Minister Nawaz Sharif against constitutional absorption of GB noting: "This will have implications on the dispute over Jammu and Kashmir. If Pakistan imposes its sovereign writ over Gilgit-Baltistan, Delhi will then have a political and moral right to integrate Kashmir with India. Thus with one stroke, Pakistan will be helping India to consolidate its writ on Kashmir".⁴ Nawaz Sharif in his response assured Malik making it "unambiguously clear that Pakistan is fully aware of the sensitivities attached to Gilgit-Baltistan with regard to Jammu and Kashmir dispute".⁵

Apart from this, there is a strong opposition on the proposition of GB's statehood from certain other sections, including the so-called 'AJK'. In fact as far as the so-called 'AJK' goes, it has continuously vied to regain control over GB thinking this would bolster their own Kashmir politics and may benefit them in the long term. It was in this pursuit that the so-called AJK High Court admitted a petition and ordered the so-called AJK to regain control over GB. The decision was challenged in the AJK Supreme Court where the same was reversed. "Constitutionally and legally, the territory of Gilgit-Baltistan is part of the state of Jammu and Kashmir and any attempt to secede it from the disputed region will deal a blow to the stand of Pakistan and Kashmiris regarding the longstanding dispute," Sardar Abid Hussain Abid, 'AJK' Minister for Information, observed in 2016.⁶

There has been resistance from significant pockets against GB's political absorption including strident criticism from the nationalist groups such as the GBUM. Amongst other factors, this opposition is also due to the fact that most nationalist groups harbour alternative viewpoints on the future of GB that includes freedom from Pakistan.

As is evident, there has existed a fierce debate inside Pakistan with wide raging views-both contravening and concurring with the official stances. Given Kashmir's centre stage position in Pakistan's strategic calculus, the challenge for Pakistan remains in retaining strategic objectives on Kashmir while attempting to formally and constitutionally appropriate a significant portion from it.

A FRESH STIR TO AN OLD ISSUE

Even though the quest towards GB's provincial status may seem to be taking a definitive turn now, the present phase of churn is only an extension of a series of developments that have taken place around this issue for years. The present stir over statehood could also be attributed to the recommendations of the Sartaj Aziz Committee that was constituted under the Nawaz Sharif led Pakistan Muslim League (PML-N) government in 2015. Sartaj Aziz is an eminent politician in Pakistan's politics being a former Foreign and Finance minister of Pakistan and who served as the National Security Advisor in the PML-N government. The committee was specially advised to look into the complications that could arise due to constitutional absorption of GB, with regard to its connection to the Kashmir issue and also whether such a proposition will be compatible with the UN resolutions on Kashmir.⁷In the same time-frame, the debate on GB's political fate received a strong fillip once the Federally Administered Tribal Areas (FATA) were merged with Khyber Pakhtunkhwa in the year 2017.

The recommendations of the Sartaj Aziz committee on GB reforms have remained un-implemented since then. In this backdrop, a fresh discussion stemmed from a meeting that was held in Islamabad towards the end of September 2020 to discuss the possibility of granting statehood to GB in which all major political parties of Pakistan participated. The meeting was also important in view of the impending elections in GB in November 2020.

In September 2020, there was rampant speculation after Minister of Kashmir Affairs and Gilgit-Baltistan, Ali Amin Gandapur's remarks that GB could soon be politically absorbed as a provisional province.⁸Subsequently, an all-party meeting reached broad consensus that Gilgit-Baltistan must be provided a constitutional status even if it is temporary.⁹This was corroborated by Pakistan's Railways Minister, Sheikh Rasheed Ahmad, who noted that the all-party meeting was held to discuss the constitutional status of GB. The meeting attended by all mainstream political parties of Pakistan unanimously agreed that GB's political status must be elevated.¹⁰As per reports, the army had already held talks with these political parties separately and consented to changing the political status of GB finally.

At the first instance these developments appeared that it was an election gimmick in view of/on the eve of the upcoming GB elections. The

point of breakaway from past, however, was the fact that the army had given prior sanction to the political class to huddle up and discuss this contentious longstanding issue. The army has been known to be resistant towards altering the status of GB. Given the fact that Pak army invariably controls Pakistan's Kashmir policy, its reservations could be based on the fallout of the move vis a vis India and the larger geopolitical implications afterwards.

Notably, several parties that participated in the meeting, despite the broad consensus on the matter, cautioned the ruling dispensation that the move if announced before GB elections would amount to pre-poll rigging and that such a decision should alternatively be realised only after the elections are over. The caution put forth by the opposition parties seemed to have been totally ignored. Prime Minister Imran Khan, on the contrary made the announcement on the eve of GB elections. His gains in the GB elections being the largest party despite short of majority mark- a first time for his party in GB- could be directly linked to this significant and opportune announcement. What the announcement seems to have certainly achieved is to have given fillip to the established pattern in GB politics that the party ruling in Islamabad emerges as the winner of elections in both parts of PoK.

All things remaining the same, the conversion of GB into a province would not be possible without bringing major amendments in the constitution of Pakistan. According to the recommendations of the Sartaj Aziz committee- that advocates a provisional statehood-is possible only by amending Article 51 and 59 of the constitution albeit without making any alteration in Article 1 that defines the territories of Pakistan- providing 3 general seats in the National Assembly and a fourth seat for a woman candidate by amending article 51(4) –along with 3 special Senate seats by amending Article 59 of the constitution. The committee report further endorsed that GB must be bestowed all legislative powers like the rest of provinces of Pakistan by amending Article 142 and the fourth schedule. Besides, GB must be provided membership to National Economic Council (NEC) and National Finance Commission (NFC), amongst other things at par with the provinces of Pakistan.¹¹

PERCEPTIONS ON GB'S STATEHOOD

Based on the given geopolitical set up, several perceptions could be construed as to why Pakistan yet again cogitated on GB's provincial status

at this juncture and how and why the announcement was made on November 1, 2020. The present move could be viewed through planks of 1) domestic compulsions, 2) geopolitical commitment or security-centric compulsions and 3) lastly, as a bilateral necessity.

Domestic Pulls And Compulsions

The issue of absorbing GB politically as a full-fledged state has political or electoral value in the politics of Pakistan. This demand is not a new phenomenon. Some estimate the demand of provincial status to be considerably high. It goes back to decades- even though it was not so vehement. In the mid-1980s, the Gilgit Baltistan Bar Association demanded that the region be made a province of Pakistan.¹² Ever since, the issue has featured in the agendas of the political parties during and before elections that have been held in the region after 2009. This is true especially with regard to the campaign of the PTI in GB. Imran Khan had actively canvassed for the 2015 GB elections and made inroads by winning a seat.

The GB Legislative Assembly has passed resolutions demanding provincial status. On August 17, 2015, a resolution passed in the GB Assembly urged that "GB should be given the status of a province of Pakistan."¹³ Apart from political pressure, there have been demonstrations and popular protests locally that, among other things, have called for ending the statutory ambiguity in the region's status.

It has also long been argued that GB's will has been ignored by Pakistan despite its accession in 1947. It is believed that GB was one of first regions to have acceded to Pakistan after its creation. Analysts in Pakistan have argued that the 1947 Gilgit revolt against the Maharaja of Kashmir was a point of inflection when the people of the region made a categorical choice to integrate with Pakistan.¹⁴ However, what has been proffered to the people of GB in return is apathy and neglect. In this context, there is still widespread angst amongst the local population that the significant role of the Northern Light Infantry (that is populated by locals), during wars, in particular the Kargil conflict, has neither been accredited proportionately nor rewarded fairly. Such issues pertaining to rejection by Pakistan state of GB and its residents have surfaced in the political discourse of the region frequently and on a regular basis. Consequently, there has been a thinking on various options to assuage popular concerns and exploring ways to tide over long standing political unrest by providing at least a semblance of provincial status and rights that the provinces of Pakistan are entitled to.

Geopolitical Propellants

Another fundamental question in the current context of GB's statehood issue is whether there are significant geopolitical propellants- more specifically a China stimulus? Much of the recent commentary on the prospects of GB's provincial status, (especially within India), is being spun around how China would benefit from the change in the region's status. China has played a key role in catalysing the geopolitical significance of GB. Selig Harrison's article in *New York Times* in August 2009 elucidated the growing Chinese footprints in the region. Thereafter, a key geopolitical debate was fomented on the broader Chinese interests and objectives in the region.¹⁵ It was in this span that the issue of granting statehood to GB was reignited especially subsequent to the formal announcement of the China Pakistan Economic Corridor (CPEC) in April 2015 during Xi Jinping's state visit to Pakistan. There was a belief amongst many that China wants a statutory label for GB as this was the region that is pivotal to Chinese investment in Pakistan and PoK.

Similarly, in the latest bout of discussions around GB's provincial status there has been intense media frenzy linking the issue to it being China's wish. Media-spurred conjectures are partially justified as similar projections have been continuously brought forth over the last few years. The issue was discussed yet again and Pakistan has announced giving a provisional provincial status to GB amidst an intense military standoff between India and China at their borders. Therefore, indirectly or directly, China seems to figure pre-eminently in the discourse on the change in GB's status. Notwithstanding, the demand of provincial status existed well before the Chinese stakes became deep seated-the CPEC per se, certainly, there is a China factor as far as GB's future is concerned and that cannot be wished away.¹⁶ It is also because one finds hard to believe that Pakistan has been contemplating such a major move only to address local grievances. It has not really cared for these GB people all these years. And hence, it is almost inevitable to see these developments from a geopolitical, particularly Chinese prism.

GB is of unequivocal salience to the CPEC project. Besides, an idea floated by the Chinese Envoy to Islamabad about developing Xinjiang and GB as sister provinces- as the point of origin of the BRI to bring them up as a "single economic and strategic theatre" that would pave way for ushering in numerous prospects and vistas for both Pakistan and China through Central and West Asia and also Europe especially given GB

borders the strategic Wakhan Corridor.¹⁷ Hence, as projects within CPEC gradually unfold, it cannot be ruled out that the Chinese want Pakistan to formalise the political status of GB- also to assuage popular sentiment against the Chinese that is known to have become prevalent after the announcement of CPEC. At the same time, China may have calculated that GB's absorption could puncture India's oft-expressed objections to the corridor being built through a disputed territory, claimed by it as part of J&K and Ladakh.

Ever since 1963, China has been in control of the Trans Karakoram Tract- a strategically significant swathe of territory belonging to GB. Therefore, it can be unequivocally stated that Pakistan subsuming GB constitutionally, as a province, does favour Chinese larger interests. China has unleashed a web of investments in and via GB. Pakistan's perpetual control over the territory is the best possible scenario that the Chinese can foresee. At all costs, China would never want to be in a situation which engenders obligations to re-negotiate its physical control over the Trans Karakoram Tract. Such scheme of things would gravely endanger its strategic interests and activities in GB or in parts of Pakistan for which this particular region serves as the main, perhaps only conduit. According to Article 6 of the provisional Sino-Pak Border accord, the status of the Trans Karakoram Tract (part of GB) would be re-negotiated once the Kashmir issue arrives at a settlement. In this case, China's purported wariness in imperilling billions in/via a disputed, stateless territory with a provisional status, the future of which is slated to be re-negotiated by China's own admission, is quite natural. All these years we have been hearing that the PLA soldiers are stationed in the GB region, conjectures around GB being leased out to China, and at some point, the establishment of a Chinese Consulate- which reflect upon how GB is pivotal to Chinese strategy on its south-west periphery.

A Bilateral Impetus

Another way of perceiving the issue of GB's statehood at the bilateral level with India could be in terms of a proposition whether this time India has reset the equilibrium? Pakistan's rethink on GB's provincial status could also be linked or a domino effect of what India did in J&K in August 2019, splitting the state into two Union Territories. India has set a certain precedent by integrating Jammu, Kashmir and Ladakh reorganising them as Union territories. Notably, making Ladakh a Union Territory has considerable symbolic import being directly administered by the Centre

in New Delhi now.

The widespread argument that has surfaced amongst Pakistan's commentators in recent times is that amidst India being tied up in a standoff with China, time is ripe for Pakistan to finally absorb GB, as the collateral fallout of the reorganisation of J&K. Since India is occupied on its borders with China, it may not be able to respond militarily to Pakistan's act of integrating GB.

POLITICAL AND LEGAL IMPLICATIONS FOR PAKISTAN

GB constitutes more than 80 per cent of the portions of the former princely state of J&K controlled by Pakistan. Therefore, irrespective of the fact its population is perhaps lower than of the so-called 'AJK', the sheer size of the region makes it consequential in a negotiating matrix. So, whatever said and done, formal assimilation of GB, does run the risk of compromising Pakistan's broader Kashmir agenda.

Secondly, GB's assimilation cannot happen without carrying out extensive constitutional amendments- Article 258, amongst others that defines the governments outside of provinces of Pakistan. The Sartaj Aziz committee recommendations, as noted above, warrant several amendments in the constitution.

Third, granting a robust political structure could transmute local politics in GB from "submissive to assertive", and this could potentially interfere with Pakistan's broader strategic intentions in the near region.¹⁸

Lastly and most importantly, especially since Pakistan keeps harping on the UNSC resolutions even though it never obeyed them- the move to formally absorb GB bodes some legal implications- Pakistan's oft-stated position and posturing about making "material change" in the territories of J&K. How Pakistan plans to reconcile its act with this condition is the moot question. Conscious of this fact perhaps, Pakistan is contemplating a "provisional" provincial status instead of a permanent one.¹⁹

DOES THIS ALTER INDIA AND PAKISTAN'S KASHMIR STRATEGY?

While talking of Kashmir strategy, we must understand that territorial integrity or territoriality is a prominent theme in both Indian and Pakistan's Kashmir policy. What Pakistan has done is to deftly conceal this territorial desire and make it implied-disguised as being supportive to the will of Kashmiri people. Therefore, in terms of the ostensible impact- what one

can see and made to believe- would this move usher in a paradigm shift in Pakistan's Kashmir strategy or could it be interpreted as Pakistan reconciling with the status quo?²⁰ This could be true to an extent as this will require some reset in its Kashmir policy. However, what is also very notable is the fact that Pakistan has already ushered innumerable, and rather irreversible changes in the GB region over several decades- its approach has been self-contradictory and misleading. And this is mainly because at some point in history, Pakistan siphoned off GB from Kashmir but kept it stateless citing its link to the dispute. Besides, Pakistan traded/ swapped part of its territory to China through an illegal border agreement in March 1963 followed by the building of the Karakoram Highway. Most importantly, Pakistan state relentlessly fanned sectarian violence in GB for years and materially altered the demography of the region. The Shia majority of the region has been drastically reduced and currently stands at about 40 percent of the roughly 1.5 million total population of GB.²¹

Of late, a shift in Pakistan's approach towards Kashmir is already discernible. The controversial map which they tried showcasing at the SCO (Shanghai Cooperation Organisation) meet in Russia depicts J&K as part of Pakistan. Recently, Moeed Yusuf, the Special Advisor on National Security to Pak Prime Minister Imran Khan, in his interview to an Indian media platform categorically noted that India has unlawfully made a permanent change to a territory which he asserted "I rightfully claim as mine"; as part of Pakistan.²² So the folly of revisionist ideas which till now were wrapped up under this 'standing up for the Kashmiris and their will' seem to stand further exposed. There is a perceptible re-posturing in Pakistan's stance and it is possible this is prompted by India's August 5 move.

WHAT NEXT FOR INDIA?

India's overall stance on PoK has become more firm and articulate. There is more unanimity and coherence as far as India's position on PoK is concerned. Talking about Indian claim on PoK is no more rhetorical or jingoistic. India's steadfast position on PoK is based on the Instrument of Accession signed by the Maharaja of Kashmir in India's favour on 26 October 1947 and by virtue of which India was bestowed control over the entire territory of what constituted the princely state of J&K in 1947. Therefore, Pakistan constitutionally subsuming GB's territory, making it its fifth province, does concern India. This is extremely important as in

the realm of China-led BRI, the claim on PoK has emerged as the bedrock of India's resistance towards a strategic economic corridor that connects China to Pakistan via PoK, particularly GB. India's stance is resolute and driven irrespective of the fact the region has not been under its physical control for over 70 years.

India has already expressed its rejection of Pakistan's changing the status of GB. The Ministry of External Affairs Spokesperson, Anurag Srivastava, in a statement noted: "I reiterate that the Union Territories of Jammu and Kashmir and Ladakh, including the area of so-called 'Gilgit-Baltistan', are an integral part of India by virtue of the legal, complete and irrevocable accession of Jammu and Kashmir to the Union of India in 1947."²³

Political usurpation of GB will not have any tangible effect on India's claim to PoK. India can continue to claim it. In fact GB's conversion will provide India another opportunity to highlight the gross contradictions in Pakistan's Kashmir policy. On the other hand, India may choose to project GB's integration as Pakistan's implied acceptance of the status quo in Kashmir, whenever and wherever it fits the bill.

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GILGIT–BALTISTAN: GROWING CHINESE INROADS AND TRANSFORMATION IN LEGAL IDENTITY

PRATEEK JOSHI

INTRODUCTION

In the past few years, Gilgit Baltistan (GB) has found itself at the center of a renewed diplomatic offensive from India as the China Pakistan Economic Corridor (CPEC) took root and sought to internationally legitimize Pakistan's control over the region. As Pakistan toys with the idea of elevating the region into a provincial setup, questions have risen on its legal validity and the growing pressures from Beijing towards formalizing GB's relationship with Pakistan. Being part of the Belt and Road Initiative (BRI), China's proposed investments in GB have long sought a constitutional cover, something that risks contravening international law and India's legal stance on the region. Over the years, China's economic grip over Pakistan has continued to strengthen. Geopolitical exigencies brought the two nations into a strategic embrace, first through the China-Pakistan Boundary agreement (1963) and then with construction of Karakoram Highway (KKH). Geo-economic dimension of GB within the Sino-Pak ties occupied a secondary role till recent times. The announcement of CPEC in 2015 envisions the role of KKH as an economic cum transport corridor intertwining the Pakistani economy with that of China and further with Central Asian Republics, and linking Western China with the Persian Gulf.

The paper provides a historical reconstruction of China-Pakistan relationship with GB as the centre point, to the extent that Pakistan is ready to redefine its relationship with GB in contravention of legalities that drive the Kashmir factor in the United Nations. It covers a span of last six decades, depicting how the visibility of Chinese economic power,

accompanied by invisibility of the region's political autonomy paves the way for strengthening Chinese footprint in the region, adding greater obfuscation to GB's legal identity.

GENESIS OF CHINA-PAKISTAN RELATIONSHIP

Pakistan inherited a troubled neighborhood with its inception. Animosity with India and an irreconcilable Afghanistan demanding repeal of Durand Line had made Pakistan uneasy, both on its eastern as well as western borders. Added to this, the former Soviet Union, with its southern borders extending deep down to the south of present day Tajikistan made Pakistan's borders just at a stone's throw distance from the Wakhan Corridor.

In search of a stable ally, the young Pakistani establishment reacted pragmatically to the communist takeover in China. Pakistan became the first Muslim nation and third non-communist nation to accord recognition to China in October 1949 as well as put the case of China being made a UNSC member.¹ Formal diplomatic relations were established in 1951. Despite these early warm gestures, strategic concerns and not emotional bond defined the relationship. Soon after establishing ties with China, Pakistan joined the American sponsored CENTO and SEATO alliances, which were aimed at containing the communist threats. This did generate a few apprehensions, but Pakistan was the first to clarify its China policy.

Signaling Pakistan's warm reception of Chinese Communism, an editorial in *Dawn* in 1949 stated: "Communism in China has so far shown itself essentially a native growth and nationalistic in outlook".² Trading ties began with coal for cotton barter agreement in 1949-50, wherein Pakistan exported cotton and imported coal, which aided in its industrial requirements³.

The Bandung conference in 1955 added more feathers to the newfound relationship when Chinese foreign minister Chou Enlai and Pakistani Prime Minister met each other. The next year, Chou Enlai paid a visit to Pakistan, which was reciprocated by Pakistani Prime Minister H.S. Suhrawardy's visit. In 1959, the Tibetan uprising generated tensions between both countries, as Pakistan had jointly sponsored a resolution against China in the United Nations.

ENTER GILGIT-BALTISTAN

Despite the Sino-Pak relationship having lukewarm beginnings with episodes of tensions, border demarcation remained a simmering issue. GB's border with Xinjiang remained un-demarcated with the Chinese claiming substantial territory. Hunza's historical relationship with imperial China and flip-flops in British frontier policy in its border demarcations prompted the Chinese to approach Pakistan to outline Hunza's border with Xinjiang.

Neither side exerted an aggressive border policy, but tensions persisted in this regard. Pakistan reported its airspace violations in Gilgit by China and Chinese maps depicted parts of Gilgit as part of Chinese territory. "In 1954, maps were published in Peking which showed about 40,000 square miles of Indian-held Kashmir as belonging to China. Most perturbing for Pakistan was the indication that the strategically important passes of Kilik, Mintaka, Khunjerab and Shimsal, which control access routes between Sinkiang and Hunza-Baltistan, were shown as parts of Chinese territory"⁴. "By October 1959, Pakistan began to give active and publicly noticeable consideration to the Gilgit-Hunza-Baltistan border. Pakistan's Communications Minister and the Governor of West Pakistan visited the Gilgit region and disclosed their plan for the construction of an all-weather metalled road from Malakand to Gilgit via Swat which would link this remote area with the rest of West Pakistan"⁵.

At the same time, Sino-Indian relationship had deteriorated substantially as the border dispute began to intensify after 1954. Besides clashing views on the border alignment, Aksai Chin emerged as a flashpoint when India discovered the Chinese constructing a highway connecting Xinjiang with Tibet in 1957-59, which was lost to China in 1962. In the negotiations that preceded the war, China refused to discuss with India the issue of boundary west of Karakoram Pass in the second round of official-level talks held from August 19 to October 5, 1960.⁶ This meant that a third party (Pakistan) was to be called in to demarcate the border west of Karakoram Pass.

PRELUDE TO 'ALL WEATHER TIES' WITH CHINA: ZULFIQAR ALI BHUTTO, UNITED NATIONS AND KASHMIR ISSUE

Around the same time when Sino-Indian relations plunged, Pakistan exploited this situation by reaching out to China. The role of Zulfiqar Ali

Bhutto was indispensable in strengthening diplomatic ties with China. In those days, Bhutto was a member of Pakistan's delegation to the United Nations, and had "recognized the simmering conflict between India and China as a major source of potential diplomatic advantage for Pakistan if properly exploited".⁷

Bhutto had realized that staying put on the tensions simmering in Aksai Chin could imply that Pakistan implicitly recognized Aksai Chin as an Indian territory. Responding to President Ayoub Khan's statement that Aksai Chin issue was India's problem, he wrote to him⁸:

[Regarding Aksai Chin] [W]e can be taken to have recognized India's authority over that part of Kashmir which she controls...it is by virtue of the present partition of Kashmir that India controls Ladakh and is in a position to declare China's encroachment...an encroachment of India itself [otherwise]...we can be deemed to be stopped from saying in future that the responsibility of preservation of the territory of Jammu and Kashmir is not that of India but of the Security Council.

Meanwhile, as talks at Rawalpindi were about to commence between Bhutto and Swaran Singh in 1962-63, "Pakistan announced a border agreement with China".⁹ New Delhi nevertheless went ahead with the talks and by the time the fourth round of talks took place in Calcutta on 13-14th March, 1963, the Sino-Pak border agreement had been formalized on 2nd March.¹⁰

Pakistan's non-recognition of India's claims on Jammu and Kashmir finally found a supporter in China and this gave a thrust to the nascent friendship of two young nations. Their friendship was to be tested when members of the UN were to vote on a resolution on granting UN membership to Peking. Bhutto was leading the Pakistan delegation to the UN at that time. Against the wishes of its American allies, Pakistan abstained, rather than voting against Peking.¹¹

Later, when Bhutto became the Prime Minister of Pakistan, he initiated steps to bring Gilgit Baltistan within the federal administration of Pakistan. In 1973, the state subject order was promulgated which ended the authority of the monarchies and opening the region to outsiders for settlement in the region.

THE CHINA-PAKISTAN BOUNDARY AGREEMENT, 1963

The Sino-Indian conflict heralded a new era of closeness between China and Pakistan. The ebbs and flows which had defined the Sino-Pak relationship disappeared after the Sino-Indian war had singled out a

common enemy in India. In the larger picture, three factors brought Pakistan closer to China. Firstly, following Stalin's death in 1954, Khrushchev's destalinization made Mao skeptical of the Soviet regime. A Sino-Soviet split had taken place and China distanced from the Soviet Union politically and ideologically. Second, India-China war was the most important factor in the turnaround of the relations. Chinese occupation of Aksai Chin, which too was a part of Kashmir, had automatically signaled that China-Pakistan could cooperate on the disputed Kashmir as a response to India. Thirdly, Ayoub Khan had become the new leader of Pakistan. With military psychology seeping into Pakistan's foreign policy, it became an immediate requirement to forge a strong alliance with China to balance against India.

A dialogue was initiated by Pakistan in January 1961 to resolve the border issue to which China agreed.¹² When war was raging between India and China, border negotiations between Pakistan and China had commenced. The agreement on border demarcation was reached on 26th December 1962, that is, "on the eve of the first round of Indo-Pak talks on Kashmir" and finally signed on 2 March 1963 in Peking by the then foreign ministers Zulfiqar Ali Bhutto and Chen Yi.¹³ "On May 31, the joint boundary demarcation commission held its first meeting...four field teams surveyed the border [aerial surveys were also conducted], erecting forty boundary markers. Demarcation work was completed two years later, when both sides signed a protocol in March 1965".¹⁴

The agreement states that boundary extends for "325 miles generally southeastward from the Afghanistan tripoint, situated at approximately 37°03' North and 74°34' East, to the Karakorum Pass"¹⁵. The watershed between the Indus and Tarim river basins was taken to be the border. As a result, the 1,942 sq. km (or 750 sq. miles) of Oprang Valley and Darband Darwaza salt mine were transferred to Pakistan.¹⁶ Three-fourths of K2 mountain and six of seven passes lying on the border became part of the Pakistani territory. In exchange, Pakistan ceded the Shaksgam valley or the Trans-Karakoram tract (a territory claimed by Hunza kingdom), a vast territory of 5,000 square kilometers to China.

Addressing the Lok Sabha on 5th March 1963, Prime Minister Jawaharlal Nehru stated that Pakistan had arbitrarily signed away "3,000 square miles of Indian territory to China".¹⁷ Despite India's official stance on concerned territory being disputed, the Chinese ambassador to Pakistan dismissed the seriousness of the Sino-Pakistan border issue as a minor affair.¹⁸

The text of this boundary agreement marked the formal beginning of internationalization of the Kashmir Dispute. Article VI of the agreement states:

The two Parties have agreed that after the settlement of the Kashmir dispute between Pakistan and India, the sovereign authority concerned will reopen negotiations with the Government of the People's Republic of China, on the boundary as described in Article Two of the present Agreement, so as to sign a formal Boundary Treaty to replace the present agreement: Provided that in the event of that sovereign authority being Pakistan, the provisions of this agreement and the aforesaid Protocol shall be maintained in the formal Boundary Treaty to be signed between the People's Republic of China and Pakistan.

With the agreement, China formally acknowledged that Kashmir was a disputed region and awaited its resolution making the agreement provisional. Besides this, Pakistan's occupation of these territories got an international recognition of an equally willing Chinese leadership. "By befriending India's immediate neighbors through treaties and agreements, as for example, Burma and Nepal in 1960, Pakistan and Afghanistan in 1963, China attempted to isolate India within the South Asian region itself."¹⁹

Responding to a question raised in the Parliament enquiring about India's territorial loss, the Minister of State for External Affairs responded on 15th July 2009 stating:

The Government's position is that this so-called 'Boundary Agreement' is illegal and invalid. This has been reiterated to the Chinese side in the on-going discussions on the boundary question. Under the so-called 'Boundary Agreement' of 1963, Pakistan illegally ceded 5,180 km. of Indian territory in Pakistan-occupied-Kashmir to China. Pakistan, she added, was in "illegal and forcible occupation of approximately 78,000 square kms of Indian territory in Jammu and Kashmir since 1948 while 38,000 square kms were under the occupation of China."²⁰

Karakoram Highway (KKH), the next building block in the Sino-Pak ties, added more complexity to the existing geopolitical equation of the region as well as to the Kashmir dispute by giving an entry to Chinese infrastructural activity in an area claimed by India.

A newfound mutual convergence in similar territorial aspirations brought China and Pakistan close. "At the CENTO and SEATO meetings in early 1963, Bhutto declared unequivocally, "China had no designs to invade India"²¹. Responding to Bhutto's speech as a positive development, Chou Enlai justified "Pakistan's CENTO and SEATO alliances...[as]...a

matter of necessity and security against India's aggressive designs".²²

KKH: BETWEEN STRATEGIC DIMENSIONS AND ECOLOGICAL FRAGILITY

An interesting point to note is that the construction of KKH also took into account the concerns emanating from potential threats to the west of Hunza, from where it enters China. By May 1968, the highway was constructed to pass into China through Mintaka Pass, west of present day Khunjerab. Mintaka Pass was relatively easier route than the Khunjerab Pass route and was built a decade earlier than Khunjerab crossing. The Mintaka route was deliberately not chosen, because its proximity to the Afghan border (Wakhan corridor) brought it within direct shelling range of the Soviets, had it been attempted from the Afghan side²³. In the cold war era where the superpower rivalry would define the utility factor of geography, it was possible to imagine the Soviets using Wakhan corridor to target this Sino-Pak project. Moreover, Soviet infrastructure was relatively well developed in the bordering Pamirs. The Pamir Highway was completed in 1932 connecting Osh (presently in Kyrgyzstan) with Khorog (capital of Tajikistan's Gorno-Badakhshan Autonomous Region). Its proximity to the Wakhan corridor also brought Gilgit, Northwest Frontier Province and Xinjiang under the sphere of potential Soviet influence.

The above mentioned considerations point towards the geostrategic factors which went into the making of the KKH. China's then-Deputy Premier Li Xiannian, who, upon KKH's completion publicly stated that the construction of the highway allowed China to give military support to Pakistan. The decision as well as the location of KKH is the best response Pakistan and China could ever come out with to balance the global level threats (due to Cold war phase and Soviet Union's proximity) with the regional (India) ones.

During the Soviet war in Afghanistan, a large number of Uyghur *Mujahideen* reached Pakistan via the KKH. Pakistan also received Scud missiles and nuclear material from China, again transported through the Karakoram Highway. Notably, China has also built airstrips on the road, which points to Chinese designs not being entirely of a commercial nature.

These strategic factors notwithstanding, Karakoram's fragile topography, characterized by frequent landslides and heavy snowfall also makes any large scale activity unviable in the region due to which KKH's stretches need reconstruction and maintenance, which has opened an

opportunity for round the year presence of Chinese road building and engineering firms .

In 2005, a massive earthquake struck Kashmir and also destroyed the KKH. Immediately, the Chinese provided \$300 million for its upgradation²⁴. Under an MoU “signed in June 2006 between China’s state-owned Assets Supervision and Administration Commission and the National Highway Authority of Pakistan, it was decided that the Karakoram Highway would further be widened from 10 metres to 30 metres, with its operational capacity going up three-fold”.²⁵

On 4th January 2010, a massive landslide struck the Gojal valley of the Hunza valley region. The result was formation of a huge 24 kilometer long Attabad lake submerging a stretch of Karakoram Highway. Bilateral land trade through the KKH was reported to have suffered a setback to the tune of \$8.7 billion²⁶. As a temporary fix, boat services were started to ferry people and vehicles to put them on the other side of highway. This also resulted in a decline in cross border trade.

In 2012, with China’s assistance, a \$275 million reconstruction project was announced to upgrade the damaged portion of KKH by building an alternative route. The result bore in the form of Pakistan-China Friendship tunnels, inaugurated by PM Nawaz Sharif in September 2015. Like the Karakoram Highway, this upgraded portion of the KKH is also an engineering marvel with five tunnels of seven kilometers length, in addition to two large bridges and 78 small bridges. It is a joint venture project of Pakistan’s National Highway Authority and the state owned infrastructure giant, China Road and Bridge Corporation.

ASSESSING ECONOMIC VIABILITY OF KARAKORAM AS A TRANSIT-CORRIDOR

Andrew Small, in his *The China Pakistan Axis*, the highway carries no more than 7-8% of the total trade between both the nations, with bulk of Pakistan’s trade being with Guangdong and Zhejiang provinces, on the south and southeast coasts.²⁷ “During the fiscal year 2007-08, only 4 percent (Rs 3.1 billion) of Chinese imports to Pakistan came through the GB corridor...[with]...Karachi accounting for 75 percent of all Chinese imports...[but]...shipments through GB [Karakoram Highway] constituted only 1.5 percent of all exports”²⁸. Due to the alignment of routes in Gilgit-Baltistan being China-centric, economic viability of the KKH depends solely on China. For instance, between 2006 and 2008, trade value halved from

Rs. 6 billion to Rs. 3 billion, due to the revaluation of Chinese RMB (which made imports costlier), decreasing unit value of exports due to reduced sophistication; and the Chinese closure of KKH during 2008 Beijing Olympics due to security reasons²⁹. In addition to this, trade suffered a blow from 2010 onwards when a massive landslide on the highway created a lake on it, breaking the overland connectivity.

Coming back to China, the Sino-Pak cooperation has been represented in the ADB led Central Asia Regional Economic Cooperation Program³⁰ (CAREC) as well. "Pakistan's road network is connected to CAREC Corridor 5, which opens a vital trading link between landlocked Central Asian nations"³¹ and Pakistan's ports.³² Specifically, "the route covers the People's Republic of China, the Kyrgyz Republic, Tajikistan, and Afghanistan", linking them with Gwadar and Karachi ports. Of the two routes shown in the blueprint CAREC's corridor 5, one traverses the KKH³³ and by 2015, "more than \$1.03 billion has been invested in transport and trade in Pakistan through CAREC"³⁴, which is strong signal of faith in Pakistan's role in facilitating Central Asian and Chinese trade. Together with CAREC, the existence of Pakistan's Quadrilateral Transit Trade Agreement (signed in 1995) with China, Kazakhstan and Kyrgyzstan can turn out to be boosting factor for the region's trade and commerce ties given that hitherto nascent Central Asian economies do well in future³⁵.

As CPEC is expected to generate huge traffic, the KKH would become inadequate in the coming time. In its report the Special Committee of Senate on China-Pakistan Economic Corridor pointed out the inadequate width of the KKH in-light of the large containers that shall pass through it in large numbers through stretches overlooking steep gorges thereby escalating the risk factor³⁶. Hence, an alternative route which connects Gilgit via Chitral has been suggested by the committee³⁷.

On paper, the long term prospects of Sino-Pak economic cooperation and Central Asia's untapped economic potential envision a bright economic future for Pakistan. Xinjiang has become the latest hub of large scale infrastructural projects and industrial production. It is also expected that with the coming up of these corridors, GB would be receiving its due and shall transform into a prosperous region consisting of an industrial activity and performing the role of transit hub between South and Central Asia. However, it still remains to be seen how the region battles the odds of its complex topography by leveraging its geographical position between China, South Asia and Central Asian Republics.

CPEC IN GB: ECONOMIC DIMENSIONS AND LOCAL SENTIMENT

On 20th April, 2015, China's President Xi Jinping paid a state visit to Pakistan aimed at heralding a new era of Sino-Pak solidarity with his announcement of the China Pakistan Economic Corridor. An economic aspect was added to the geostrategic relationship when it was announced that the Karakoram Highway would be upgraded into an economic corridor extending it further southward to the deep-water port of Gwadar. China and Pakistan also plan to establish a railway link running from Havelian to Khunjerab Pass (to be constructed parallelly along with the Karakoram Highway), whose cost is estimated to be \$10 billion according to a pre-feasibility study³⁸.

Initially, CPEC had been limited to up-gradation of the KKH. "No CPEC projects have been included in the overall plan. Surprisingly, no hydropower project has been identified for funding under CPEC"³⁹. The announcement of CPEC does not seem to have any impact on India's sensitivities either, which had been claiming the area as disputed. Liu Jianchao, China's Assistant Foreign Minister in an address to media stated:⁴⁰ "The project between China and Pakistan does not concern the relevant dispute between India and Pakistan. So I do not think that the Indian side should be over concerned about that".

The issue has reached the highest political level with the Indian Prime Minister Narendra Modi having apprised President Xi Jinping of China's involvement in CPEC in a disputed territory⁴¹.

While the announcement of CPEC instilled a new sense of excitement even among the people of Gilgit-Baltistan, the people still are kept in dark regarding their role in the mega infrastructure project. The original 2015 CPEC document only contained the upgradation of Karakoram Highway as part of the project. However, some more projects were announced gradually under the CPEC umbrella, and also as side infrastructure development activities as ancillary infrastructure to the CPEC.

The Maqpondass Special Economic Zone, in Gilgit city has been proposed as part of the CPEC⁴². The 250 acre SEZ is set to consist of marble/granite and iron ore processing facilities, fruit processing, steel industry, leather industry. GB's Chief Minister also announced "two power projects of 100 megawatt and 80 megawatt capacity, costing 52 billion rupees [to] be completed through China Pakistan Economic Corridor (CPEC)".⁴³ In addition, after long delays, funds have been allocated to rebuild the 160 km long Gilgit-Skardu road.

In September 2017, the Joint Working Group of the China-Pakistan Economic Corridor (CPEC) project approved three schemes, namely the “Ghizer-Chitral-Chakdara road...repair and expansion of the KKH between Raikot (Diamer) and Dassu (Kohistan), and completion of the on-going Thakot – Havelian bypass road”.⁴⁴

Also, the controversial Diamer Bhasha project which is estimated to cost \$5 billion has not found strong support from China despite announcements by Pakistani authorities of its potential inclusion in the BRI. As of now, Pakistan’s Water and Power Development Authority has announced to raise \$500 million in Eurobonds for financing the dam construction.⁴⁵

A lot of announcements have been forthcoming from the centre and the GB government but this has not eased the anxieties of the locals who have been demanding greater representation as well as share of CPEC returns for the region. Skepticism also exists on the skewed allocation of funds across the provinces, with major chunk going to Punjab and the other provinces receiving very little. Time and again, nationalist parties, and even the mainstream parties like the PML and PPP chapters in GB have protested against the mere notional inclusion of the region into CPEC.

As road infrastructure is upgraded, GB is witnessing an increasing flow of tourists into the region which is expected to propel the region’s tourist economy. As a result, the Gilgit Baltistan Council notified the imposition of taxes in GB under the Income Tax Adaptation Act, 2012, with the expectation to tap the growing affluence.

As a result, thousands of residents, especially the traders announced shutter down strikes and protest marches across the region, spearheaded by the *Anjuman e Tajiran* and *Awami Action Committee (AAC)* in 2018. The protests began with the call to withdraw the taxes, but their larger demands revolved around representation-based issues and their role in the CPEC. Some of the demands put forward in AAC’s charter included Gilgit-Baltistan getting its share of CPEC income, declaring GB a tax free zone, power projects in the region be controlled by Gilgit-Baltistan only, and not Islamabad and subsidies that have been stopped be restored and historical trade routes leading from Gilgit-Baltistan to Ladakh and Tajikistan be reopened.⁴⁶

In May 2017, when Prime Minister Nawaz Sharif, accompanied by the Chief Ministers of the four provinces (excluding GB Chief Minister) travelled to China for CPEC related discussions, large scale protests were held in Skardu, viewing this as a discriminatory move against GB. Also,

sluggish progress on the land acquired in Skardu for CPEC related purposes was another issue of discomfort among the people. Numerous protests which have taken place in the region, is a proof of the discontent prevalent among the people.

However, in the larger backdrop, the Pakistani establishment has managed to pacify any separatist tendencies in the region either by coopting the nationalists in the political process or by forcing some of the nationalists into exile. Over the years, both, civil and military establishments have discouraged the formation of independent political attitudes which tread a different narrative than that in mainland Pakistan. This also explains the lack of openness to support few nationalist organizations and the threat of criminal charges that discourage transparent political culture in the region.

Economically, the void is being filled by increasing the dependence on China in multiple spheres with FMCG goods, hydel power projects, telecom and digital connectivity cables etc. to enable GB transition into the CPEC's Long Term Plan (2017-30), which classifies CPEC into five functional zones, identifying GB as "northern border trade logistics and business corridor & ecological reserve".⁴⁷

EVOLVING GOVERNANCE STRUCTURES AND THEIR LEGAL BASIS: THE CASE OF GB ORDER, 2018 AND SURROUNDING CONTROVERSIES

As is evident, "Chinese policy toward South Asia has as a principal goal keeping the region and its leading state, India, weak [which, it has done] by exploiting divisiveness within the region".⁴⁸ Legally, Gilgit-Baltistan remains an integral part of the India. Since the announcement of CPEC, India's protests coincided with growing local sentiment against Pakistan's policies of smooth facilitation of Chinese investments in the region without devolving powers to the local political community. This is evident with the very setup of the Gilgit Baltistan Legislative Assembly and the Prime Minister led GB Council. Before 2009, GB continued to be ruled by ad-hoc measures, tightly controlled by the centre and the army. Measures like Northern Areas Advisory Council of 1969, Northern Areas Council of 1974, or the Legal Framework Order of 1994 gradually introduced limited electoral activity, but allowed curtailed legislative authority to the local representatives.

The GB (Empowerment and Self Governance) Order, promulgated in 2009 gave the region its first ever Legislative Assembly, but on the other

hand set up a Prime Minister led GB Council that exercises key powers, controlling policies on tourism, mineral extraction, natural resources etc. The legislative assembly was reduced to passing laws on municipal issues. Further, the judiciary, the GB Chief Court and Supreme Appellate Court, are restricted to jurisdiction within the region and cannot speak for issues that have a direct bearing on the region yet outside the territorial jurisdiction. In crux, these measures did not meet the demands for greater powers of representation. Islamabad cited the ongoing Kashmir issue in the UN as the reason for keeping GB's rightful share suspended.

A case was filed in the Supreme Court of Pakistan in the 1990s and in its ruling the Court acknowledged GB as a disputed region, further calling on the government to accord all the rights enjoyed by common Pakistanis. The ruling, although legally questionable, stated that "the people of Northern Areas were citizens of Pakistan for all intents and purposes and could therefore invoke constitutionally guaranteed fundamental rights."

After a 15-year hiatus, the issue of GB's political status once again shot into prominence after the announcement of the CPEC in 2015. Pakistan reacted to India's protests to restart the legal processes in order to secure the CPEC's normative legitimacy and assuring the residents of GB on the matters of power devolution. A committee was established under the then National Security Advisor Sartaj Aziz to look into the constitutional arrangements to⁴⁹:

- (i) review the current constitutional and administrative status of GB and analyse any shortcomings. (ii) examine if the existing boundaries of GB overlap with the territories that formed part of the pre-independence state of Jammu and Kashmir. (iii) Recommend constitutional and administrative reforms keeping in view the UN resolutions on Kashmir.

The committee submitted its report in March 2017, recommending a provincial setup pending the final solution of the Kashmir issue, seats in the national assembly and senate, assigning greater legislative powers to the legislative assembly. It was also reported in February 2018 that the Shahid Khaqan Abbasi government had decided to abolish the GB Council and transfer its subjects to the legislative assembly.

As a result, the PML-N government (under Shahid Khaqan Abbasi) promulgated the updated Gilgit Baltistan Order in May 2018. The order did not mention GB Council, giving an initial impression that it been abolished but on a closer reading it was found to be more regressive than the 2009 order. The new order, through Article 62 and 65 empowered the

Prime Minister to legislate on all subjects. According to Article 75(2), retired chief justices of the Supreme Court or of High Court were eligible for becoming the chief judge of the Supreme Appellate Court.

Even before the promulgation of the 2018 order, a member of the GB Council filed a complaint in the GB Supreme Appellate Court under Article 61 of the 2009 Order. In his complaint, he stated that “he took the oath under Article 33 of the GB Empowerment and Self-Governance Order 2009 and was entitled to hold the office till 2020”, and demanded that no action on the Council be taken till its tenure ended.⁵⁰ The Appellate Court, which had issued a stay order on the upcoming Order, later suspended the Order citing it as violative of the earlier stay order.

The case however was taken up by federal government which appealed to the Supreme Court, which restored the order in August 2018.⁵¹ Subsequently, the Supreme Court established a committee headed by the Attorney General to prepare a draft on proposed reforms. Based on its observations the Supreme Court gave a ruling in January 2019, wherein it examined three key questions:

1. Would granting Fundamental Rights within the constitutional scheme of Pakistan prejudice Pakistan’s cause for the resolution of the Kashmir ‘dispute’?
2. What rights can be granted to people of Gilgit Baltistan?
3. Is the appellate court a constitutional authority?

Reiterating that the region was disputed, the court repeated many points of its 1999 ruling. It called for establishing a provisional province and treating the people of GB on par with Pakistani citizens. The court re-published the 2018 order with the GB Council restored, keeping the old hierarchical relationship intact. The amended order even increased the proportion of the civil servants posted from centre to GB. In totality, the amended order only increased control from the centre. Both, federal government and judiciary have played near similar role in putting the control of GB in the hands of centre and the security forces.

It was expected that Islamabad would formally announce GB as a provisional province by the November 2020 elections but no decision was taken despite the rumor. However, the decision seems to have been postponed after some high-level political discussions, that included the Army Chief.⁵² The reasons are subject to speculation but it is expected that GB could potentially undergo a legal transition on the lines of an interim provincial setup, especially as Islamabad acknowledges pressure

from the local sentiment that united few months before election to support the long jailed activist Baba Jan. After almost a decade of his incarceration, Baba Jan was freed from jail in November 2020, signaling flexibility on part of the Pakistani authorities. It is expected that some legal adjustment on the status of GB could be on the cards.

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INDIA-PAKISTAN CROSS-CULTURAL CONNECTIVITY: THE *BALTIS* OF LADAKH AND BALTISTAN

ZAINAB AKHTER

The partition of India and Pakistan in 1947 divided many 'Border States', particularly the region near Line of Control (LoC) consequently dividing thousands of families across the LoC. When it comes to literature on the Indo-Pak partition, most eminently Kashmir and Punjab finds a mention. However, there is rarely any reference to Ladakh and Baltistan and the divided families across the Himalayan region between India and Pakistan. The partition and subsequently the marking of the LoC on 01 January 1949 separated Ladakh and Baltistan on a permanent basis. It is pertinent to mention that the northernmost village of Turtuk in the Nubra Valley of Ladakh that shares borders with Kaphlu district of Baltistan came under the Indian control only after the Indo-Pak War of 1971 fought to liberate East-Pakistan (*now Bangladesh*). Hence partition along with the wars of 1947-48 (*also known as first Kashmir war*) and 1971 had a huge impact on Ladakh and Baltistan and caused division and separation of Balti families across the LoC in Ladakh.

This paper is an attempt to explore the cultural/historical linkages between Ladakh and Baltistan and introduce the Balti account in the larger India-Pakistan mainstream narrative. It argues that if the border routes (Srinagar-Muzaffarabad and Jammu-Sialkot) of erstwhile state of Jammu and Kashmir despite being a conflict region can be open for people-to-people diplomacy (P2P), then why not the routes between Ladakh and Baltistan (Kargil-Skardu & Turtuk-Kaphlu)? Ladakh and Baltistan are the most peaceful regions in India and Pakistan and the Balti people on both sides of the border have been demanding the opening of these old trade routes, once part of the Silk Route. The paper also alludes to the writer's first hand experience of travelling to these border villages in both India and Pakistan, especially her personal journey to Baltistan in 2017 to

reunite her late grandfather Haji Abdul Hamid from Zanskar with the other half of his family in Sermik village of Skardu. It has to be noted that his father, late Habibullah crossed the border from Kargil to Baltistan in 1948, and it was my late grandfather's last wish to say a prayer at his *mazzar* (graveyard) in Sermik.

CONTEXTUALIZING THE *Baltis* IN THE FRAMEWORK OF INDO-PAK HISTORY

Since partition, India and Pakistan have been involved in various conflicts ranging from water sharing to border demarcation, and have fought three full wars and a half in the year 1999. Amid the conflict and crisis, there have also been numerous attempts to improve the relationship. The revival of the Composite Dialogue process in 2004 was instrumental in changing the state-centric to a more people-centric narrative of the relationship, thereby encouraging cross Line of Control (LoC) connectivity between the two nations. Border routes were opened mainly in the state of Jammu and Kashmir to give impetus to the cross-border connectivity and to facilitate a measure to unite the divided families across the LoC. However, the Union Territory of Ladakh which is strategically significant for India, bordering Pakistan in the west and China in the east has been left out from the larger narrative of the Indo-Pak cross-border connectivity and the economic and psychological benefits of the cross-border openings. It hosts the Siachen Glacier, which is considered the highest battle field in the world and was witness to three major Indo-Pak Wars (1948, 1971, 1999 Kargil War).

After remaining an independent kingdom for a long time, mostly under Tibetan influence, Ladakh was invaded and annexed into the Sikh Empire by Zorawar Singh, a general of Maharaja Ranjit Singh in 1834. The Ladakhi people were unhappy with the foreign invasion and planned a rebellion against the Sikhs in 1842. The movement was crushed and due to its proximity to Kashmir and simplify its rule, the Dogras incorporated Ladakh (including Baltistan) into the state of Jammu and Kashmir. Ladakh and Baltistan became part of the *Ladakh Wazarat* with three tehsils based in Leh, Kargil and Skardu under the Dogra rule, with a governor known as the *Wazir-e-Wazarat* to administer each one. However, with partition and coming up of the LoC, the whole region got divided into two parts with Kargil and Leh remaining on the Indian side and Baltistan on the other side of LoC with Pakistan. As mentioned above Turtuk was taken

by the Indian army during the war of 1971 from Pakistan, which displaced and separated many families over night without any prior warning. The last village Thang (as seen in image 1) in Turtuk is just stone's throw away from Frono village of Kaphlu district on the other side of border, while the Batalik sector in Kargil is in close proximity to Karmang district in Baltistan. These borderland villages in Ladakh and Baltistan form what I call as the 'Balti-belt' that share a strong historical, cultural and emotional connect irrespective of the permanent lines that divide them physically.



Image 1: Last village Thang on Indian side in Turtuk, 2018.

The Balti People

The *Baltis* are a distinct community whose ancestors migrated from Baltistan to Kargil and Leh or Kargil/Leh to Baltistan before the partition. The Baltis in the present situation are populated around the Batalik sector of Kargil, Turtuk village in Leh and are sparsely settled in many areas of Drass, Kargil and Zaskar valley. The major Balti-belt is around the India-Pakistan border in Ladakh as represented by dots in the map (*image 2*). By no means the word Balti in this article is used for religious representation, it is used to indicate the ethnicity of these divided families living across the border of Ladakh and Baltistan and is effected by the partition of India and Pakistan (they can be Shia, Sunni or Noorbakshia). On the Indian side, the Baltis of Turtuk mostly follow Noorbakshia¹ branch of Islam, in Kargil they are mostly Shias and in Drass and Zaskar these divided families follow the Sunni branch of Islam. On the other side in Pakistan while majority of the Baltis follow the Noorbakshia faith there are Shia and Sunni Muslim Baltis too scattered around the different districts

of the region.



Image 2: Depicting the 'Balti-belt' near India-Pakistan border in Ladakh.
(Credit: Suhail Lone).

Even after many years of separation and isolation, what has not changed is the common culture and emotional yearning for the other across both sides of the border. People in Kargil and Baltistan adhere strongly to the *Balti-adab* (mannerism) which makes them distinct from the rest of the population. The language spoken by the people in Kargil and Baltistan is also known as the Balti dialogue and as compared to the other language *Purig-pa*² used by Muslims in Ladakh, the Balti speaking population is more and, therefore, Balti as a language has found its place in the eighth schedule of the constitution of Jammu and Kashmir. Radhika Gupta in her article *Poetics and Politics of Borderland Dwelling: Baltis in Kargil* noted that *Balti* has been accorded official recognition as one of the eight regional languages through its inclusion in the eighth schedule of the erstwhile state of Jammu and Kashmir constitution. This is based on the pre-colonial 1941 census linguistic enumeration based on population numbers. She further added that considering Baltistan and Kargil, there were a greater number of *Balti* speakers compared to

Purigi, which has not been included in the eighth schedule. Despite the *Baltis* being a minority in numerical terms today, their language has constitutional status³. Kargil and Turtuk have the highest number of *Balti* speaking population, and the highest number of divided family ratio compared to the rest of Ladakh.

Personal Anecdote

My interest in highlighting the stories of the divided families from Ladakh and Baltistan is a personal one, as I too belong to one such family from Zanskar that have faced the brunt of separation maximised by the India-Pakistan Conflict. Through this account I intent to generalize the pain of separation of the families across the Balti Belt.



Image 3. Family reunion at Shangri-La resort, Skardu. Myself and my late grandfather with his relatives from Baltistan.

In 1948 with the India-Pakistan ceasefire after the first Kashmir war, a group of men from Zanskar travelled to Kargil with the Pakistani soldiers who had reached Zanskar during the war. They crossed into Pakistan via the Kargil-Skardu route on a temporary basis and with a hope to return back to Zanskar some day. But with closure of the border and coming up of the permanent Line of Control on 01 January 1949, their hopes and dreams to come back to India to their families were shattered and broken forever. One of them was my great-grandfather, Haji Habibullah who left behind his family of four that included my grandfather who was only 11 years at the time of his departure. They later came to be known as *Padum*

party in Baltistan, most of them joined the Pakistani army and got settled in different parts of the region, mainly in Sermik Village in Karmang district near Kargil border, which is three hours' drive from Skardu. It is interesting to note that these men were Sunni Muslims from Zanskar but married women for Noorbakshia faith, settled on their lands and hence their other family in Baltistan follow this faith till date, while the family of origin adheres to Sunni branch of Islam. Interestingly one family that traces its origin to Zanskar continues to adhere to the Sunni faith till now co-existing with the majority Noorbakshia village of Sermik and have also maintained a family mosque for their use.



Image 4. *Sermik Village, Skardu 2017.*

My great grandfather married for the second time and settled on his wife's land in Sermik, he had two sons and one daughter and died on 17 December 1987. Through his whole life, he yearned to return to Zanskar and meet his first family. On this side my late-grandfather kept dreaming to visit Pakistan and meet his father but his death crushed his hopes. He connected to his father through letters and photos till he was alive and they were sent through Haji pilgrims from Zanskar who received it from pilgrims from Baltistan in Saudi Arabia. Normally this is how the divided families receive/exchange gifts across the border in Ladakh and Baltistan.



Image 5. *Late Grandfather welcomed at a relative's home in Shigar district, 2017.*

My late grandfather narrated stories of partition to me since a young age and that deeply impacted me throughout my childhood and adult life. His only wish was to cross the border for one last time, meet his half-brothers and other relatives in Sermik and say prayers at his father's grave in Sermik. This opportunity came in 2017 when I was able to secure a visa for late grandfather, then 85 years old and my parents after much hurdles to visit Islamabad and ultimately to Baltistan. However it took us a week of wait, persuasion and pleading with people of power in Islamabad before they finally granted us permission to visit Baltistan on humanitarian grounds. The journey from Islamabad to Sermik passing through Murree, KPK, and Babusar top was emotional and *deja vu*, it felt like we were travelling from Jammu to Ladakh, with similar geography and culture. The whole Zanskar community that day descended to Sermik village to welcome my grandfather and us, who were the second family in these whole years to manage a visit to Baltistan. He said his prayers at his father's grave that was proudly marked as Habibullah from Padum-Zanskar. It was during our visit to Baltistan that it was revealed how proud they feel that their ancestors came from Zanskar in India and how they have preserved a small Zanskar community in Baltistan. Although most of the men that were originally the *Padum party* are no more, but this Padum community despite the border have kept alive an emotional connection with the land of their ancestors in Ladakh.



Image 6. *My late grandfather saying prayer at his father's grave in Sermik, 2017.*

During this trip, I had a first-hand experience of this *Balti* culture on the other side of the border. Skardu, the main town is very much like Kargil town and the *Balti-Bazar* in Skardu is a replica of the *Balti-Bazar* in Kargil, both of which date to the time of Silk Route trade. Similar language, culture and food habits helped me mingle easily with my relatives and the people of Baltistan. It was found that an important aspect that keeps the *Baltis* on both sides of the border connected is *Balti* music. Abbas Anand, a famous *Balti* singer in Sermik is so popular in Ladakh for his songs and style of singing that my cousins in India requested me to meet him and record his songs on the cell phone, which I did. Abbas is a big fan of Dev Anand, the Indian yesteryears actor that he added Anand as his second name. The *Balti* singers of Ladakh, like Faizal Ashoor, Shireen Fatima of Turtuk, are very popular in Baltistan, especially among the youth.



Image 7. *With famous Balti Singer, Abbas Anand in Sermik 2017.*

Despite the influence of Urdu in Baltistan, the *Baltis* take pride of their past and have tried to preserve the old *Balti* culture, which also has glimpses of Buddhist influence. For example, they are reviving the original *Balti* written in Tibetan script and are educating the youth about various cultures from the past shared in common with Ladakh. One of the traditions still prevalent is the celebration of *Losar* (New Year) along with Ladakh and Tibet. But it is interesting to note that during the celebrations which are called *Jashn-e-Mephang*⁴ in Baltistan they still use fire as part of celebrations and perform a special dance with sticks lighted with fire. This tradition has slowly died down in Ladakh but is still prevalent in Baltistan indicating their will to hold on to the shared past.

CROSS-BORDER CONNECTIVITY: DEMAND FOR OPENING BORDER-ROUTES

The opening of the Uri-Muzaffarabad and Poonch-Rawlakote routes in Kashmir and Jammu, respectively have proved to a great extent that the cross-border routes have the potential to alleviate emotional alienation, especially between families divided by the borders. However, in the larger narrative of cross-LoC connectivity, Ladakh region has been totally neglected. India looks at Kashmir more through the prism of security and defends the region from outside threat through the prism of its massive security structure. However, despite the volatility of the situation in Kashmir, its borders are open for trade and humanitarian exchange. On the other hand, Ladakh, which is portrayed as the most peaceful region, having amicable relations between army and people, has not been brought into the map of the cross-LoC connectivity.

Historically, the all-weather Kargil-Skardu (connecting Kargil in India and Skardu in Pakistan) and Turtuk-Khaplu road (connecting Turtuk in India and Khaplu in Baltistan) was a jugular of intra-regional trade on which the local economy was heavily dependent. The India-Pakistan war of 1948 resulted in the closure of this historic route dividing the *Balti-land* into Kargil (India) and Baltistan (Pakistan). The people of Kargil and Turtuk have been demanding the opening of the Kargil-Skardu and the Turtuk-Khaplu road based on the larger cross-LoC connectivity project between India and Pakistan. This route has the potential to become an important trade and tourism link, which can also bring a respite to the divided families of this mountainous region.

Moreover, it is argued that if Kashmir being a conflict zone can have

routes open for trade with Pakistan, why the same parameter does not apply to Ladakh, which is otherwise considered to be a peaceful place. Also, the link to Kashmir is under snow for half the year, this route delinks what is otherwise an all-weather tourist destination to the climactic undesirables of weather patterns in Kashmir. As a result, the seasonal unemployment that Kashmir suffers from, is unwittingly imposed on the Kargil region, which need not be the case. The routes in Ladakh connecting Pakistan can be an alternative all-weather road, which can keep the region accessible through the long winter months and strategically provide India with rapid access to Central Asia.



Image 8. On way to Turtuk, last village on Indian side of Border in Ladakh 2018.

As trade between India and Pakistan is carried out in a third country, significant revenues are lost, profit margins are reduced, and costs go up. Several studies indicate the existence of large smuggling based black market in the region. Formalisation of direct trade by eliminating these undesirable aspects can bring an immediate improvement to the quality of life in the region. These studies also aim to underline that formalising this trade carries the potential of increasing governmental income, which can strengthen the local economy by providing the impetus for further growth, independent of what happens in the Kashmir valley.

The origin of the cross-LoC connectivity can be traced to the ceasefire between India and Pakistan in 2003. In the following year, series of negotiations between the two countries coupled with a meeting between the then Prime Minister of India, Atal Bihari Vajpayee and then President of Pakistan Pervez Musharraf at the side-lines of the 2004 SAARC Summit

in Pakistan took place. This had set the stage for the commencement of the cross-LoC interactions. It needs to be underlined here that the demand for the opening of the cross-LoC routes from both sides were based on humanitarian grounds citing the plight of the people on both sides of the LoC. The following years 2005 and 2006 witnessed the opening of the Srinagar-Muzaffarabad road (connecting the people of Kashmir to Pakistan) and Poonch-Rawalakote road (linking Jammu to Pakistan). "In 2006 the understanding was reached between India and Pakistan to start cross-LoC trade in selected primary products of Kashmiri origin. The Foreign Ministers of both countries met on May 21, 2008, to discuss new and existing Kashmir-specific Confidence Building Measures (CBMs), and agreed to increase the frequency of Srinagar-Muzaffarabad and Poonch-Rawalakote Bus services and allow intra-Kashmir trade and truck services"⁵.

The opening of the routes was well received by people, especially by the business community across the LoC, which looked at it as the beginning of the trans-LoC trade. There was a common understanding that the opening of these routes would bring economic prosperity. Most importantly, it was envisaged to bridge the gap between the people of India and Pakistan that would help reduce tension by strengthening the peace process. "The *Karvan-e-Aman*, which brings together families from both sides of Kashmir is momentous for the divided families and enables families separated since 1947 to unite. The cross-LoC connectivity has opened up immense possibilities for cooperation between the two sides of Kashmir"⁶. Similarly, the *Rah-e-Aman* facilitates the meeting of divided families and cross-LoC trade in the Jammu sector. However, it needs to be underlined here that there is one more region in the erstwhile State of Jammu and Kashmir, i.e. Ladakh that has roots in the India-Pakistan partition and thus needs attention from the government. As Haider Ali Askary, rightly points out this disparity when he writes, "Lot has been said and written about the divided families in the Kashmir and Jammu regions. As a result of which the two governments initiated the Uri-Muzaffarabad and Poonch-Rawalakot bus services. However, thousands of divided families in Ladakh region (particularly Kargil) and Gilgit-Baltistan remained unnoticed."⁷

Despite the potential of cross-LoC routes (Kargil-Skardu, Turtuk-Skardu) and the repeated demands by locals to open these routes, there have been no efforts by the government to connect this region to the larger cross-LoC narrative. Ravina Agarwal in her book, *Beyond Lines of Control:*

Performance and Politics on the Disputed Border of Ladakh, eloquently brought out the reason why the state is only looked through the prism of Kashmir while sidelining Ladakh region. She wrote, "Kashmir was the popular abbreviation for the state of Jammu and Kashmir. The name of Ladakh, the state's largest region, did not feature anywhere on our maps"⁸. This can be one reason why the partition and divided families are only considered as an issue of the Kashmir valley and there is hardly any knowledge among masses about the divided families of this mountainous region.

Historically, the all-weather Kargil-Skardu route was one of the most important routes through which many traders and artists travelled all the way from Tibet to Pakistan and Afghanistan. Being on the way at almost a junction point, this region served as the important purpose of trade and stay⁹. The events following partition, specifically the India-Pakistan war of 1947-48 resulted in the closure of this historic route isolating Baltistan from its natural linkages to the outside world. Ladakh has many families divided across the border, most of them concentrated in various border villages of Kargil, Zaskar and Turtuk in Leh. But unlike the divided families in Kashmir and Jammu, they do not have immediate access to their relatives across the LoC. For a person from Kargil, to visit Gilgit-Baltistan, they must travel from Kargil to Delhi for visa and to Amritsar/Wagah and to Islamabad and Skardu. "The distance between Kargil district and Gilgit-Baltistan is less than 200 km and it takes approximately five hours while the distance they need to travel to meet each other is approximately 3,000 km"¹⁰.

Kargil is historically, geographically and culturally more connected and similar to Baltistan than the Kashmir valley. The deep-rooted *Balti* culture keeps the people of Kargil and Baltistan emotionally connected even after so many years of partition. "Haji Abdul Hamid, a native of Zaskar symbolises this. In 1948 the retreating Pakistan Army, which had occupied the Zaskar heights took many locals and settled them in Skardu. As a result of tight travel restrictions, they can only meet in Saudi Arabia or Iran during pilgrimages. Since the *Baltis* do not identify with the Kashmiri culture, the alleviation of *Balti* concerns significantly reduces the scope of what is referred to as the "Kashmir Issue" taking the wind further away from the sails of this monolith construction"¹¹.

The road from Skardu to Kargil via Srinagar is almost a stretch of 1,700 km, while, at the same time, Skardu is a 173 km or a five to six hours drive from Kargil. The entire route is, at present, suitable for four-wheeled

vehicles and may need some widening for a small stretch of about half a kilometre near the Line of Control¹². The utility of the Kargil-Skardu road also lies in its durability in winter months. At present, there is only one pass Zoji-La (NH1), which connects the Ladakh region on the Indian side with the rest of the world. But this lifeline is cut-off for more than six months in winters due to heavy snowfall and people spend their lives in isolation especially in Kargil (Leh has aerial connectivity from Srinagar, Jammu and Delhi).

The opening of the Kargil-Skardu link has the potential of increasing the inflow of tourists manifold. "At a time when the government sector is shrinking and unemployment is rampant, tourism could possess much-unemployed youth in its fold on both sides. It would also revive the traditional route for movement of trade and commerce, connecting many neighbouring regions, which were the case until 1947"¹³. In addition, the reopening of the road would also give direct access to the numerous shrines and religious monuments for the Muslim, Buddhist and Hindu pilgrims who deem them to be sacred.

Gilgit-Baltistan (GB) and Kargil have extensive tourism potential, especially adventure tourism, like trekking, mountain biking, river rafting among others. In addition, there are several routes suitable for high altitude jeep safaris. The exploitation of these depends on open circuits with several contingencies and shorter access routes, which are cut off by the border as of now. Leaders of the Hill Development Council in Kargil have demanded a Greater Ladakh, which would include Gilgit, Skardu and Baltistan precisely because the local economic development is being held hostage to events in Kashmir even though the underlying causes are completely divorced from the more contentious issues there. This card if played right can be the first step towards the pacification, if not the solution of the Kashmir problem.

Consolidating a road that intercepts the Karakoram Highway is critically important in times of war, for rapidly severing this link has been deeply detrimental to India's security. Moreover, such a road can provide rapid access to Central Asia, should either of two extremities eventuate—the collapse of Pakistan or rapid warming of India-Pakistan ties.

CONCLUSION

With the recent creation of Ladakh as a new Union Territory and the opening of the Kartarpur corridor, the Balti people of Ladakh and Baltistan

are hopeful that things might now change. Even if not the full routes, then perhaps a Kartarpur-like Ladakh corridor that would enable divided families to meet up at a particular point on the border¹⁴. A similar demand has also been seen in Baltistan, where social media was abuzz with the idea following the opening of the Kartarpur corridor.

Additionally, there is the potential for a religious corridor for the Baltis just like the Kartarpur corridor for the Sikhs, although not much is known about this in either Ladakh or Baltistan. In the Batalik district of Kargil near the India-Pakistan border stands the *ziyarat* (tomb) of Sheikh Ali, which is known locally as the Brolmo Sheikh Ali Ziyarat and is revered equally by the people of Kargil and Baltistan. One of the interviewees during my field trip to Pakistan expressed her feelings by saying: “When we look at the *ziyarat* we feel like we are touching it, while at the same time knowing that our relatives are also on the other side brings satisfaction as well as tears”. She also told me how every time she goes down to the river (Indus) flowing from Ladakh into Baltistan she has a sip, knowing it has touched the soil where her great-grandfather lies. It should be noted that this *ziyarat* is regularly thronged by people in Kargil, especially those who have a relative in Baltistan. Hence, whether knowingly or not, this place has become a point of convergence and a meeting point for Balti people on both sides of the border; emotionally, if not physically.

The *Baltis* of Ladakh and Baltistan look with great hope towards their respective governments for opening up their border routes for P2P as well trade. It will serve multipurpose, first, it will help the reunion of divided families, second, it will bring prosperity to their region through trade and most importantly it will reduce the distance and cost of travel between Ladakh and Baltistan. It is an irony that even though Kargil is just three hours’ drive from Karmang, people from Kargil have to travel all the way around from Delhi-Amritsar-Lahore-Islamabad-KP crossing the Babusar top into Baltistan, which takes more than a week. Ladakh is considered a peaceful place and tourists throng the place in search of Buddha and peace. On the other hand, Kashmir is a declared conflict zone but still, its border is open with Pakistan for trade and people’s moment. Why this different yardstick to treat the people of Valley and Ladakh? The *Baltis* in Ladakh and those who have divided families have lots of hope that one day these border routes will be opened and that they will be able to reconnect with the other side. The *Baltis* in Baltistan have more hope from these border routes.

There is a need to organise more conferences in Ladakh and invite

the *Balti* people from Baltistan and make them feel part of the *Baltis* in India. Also, the *Baltis* in Dehradun who are originally from Baltistan must be brought into the common *Balti* fold in Ladakh and should be granted the right to land. Instead of focusing overall India-Pakistan dialogue over Kashmir, there is a need to bring Ladakh into the picture by highlighting the issue of *Baltis* on both sides of the border. Connectivity along this Himalayan region can be a great confidence building measure between India and Pakistan.

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FUTURE STATUS OF GILGIT-BALTISTAN

SARTAJ AZIZ*

Ex Foreign Minister Sartaj Aziz chaired the high powered constitutional committee in 2015 ordered by PM Nawaz Sharif to review and recommended the status of Gilgit-Baltistan in the scheme of Pakistan. Here he explains the way forward since the issue is hanging fire once again.

In May 1999, the Supreme Court of Pakistan delivered a landmark judgement which declared that “the people of Northern Areas were citizens of Pakistan for all intents and purposes and could therefore invoke constitutionally guaranteed fundamental rights.” The court accordingly directed the government to take proper administrative and legislative steps to ensure that the people of Northern Areas enjoyed these rights under the Constitution. In October 1999, the civilian government was ousted in a military coup.

No follow-up action was taken on the Supreme Court judgement during General Pervez Musharraf’s rule from 1999 to 2008. In 2009, the Pakistan People’s Party government introduced a comprehensive package of reforms through the “GB Empowerment and Self-Governing Order 2009”. This order changed the name of Northern Areas to Gilgit Baltistan (GB) and provided for a 33-member legislative assembly with an elected chief minister. The Order also brought the administrative structure of GB closer to that in the other provinces.

Despite this important reforms package, the people of GB continued to press the demand for further constitutional and democratic rights. On 17 August 2015, the GB Assembly passed a resolution demanding that “GB should be given the status of a province of Pakistan.” In October

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2015, Prime Minister Nawaz Sharif set up a committee under my chairmanship to:

- (i) Review the current constitutional and administrative status of GB and analyse any shortcomings.
- (ii) Examine if the existing boundaries of GB overlap with the territories that formed part of the pre-independence state of Jammu and Kashmir.
- (iii) Recommend constitutional and administrative reforms keeping in view the UN resolutions on Kashmir.

This GB committee included Mr Ashtar Ausaf Ali, Attorney General, Khwaja Zaheer Ahmad, Special Advisor to PM, Mr Hafeez ur Rehman, Chief Minister GB, Foreign Secretary, Aizaz Ahmad Chaudry, Secretary Kashmir Affairs and GB, Mr Abid Syed, Chief Secretary GB, Mr Tahir Hussain and then-Major General Shamshad Mirza, Director-General Military Operations. Dr Mohammad Faisal, then-DG South Asia acted as secretary of the committee.

The committee got down to working on its mandate and after a thorough study of historical archives, it submitted a 93-page report to the Prime Minister on 17 March 2017. Its main recommendations were:

- a) In order to fulfil the aspirations of the people, the next logical step to implement the Supreme Court decision will be to provisionally give Gilgit-Baltistan the special status of a province, pending final settlement of the Jammu & Kashmir dispute. This step will be a positive response to the formal request from the people of GB as expressed in the unanimous resolution adopted by the GB Legislative Assembly on 17 August 2015.
- b) This arrangement can be formalised by giving representation to Gilgit-Baltistan in the National Assembly and Senate, through constitutional amendments in Articles 51 and 59 of the Constitution of Pakistan rather than amendments to Article 1.
- c) Since representation in the National Assembly will be based on the last official census, Gilgit-Baltistan will be entitled to three special seats, one for each of the three Divisions i.e Gilgit, Baltistan and Diamer. One additional woman seat can also be added, to be elected by the Gilgit-Baltistan Assembly. This Order can be issued by the President under article 258. Provision for these seats can be made by adding the following amendment to Article 51(4) of the Constitution:

“...and four seats to Gilgit-Baltistan to be filled from such date and in such manner as the President may by order specify, so granted as part of reforms to address aspirations of people of Gilgit-Baltistan, pending the final resolution of Jammu & Kashmir dispute as per the UN Security Council Resolutions without any prejudice to Pakistan’s principled stance.”

- d) Similarly, three special seats can be created for GB in the Senate, one for each Division through appropriate amendment in Article 59.
- e) To bring the GB Assembly at par with other Provincial Assemblies, all legislative subjects, other than those enumerated in Article 142 of the Constitution and its Fourth Schedule may be assigned to the Gilgit-Baltistan Assembly and the Council, in the prescribed manner, with corresponding executive powers.
- f) Gilgit-Baltistan Government may be given representation in all constitutional bodies like National Economic Council, National Finance Commission and Indus River System Authority by extending special invitations, similar to those extended to AJK.
- g) Simultaneously, a robust local government system should be set up in Gilgit-Baltistan as early as possible to provide all services at the grassroots level.

After taking over as prime minister, Mr Shahid Khaqan Abbasi chaired several meetings to consider these recommendations. This process culminated in a new “Government of Gilgit-Baltistan Order 2018”, which was promulgated in May 2018. Under this Order the powers of the GB Assembly were brought at par with other provinces by adding several additional subjects in the third schedule. GB was also given representation in all statutory bodies like NEC, NFC and IRSA. Civil Service reforms were also approved to give representation to GB in all relevant federal bodies, apart from a substantial increase in the allocation of development funds for GB, along with powers to approve development projects similar to those available to other provinces.

Since the term of the Pakistan Muslim League-N government was to expire on 31 May 2018, it was not possible to implement the last remaining requirement, namely amendments in articles 51 and 59 of the Constitution to give representation to the people of GB in the Parliament of Pakistan as part of the provisional special status of a province to GB. All other recommendations of the GB committee had been implemented through GB Order 2018.

In making those recommendations, the GB committee, as required in its Terms of Reference number (iii) had paid special attention to the implications of the UN resolutions on Kashmir. That is why the committee had taken care to recommend amendments in article 51 and 59 to give special seats to GB in the Pakistan Parliament but not in article 1 which describes the composition of the federation.

Unfortunately, in the next two years this important subject did not receive the attention it deserved. In the face of several negative developments, no one with adequate knowledge of the reform process was given the responsibility to keep it on track.

In July 2018, the GB Appellate Court set aside the GB Order 2018 and restored the GB self-governance Order 2009. But this judgement was suspended by the Supreme Court on 3 December 2018. The Apex Court also ordered the Federal Government “to propose a fresh draft order for the governance of GB on the basis of the recommendation of the Sartaj Aziz committee”.

A new draft “GB Governance Reform Order 2019” was accordingly submitted to the Supreme Court which approved it on 17 January and asked the Federal Government to take further action expeditiously. In a subsequent meeting of all stakeholders on 16 February 2019, it was agreed that the GB Reform 2019 would have to be enacted through an act of parliament. A committee under the Minister of KA and GB was set up for this purpose. Since then no progress on the work of this committee has been reported so far. Meanwhile, the development allocation for GB in 2019-2020 was reduced by one-third and the process initiated by the PML-N government to give representation to GB in Federal Statutory bodies was also suspended.

In September 2020, as the time for GB elections approached, someone in the government suddenly realised that a formal announcement to give provisional status of a province to GB could be of considerable advantage to the ruling party in these elections. In desperation, it seems that they requested the Chief of Army Staff to convene a meeting of party leaders and persuade them to cooperate in this task. At the meeting with the Army Chief, both the main opposition parties expressed their support for granting provisional status of a province to GB but emphasised that the required legislative and other steps for this purpose should be taken after the GB elections, scheduled for 15 November 2020.

I hope that in the coming weeks, the government will undertake the required preparatory work, including draft legislation, to enable the

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Parliament to debate and approve the required constitutional amendments to give the people of GB due representation in the parliament of Pakistan after the GB elections are over in November 2020.

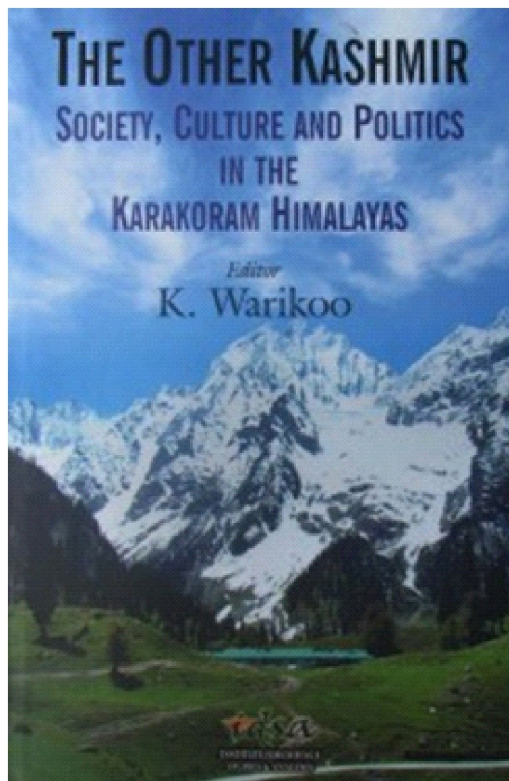
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BOOK REVIEW

The Other Kashmir – Society, Culture and Politics in the Karakoram Himalayas. Edited by *Prof. K. Warikoo*. New Delhi, Pentagon Press issued under the auspices of Institute for Defence Studies & Analyses, 2016. 356pp.

A PATH BREAKING STUDY OF POLITICS, SOCIETY AND CULTURE IN POK

“Pakistan occupied Kashmir is ours”, when Prime Minister Narendra Modi asserted at a meeting of all major political parties in New Delhi on August 12, 2016 and followed it up with his Independence Day speech from the ramparts of Red Fort in which he said, “For the past few days the people of Baluchistan, Gilgit, the people of Pakistan occupied Kashmir have heartily thanked me.....these people acknowledge the Prime Minister of India, they honour him, so it is an honour of my 125 crore countrymen and that is why, owing to the feeling of this honour, I want to heartily thank the people of Baluchistan, the people of Gilgit, the people of Pakistan occupied Kashmir for their expression of thankfulness”, he gave a clear indication of the direction that his government intends to take in dealing with the direct involvement of Pakistan in providing men and material and funding terrorism and separatism in Kashmir through State and Non



State actors. While his extending of moral support to the people of Balochistan in their struggle against the tyrannical Pakistani regime has been welcomed as a long overdue and sound tactical position, it is the territory of Pak occupied Kashmir and Gilgit-Baltistan, where India's legal, legitimate and strategic interests lie.

After all these years, and despite a Resolution to this effect, unanimously adopted by both houses of the Indian Parliament in 1994, it is only now that India has given a clear indication that it intends to focus on asserting its rights over PoK and Gilgit-Baltistan and exposing the manner in which Pakistan has, in complete disregard to UN Resolutions, gifted away a sizable portion of PoK to China, amalgamated Gilgit-Baltistan, a part of the erstwhile State of Jammu and Kashmir, into Pakistan in the name and style of Northern Areas (later again renamed Gilgit-Baltistan in 2009) and the manner in which Pakistan has settled thousands of Punjabis, Afghans and others in PoK, in violation of the State Subject laws. Hence, it is imperative that the people of India, particularly the policy makers, the politicians of all hues, the bureaucrats, understand as to what has been happening in these Pak occupied territories over the past 70 years. Unfortunately, there has been a severe shortage of literature on this subject and the Indian newspapers and television channels also do not give any informed coverage to the happenings in these areas.

Aptly time-lined to the present scenario, an excellent book that gives extensive coverage to almost all aspects of life, culture and politics in PoK and Gilgit-Baltistan is now available in the public domain. Titled '*The Other Kashmir – Society, Culture and Politics in the Karakoram Himalayas*' has been published by the Institute for Defence Studies & Analyses and Edited by *Prof. K. Warikoo*, Professor of Central Asian Studies, School of International Studies, Jawaharlal Nehru University, New Delhi. Prof Warikoo has authored three chapters titled '*Karakoram Himalayas and Central Asia: The Buddhist Connection*', '*The Making of a Frontier: The Relationship between Kashmir and its Frontier Territories*' and '*Geo-Strategic Importance of Gilgit-Baltistan*', in this book of monumental significance.

The invaluable relevance of the book can be gauged from the chapter titled '*The Making of a Frontier*' authored by Prof. Warikoo in which, after quoting from numerous authentic sources and documents, he concludes, "The historical evidence and contemporary records....show that Skardu, Gilgit, Hunza, Nagar, Chilas, Astor, Gupis, Kuh-Ghizar, Punial, Ishkoman, Yasin, Darel, and Tangir etc. were part of the territories of Jammu and Kashmir State till 1947. Whereas the Kashmir government exercised direct

authority over Gilgit, Bunji and Astor, which were part of Gilgit Wazarat till 1947, Skardu, Rondu, Shigar, Tolti, Khaplu, etc. were part of a Tehsil in the Ladakh district. However, the chiefships of Hunza, Nagar and Governorships of Punial, Yasin, Chilas, Kuh-Ghizar, Ishkoman and the tribal territories of Darel, Tangir, Thor, Kandia, Jalkot, Shatian, Harban, etc. were feudatories of the Kashmir Durbar, which received tribute from them but were allowed internal autonomy in their local administration.

When the British left the sub-continent in August 1947, the area of the Gilgit Agency reverted back to Maharaja's control. Maharaja Hari Singh appointed Brigadier Ghansara Singh as the new Wazir-i-Wazarat (Governor) of Gilgit, who assumed charge on 31 July 1947. On 1 August 1947 illuminations in the entire Jammu and Kashmir State celebrated the resumption of the civil and military administration of Gilgit. However, Major W.A. Brown, the British Commander of Gilgit Scouts, organised and led a revolt of the Gilgit Scouts and arrested Brigadier Ghansara Singh..... On 4 November 1947, Brown hoisted the Pakistani flag at Gilgit and handed over the area to Pakistan, which appointed its own Political Agent. Though Indian forces, supported by the people of Kashmir led by Sheikh Abdullah, the popular leader of National Conference, pushed back Pakistani armed forces from the Valley of Kashmir, Pakistan succeeded in occupying Gilgit, Baltistan and the adjoining frontier territories. When the ceasefire was declared in January 1949, Kashmir Valley, Jammu, Ladakh and Kargil were left within India and Pakistan occupied a vast territory of Mirpur, Muzaffarabad and Gilgit-Baltistan.

Subsequently, by a mere stroke of pen, Pakistan divided the occupied territory of Kashmir into two: (i) 'Azad Jammu and Kashmir' or Pakistan occupied Kashmir (PoK), comprising Muzaffarabad, Mirpur, Bagh, Neelam, Sudthi, Rawlakot, Bhimbar, Kotli; and (ii) Gilgit-Baltistan. Due to its strategic importance, Pakistan enforced federal control over Gilgit-Baltistan and renamed it the 'Northern Areas. Later, 2700 square miles of Gilgit-Baltistan area was ceded to China in March 1963, in exchange of China's support.

Covering an area of about 28,000 square miles, which is 5 to 6 times more than that of PoK, the Gilgit-Baltistan region comprises 7 districts under the new administrative arrangement. (i) Skardu and (ii) Ganche have been part of Skardu/Baltistan-the erstwhile Tehsil of the Ladakh District of Jammu and Kashmir. (iii) Gilgit includes former Gilgit Tehsil (iv) Hunza-Nagar (v) Diamir includes Chilas, Tangir and Darel. (vi) Astor (vii) Ghizar includes Gupis, Punial, Ishkoman and Yasin.

In early 1982, General Zia-ul-Haq publicly announced that these areas were never part of Jammu and Kashmir State before 1947. It evoked lot of protests in Jammu and Kashmir on both sides of the LoC. At a huge May Day rally in May 1982, Sheikh Abdullah, the then Chief Minister of Jammu and Kashmir State, declared that 'the whole of PoK, including Gilgit, constitutes the territory of the State'. In fact, General Zia had brought this area at par with the other provinces of Pakistan by declaring it as Martial Law Zone 'E' with its own Martial Law Administrator in 1977, which was not done in the case of PoK. Ever since then, there has been simmering discontent in PoK about this de facto merger of Gilgit-Baltistan with Pakistan. Demands have been made to hand over its administration back to the PoK government.

In 1990, a petition was filed before the High Court of 'Azad Kashmir' pleading that the 'Northern Areas' be considered a part of 'Azad' Jammu and Kashmir, and that their separation is illegal. Advocate Raja Muhammad Haneef, who argued the case of constitutional status of Northern Areas on behalf of the petitioners Haji Amir Jan and Abdul Aziz in the 'Azad' Kashmir High Court-made the following points:

- That 'Northern Areas' were historically a part of State of Jammu and Kashmir.
- In the July 1947 elections to the Jammu and Kashmir State Assembly, Raja Jagmat Dadoo Nano, Chewing Rinchen, Raja Fateh Ali Khan, Ahmed All Khan, Raja Raza Khan and Muhammad Jawad Ansari were elected the members from the 'Northern Areas'.
- In 1949, the 'Azad' Kashmir government was not in a position to look after the 'Northern Areas' due to the lack of communications. Therefore, the administration of 'Northern Areas' was transferred to the government of Pakistan by the 'Azad' Kashmir government in April 1949.
- Clause 6 of the Sino-Pak Agreement signed in March 1963 provides that 'Northern Areas' are a part of the State of Jammu and Kashmir.
- On 15 July 1991, the 'Azad' Jammu and Kashmir Assembly, demanded that the local administration of the 'Northern Areas' should be handed over to the 'Azad' Kashmir government in terms of the AIK Interim Constitution, 1974.
- None of the Constitutions of Pakistan, 1956, 1962, 1972 and 1973

recognise that the 'Northern Areas' are part of Pakistan.

In its written statement lodged before the AJK High Court, the Pakistan government admitted that 'Northern Areas' were not a part of Pakistan territory, and that the Constitution of Pakistan and other laws were not applicable to the 'Northern Areas'. It also admitted that the 'Northern Areas' were a part of the State of Jammu and Kashmir. In its written statement, the 'Azad Kashmir' government pleaded that the 'Northern Areas' were part of Jammu and Kashmir."

These details about how Pakistan has been treating these areas since 1947 are relatively unknown to the people of India. Even for the policy makers in this country, some of the facts revealed in this chapter will come as eye opening and enlightening.

In another chapter titled '*Geo-Strategic Importance of Gilgit-Baltistan*', after providing a detailed account of the historical perspective in which the area has remained a corridor through which India had an unhindered and direct access to Central Asia, Prof. Warikoo concludes, "Due to its geo-strategic location abutting the borders of China, Pakistan and Afghanistan, and being in close proximity to Central Asia, Jammu and Kashmir is the strategic frontier of India in its north. Jammu and Kashmir offers India the only overland access to Central Asia. However, independent India lost the opportunity of having direct overland access to Xinjiang and Central Asia after it allowed Pakistan to illegally occupy the vital strategic territory of Gilgit-Baltistan and PoK in 1947-48. India needs to safeguard its interests in this strategic frontier by securing direct overland access to Afghanistan, Tajikistan and other Central Asian countries, and to ensure that it has a peaceful, tranquil and benign neighbourhood. Taking into account the concept of strategic frontiers, India needs to determine the area within which no hostile or potentially hostile focus is to be allowed to exist or develop, so that its national security is not threatened."

Senge H. Sering, a cultural activist from Baltistan, who currently is President, Institute for Gilgit-Baltistan Studies, Washington, while giving details of the massacre of local Shia population by the Taliban and other Punjabi and Pashtun Sunnis, notes in the chapter '*Political Dynamics of Culture and Identity in Baltistan*' that, "Baltistan is experiencing an artificial social osmosis. While poverty and Taliban threats are causing Shia exodus from their ancestral homes, an increasing number of Pakistanis are acquiring land in Baltistan and claiming their stake as its citizens. The influx of Pakistanis started after 1974, when the regime of former Prime

Minister Z.A. Bhutto abrogated State Subject Rule (SSR), a law introduced by the Dogra rulers of Jammu and Kashmir to bar outsiders from acquiring land in Baltistan and thereby preserving its demography, and encouraged a systematic settlement of Pashtuns and Punjabis there. Such a government-sponsored strategy has damaged the social fabric of Baltistan, and provoked religious feuds which continue to simmer. The settlers get government jobs on a preferential quota basis. Further, non-local federal employees, army generals, and politicians have acquired huge tracts of land through government allotment schemes, which also act as a catalyst of social change. Many of these wealthy newcomers exert power and influence in the socio-political arena by imposing their language and customs upon the locals, which further exacerbates the identity crisis. To counter such trends, leading religious leaders of Gilgit-Baltistan have been demanding the reinstatement of SSR. They are concerned that Pashtuns and Punjabis control local commerce. Similar views are being expressed by religious students of Imamia Students Organization (ISO) and Nurbakhshi Youth Federation (NYF)".

Praveen Swami, currently Editor, Strategic Affairs of The Indian Express newspaper, also provides details of the resentment of local Shias in Gilgit-Baltistan against the anti-Shia policies of Pakistan in the chapter '*Demography and Discontent*'. Quoting from various sources, he writes, "Shia resentment against the creeping demographic shock—and the injection of Sunni-fundamentalist tendencies—took the form, in 1988, of demands for an autonomous Shia province, to be called Karakoram State. Zia-ul Haq responded to Shia mobilisation with military force. Pakistan's former President, General Pervez Musharraf in 1988 (as Brigadier) led a ruthless campaign against Shia dissent with the assistance of Islamist militia groups led by a then-obscure Saudi jihadi named Osama bin Laden. A subsequent investigation by a Pakistani magazine, The Herald, reported that the army and Osama bin Laden's forces "destroyed crops and houses, lynched and burnt people to death in the villages around Gilgit town. The number of dead and injured was put in the hundreds. But numbers alone tell nothing of the savagery of the invading hordes and the chilling impact it has left on these peaceful valleys".

All the chapters in the book are not about political history of PoK. The book also covers the cultural landscape of the area. For instance in '*Rock Art of Gilgit-Baltistan*', Muhammad Arif, former Deputy Director, Northern Circle of Archaeology, Lahore provides details of the remains of Shaivism and Buddhism in Gilgit-Baltistan. Prof. K.Warikoo explores the

Buddhist past of the region in the chapter '*Karakoram Himalayas and Central Asia: The Buddhist Connection*'. In the chapter titled '*Sharda: History and Importance*', Ayaz Rasool Nazki, Director, ICCR Cultural Centre, Srinagar, has given details about the ancient shrine of Sharda (the Goddess of learning), which was also an ancient University and is located in the Neelam Valley in PoK. Muhammad Rafiq Bhatti, Principal, Shah-e-Hamdan College of Business Administration, in the chapter '*Language, Culture and Heritage of Mirpur*' unravels the nuggets of Mirpuri culture for the readers.

The economic exploitation of PoK and Gilgit-Baltistan at the hands of Pakistan government has also been discussed threadbare in some of the chapters of the book. Shabir Choudhry, Director, Institute of Kashmir Affairs, London, in the chapter titled '*Hydropower Exploitation in Gilgit-Baltistan and Pakistani Administered Kashmir*', highlights the relentless exploitation of hydropower resources of the region by Pakistan, without any or very little benefit accruing to the people of this area. He concludes, "After the Indus Waters Treaty was signed in 1960, India remained quiet on the issue of the Mangla Dam and its adverse impact on the population of Mirpur. This area was also part of the Jammu and Kashmir State at the time of signing of accession, which imparts the legal authority to India over the entire State of Jammu and Kashmir and not only for the areas currently under India. From a legal point of view, Pakistan's case on the Kashmir dispute is much weaker. It is time for India to assert its position over the State of Jammu and Kashmir, and to take lead in ensuring social, economic and political rights of the people of Jammu and Kashmir, both under Indian control and under Pakistani occupation".

In a similar vein, Safdar Ali, Spokesman of Balawaristan National Front, also highlights Pakistan's sinister design to exploit the region in the chapter '*Bhasha Dam Project: Geographical, Historical and Political Perspectives*'. He reveals, "North West Frontier Province of Pakistan has nibbled away very quietly entire Yaghistan, is now prying on Chilas, Jaglot, Gilgit and is also cunningly laying claims on the Bhasha Dam royalty. The entire proposed Bhasha Dam site, including many miles downstream of the river Indus, is actually part and parcel of the territory of Gilgit-Baltistan of the Jammu and Kashmir State".

The other significant chapters in the book that deal with the geopolitical and strategic significance of PoK and Gilgit-Baltistan include '*The Karakoram-Himalayan Region: Geopolitical Perspective*' by Major General (Retd.) Afsir Karim, a well known defence analyst, in which he writes'

“No Pakistan government took any concrete steps to address the wider issues of development and the lack of empowerment of the people of the Northern Areas...Moreover, Musharraf’s cynical use of Shias as gun fodder during Kargil war created bitterness against Pakistan’s military regime. He actually left them to die on the heights of Kargil and even their dead bodies were not collected after the war...”

Paul Beersmans, President, Belgian Association for Solidarity with Jammu and Kashmir, in the chapter titled *‘Political and Democratic Process in Gilgit-Baltistan’* informs the readers, “It is interesting to note that on the Indian side of the LoC, politicians and separatist leaders have the right to travel to all parts of Jammu and Kashmir State. Despite a large concentration of security forces, separatist leaders have used this right to travel to Ladakh and Jammu to conduct political activities. On the Pakistani side of the LoC, however, where apparently ‘azad’ people live, politicians and political activists have no right to travel to Gilgit-Baltistan areas. A few years back, the Prime Minister of ‘Azad’ Kashmir expressed his desire to visit Gilgit-Baltistan. He was told categorically by the Federal Ministry of Kashmir and Northern Areas Affairs (KANA) that he cannot go there, that he was Prime Minister of ‘Azad’ Kashmir and that Gilgit-Baltistan does not fall under his jurisdiction. In addition, the separatist leaders from the Indian side, while visiting the Pakistani side, were not allowed to visit the Northern Areas”.

In the chapter *‘Role of Political Parties in Pakistan Administered Kashmir and Gilgit-Baltistan’*, Shaukat Kashmiri, Chairman, United Kashmir People’s National Party, writes emphatically, “In our view, the Republic of India has a constitutional responsibility: (a) to unify the whole state; (b) to push back all infiltrators; (c) to ask the government of Pakistan to vacate the occupied areas, so that until the final settlement, these areas are administered in accordance with the international law on disputed territories and entities; and (d) to ensure that the democratic, progressive and secular forces of ‘Azad’ Kashmir and Gilgit-Baltistan are supported by the civil society and democratic forces of India and Jammu and Kashmir”.

In the chapter *‘Political Unrest in Pakistan occupied Kashmir (PoK): A View from the Pak Press’*, Dr. Priyanka Singh, associated with IDSA writes, “Due to preoccupation in countering cross border terrorism sponsored by Pakistan over the years in the State of Jammu and Kashmir, India has not been able to focus much on the miseries on the other side of the border.” She goes on to make out a strong case for India’s intervention in the region,

as it has legal right over the territory, which is under illegal occupation of Pakistan.

In the chapter '*Sectarian Conflict in Gilgit-Baltistan*', Alok Bansal, Senior Fellow at the Centre for Land Warfare Studies, New Delhi reveals "Musharraf also initiated a process that involved large-scale induction of Punjabis and Pakhtoons into the sparsely populated Gilgit-Baltistan to convert the Shia majority of the region into a minority. The influx continues to this date, and the proportion of Shias and Ismailis in the overall population has come down significantly. The state-sponsored influx of Punjabis and Pakhtoons from outside has created an acute sense of insecurity amongst the Shia population. It is widely believed in Pakistan that a Shia airman from Gilgit, wanting to take revenge for the May 1988 carnage, was responsible for the air crash that killed General Zia. After 1988, sectarian riots have become a regular feature in Gilgit-Baltistan. The pattern shows that whenever people demanded their constitutional rights, sectarian riots were engineered to divide them. There were media reports that officials themselves were encouraging riots to prolong Islamabad's unconstitutional rule".

Other chapters in the book including '*Religious Extremism in NWFP, Swat and Chitral: Impact on Gilgit-Baltistan*' by Manzoor Hussain Parwana, '*Human Rights Situation in Pakistan Administered Kashmir*' by Nasir Aziz Khan and '*Pakistan Occupied Kashmir: An Emerging Epicentre of Global Jihad*' by Wilson John, provide significant insight into what is currently happening in this region and why it is important for India to make all out efforts to reclaim this area from Pakistan, which is illegally and illegitimately occupying it.

This well researched and meticulously edited book, liberally illustrated with photographs and maps, is a timely and significant addition to the scarce literature focused on PoK. Prof. K. Warikoo, who has authored/edited 20 books including '*Himalayan Frontiers of India*', '*Xinjiang: China's Northwest Frontier*' and '*Religion and Security in South and Central Asia*' (all published by Routledge from UK and USA), has done yeoman's service to the nation by providing the theoretical edifice on which any future strategy to reclaim the PoK and Gilgit-Baltistan by India will rest.

Ravinder Kaul

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