India’s Gilgit-Baltistan Problem – Part One: Pakistan’s Dependence on Gilgit-Baltistan

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Summary

India has objected to Pakistan’s purported plan to merge Gilgit-Baltistan (GB) as its fifth province. Pakistan is possibly trying to reassure the Chinese of the safety of their investment in the China-Pakistan Economic Corridor (CPEC). Even without the prompting of China and the CPEC, however, Pakistan was already gradually absorbing GB due to longstanding domestic considerations. As a result, unlike Azad Jammu and Kashmir (AJK), which is also a part of the Pakistan-Administered Jammu and Kashmir, GB has been denied even the fiction of (eventual) independence as it holds greater importance for Pakistan.
Analysis

India is not only reluctant to join the multinational transport and infrastructure corridor projects sponsored by China, but has also questioned the propriety of the construction of the CPEC through its sovereign territory under ‘the forcible and illegal occupation of Pakistan.’ China maintains that the CPEC will contribute to the ‘economic development’ of the region and does not amount to intervention in the territorial dispute between India and Pakistan. Pakistan’s reported plan to absorb GB as its fifth province should be read in this context. Pakistan has been toying with the idea for about two years, presumably under Chinese pressure, and also in response to longstanding demands within GB for provincial status. India has objected to the possible merger of GB with Pakistan, which will fundamentally alter the nature of the so-called Kashmir dispute. In recent years, India has also highlighted human rights violations in GB and questioned the authority of Pakistan to conduct elections and build dams there.

This is not the first time that India has conveyed to China its concerns at the activities of the latter in the disputed region. India has been protesting the illegality of Chinese infrastructural projects in GB since the late 1960s. What makes the present instance different, however, is the fact that this is perhaps the first time that India has made part of its bilateral relationship with China conditional upon a satisfactory response to its concerns. In so doing, the Indian Government has publicly reiterated the centrality of GB, which was as good as forgotten, to the Indo-Pakistani dispute over Jammu and Kashmir.

The territorial dispute between India and Pakistan over the accession of the former princely state of Jammu and Kashmir is generally referred to as the Kashmir dispute. International attention has remained focussed on Kashmir due to the dominant role of the Kashmiri leadership on both sides of the border, the violent nature of the conflict in the Kashmir Valley and the demographic insignificance and geographical inaccessibility of GB in Pakistan and of Ladakh in India. This has cast a shadow over GB, formerly the Northern Areas, and also Ladakh. The marginalisation of Jammu cannot be explained by the above factors, and requires a separate discussion.

**Importance of Gilgit-Baltistan to Pakistan**

The territory occupied by Pakistan consists of Gilgit-Baltistan (GB) and Azad Jammu and Kashmir (AJK). GB is more than five times larger than AJK, which includes parts of Kashmir and Jammu, and consists of two ethno-geographically distinct territories: Baltistan, which was part of Ladakh, and Gilgit. Pakistan’s Kashmir-centric rhetoric notwithstanding, GB holds the greater importance. GB is vital for Pakistan’s water (and, by implication, food) and energy security. Before entering Pakistan, the Indus River passes through GB. Important glaciers, including the bitterly-contested Siachen Glacier, which feed Pakistan’s rivers, are located in GB.¹ Acquiring land for building dams and other projects is easier in GB as it is

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¹ Not coincidentally, all post-1971 conventional conflicts between Pakistan and India have been confined to the GB-Kargil border. In the 1980s, the two fought over the Siachen Glacier after Indian forces pre-empted Pakistan’s attempt to capture the area. More recently, they went to war in Kargil (Ladakh) in 1999, when Pakistan’s army crossed the border and occupied strategic locations overlooking the main highway connecting Srinagar (Kashmir) and Leh (Ladakh).
sparsely populated, different from the rest of Pakistan in terms of ethnicity and faith and largely isolated from the media. It is also not represented in the parliament and does not have access to the Supreme Court. Moreover, imprecisely defined land rights make the acquisition of land easier in GB. Pakistan’s dependence on GB will only grow because of climate change and the continued dependence of a large part of its growing population on agriculture.

At the recently held Belt and Road Forum for International Co-operation, China seems to have promised to build two major dams (Bunji and Diamer-Bhasha) in GB as part of a cascade of dams in GB and Khyber-Pakhtunkhwa to tap the hydro-electric potential of the Indus River. China stepped in after multilateral investors including the World Bank and the Asian Development Bank refused to fund the Diamer-Bhasha project. A series of big dams in an ecologically and seismically sensitive area is likely to amplify Pakistan’s exposure to natural disasters and also aggravate its vulnerability to climate change. The area likely to be affected by the dams is also rich in ethno-linguistic diversity and archaeological heritage and is home to indigenous minority communities.

Pakistan had to deploy paramilitary forces to acquire land for the Diamer-Bhasha project because ‘local residents are reportedly reluctant to leave the area’ and ‘the local police are unable to deal with the situation.’ In fact, the local opposition to mega-projects dates back to the beginning of the work on the Karakoram Highway.

GB also holds immense strategic importance for Pakistan and contributes to Pakistan’s conventional security. AJK alone does not pose a serious threat to Jammu and Kashmir’s security. In fact, without control over GB, Pakistan might even find it difficult to defend AJK, let alone fulfil its goal of liberating Jammu and Kashmir. GB (along with AJK) also protects Pakistan’s own territory by insulating the restive Pashtun province (Khyber-Pakhtunkhwa,

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2 In neighbouring AJK, the Mangla Dam built in the 1960s displaced a large part of the population of Mirpur. The scale of displacement can be judged from the fact that AJK, which is a fraction of Pakistan in terms of area and population, accounts for a majority of the Pakistani-origin population of the UK.
formerly the North-West Frontier Province) from India.\(^3\) Moreover, control over GB has placed Pakistan at the heart of key transnational connectivity projects as the former lies at the intersection of the Indian Subcontinent, Central Asia and China. GB gives Pakistan overland access to China through the Karakoram Highway, while denying India access to Afghanistan via the Wakhan corridor. Last but not the least, GB holds international importance as it shares a border with or is close to Afghanistan, Pakistan’s restive Pashtun belt, India’s restive Kashmir Valley, and Xinjiang and Tibet – the two largest (and also restive) ethnic minority provinces of China that together account for about 30 per cent of the country’s area.

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<th>Karakoram Highway</th>
<th>Indus River</th>
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### Differential Treatment

Given the importance of GB, Pakistan has, since becoming independent in 1947, subordinated it to a different constitutional framework vis-à-vis AJK. The lack of an ethnic and emotional bond between GB, on the one hand, and the Kashmir Valley\(^4\) and Pakistan, on the other, aided Islamabad’s differential approach even though both AJK and GB are placed under the Ministry of Kashmir Affairs and Gilgit Baltistan (formerly the Ministry of Kashmir Affairs and Northern Areas).

Several crucial differences between the frameworks governing GB and AJK are noteworthy. First, AJK is governed by the Azad Jammu and Kashmir Interim Constitution Act, 1974 (AJKIC), which repeatedly refers to ‘the responsibilities of the Government of Pakistan under the UNCIP [United Nations Commission for India and Pakistan] Resolutions.’ In contrast, GB does not have a constitution of its own, being governed under ad hoc laws. The latest of these laws, the Gilgit-Baltistan (Empowerment and Self-Governance) Order, 2009 (GBESO),

\(^3\) Incidentally, while it is widely believed that India abandoned the North-West Frontier (now part of Khyber-Pakhtunkhwa) to Pakistan in 1947, the loss of GB and AJK meant that it was not contiguous with India.

\(^4\) The lack of connect between the two regions was reflected most recently in the muted response in Kashmir on both sides of the border to Pakistan’s reported plans to co-opt GB as a province. In fact, the ethnocentrism of Kashmiris has marginalised tribal communities throughout Jammu and Kashmir.
only cursorily refers to the UN resolutions and does not even correctly identify them.\(^5\)

Second, AJK’s Interim Constitution was enacted by the Legislative Assembly of AJK, while the Order governing GB was framed by the Government of Pakistan. Third, the state subject rule has been **abolished** in GB. That is in contrast to AJK, where the category ‘state subject’ (indigenous residents) has been retained (AJKIC, Art 2 (1)) and allows for preferential treatment of the local people. Restoration of the state subject rule has been a longstanding **demand** of the people of GB because the current definition of “citizen” is linked to domicile status (GBESO, Art 2 (b)) allowing outsiders, who have settled in the region over the past few decades, to acquire property (GBESO, Art 15) and contest elections (GBESO, Art 37(1)(a)).

Fourth, oaths of office exhort the president and officials of AJK to ‘remain loyal to the country and the cause of accession of the State of Jammu and Kashmir to Pakistan’ (AJKIC, First Schedule). In contrast, oaths of office in GB merely demand that the prospective office bearer ‘remain loyal to Pakistan’ (GBESO, First Schedule). The implicit assumption seems to be that AJK is yet to accede, while GB has already acceded.\(^6\)

Fifth, GB has been administered through Chief Executives and, more recently, governors and chief ministers, whereas AJK has been governed through presidents and prime ministers.\(^7\) The Office of Governor, who is appointed by the President of Pakistan, allows Islamabad an additional layer of control over GB.

Last, but not least, the word “Azad” in AJK’s name signifies its independent status, even if it is only nominal, whereas GB is denied even the fiction of eventual independence. In fact, Pakistan has been gradually encroaching upon the independence of AJK and GB through provisions that have limited its responsibilities, while allowing full access to, and rights over, those regions. As a result of the extractive economy fostered by Islamabad, GB, which is essential to Pakistan’s overland access to China and is also a source of important natural resources, has remained poor. As per one report, GB’s per capita income was less than one-third that of Pakistan. The economic dominance of Pakistani settlers means that the incomes of indigenous people would be lower again than the average for GB.\(^8\)

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\(^6\) Demanding independence is effectively outlawed in AJK: ‘No person or political party in Azad Jammu and Kashmir shall be permitted to propagate against, or take part in activities prejudicial or detrimental to, the ideology of the State’s accession to Pakistan’ (AJKIC, Art 7(2)). Also, freedom of speech can be curtailed on the grounds that it affects ‘friendly relations with Pakistan’ (AJKIC, Art 9). These provisions blatantly violate Art 257 of Pakistan’s Constitution, which effectively suggests that the people of AJK are free to decide against acceding to Pakistan: ‘When the people of the State of Jammu and Kashmir decide to accede to Pakistan, the relationship between Pakistan and that State shall be determined in accordance with the wishes of the people of that State’ (emphasis added by author).

\(^7\) Six out of 14 of the members of AJK Council are from outside AJK (AJKIC, Art 21), whereas eight of the 15 members of GB Council are from outside GB (GBESO, Art 33). Both Councils are chaired by the Prime Minister of Pakistan.

\(^8\) It is not the case that the AJK has benefitted from the seemingly preferential treatment. Pakistan is attached to AJK only to the extent that it shields Punjab’s main population centres and Khyber Pakhtunkhwa from India and serves as a site for massive dams such as the Mangla that benefits Punjab province. In fact, it would not be entirely inappropriate to suggest that Kashmir and Islam are
The dual arrangement not only introduces collective action problems between AJK and GB, but also facilitates piecemeal absorption of these areas. Moreover, the existing legal framework allows plausible deniability in case Pakistan’s encroachment and exploitative and discriminatory policies are questioned. Unsurprisingly, local wisdom suggests ‘that when it suits Pakistan, GB is a formal part of the country; and when it suits Pakistan to show GB as a disputed territory, it is shown as that . . . [GB] is subject to all the liabilities and duties of a province, but not entitled to the rights of a province.’

**Why Now?**

The people of Baltistan speak Balti, which is perhaps the only Tibeto-Burman language of Pakistan. The people of Gilgit speak Dardic languages, among others. In both regions, indigenous people are mostly Shia, heterodox Shia and Sufi by persuasion, who have to live with Pakistan’s one-size-fits-all understanding of Islam (GBESO, Part VIII). There is a movement in Baltistan to revive the pre-Islamic script for their language and to preserve the pre-Islamic heritage. Pakistan follows a divide-and-rule policy, which operates along the Sunni-non-Sunni, local-settler and GB-AJK cleavages, to control the disputed territory. Being religious and linguistic minorities in an economically-stagnant region, the constitutional status of which is not yet settled, means that the people of GB are doubly disadvantaged in Sunni-Urdu-Punjab dominated Pakistan. They also lack legal safeguards to shield them from the excesses of the army, intelligence agencies and Sunni extremists spawned by the Pakistani state and the influx of outsiders from other parts of Pakistan (and even China) and the consequent alienation of land.

Over the years, China has also acquired interests in GB that presents both threats and opportunities. Roads connecting GB and Xinjiang expose China to the volatile Af-Pak border and, therefore, China wants to enhance its military presence in GB to shield Xinjiang. On the other hand, GB is rich in mineral and hydro-electric power resources and controls China’s access the Arabian Sea and mineral-rich Afghanistan and Balochistan. The unsettled constitutional status of GB has, however, allowed India to raise objections against the CPEC,

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9 Islam is the state religion of AJK (AJKIC, Art 3). It is not clear why a similar clause was not added to the GBESO, even though Part VIII effectively plays the same role.

10 The legislative powers of the unelected GB Council do not extend to ‘roads declared by the Government of Pakistan to be [of] strategic importance’ (GBESO, Third Schedule, Item No. 19) and private property rights are suspended in case the government needs land for roads and electric power projects (GBESO, Art 16 (3)(e)(ii)). The powers of the Legislative Assembly are even more circumscribed as mineral and water resources and roads are beyond its legislative reach (GBESO, Fourth Schedule). Similar provisions apply to AJK (AJKIC, Third Schedule, Item No. 19, Art 4 (14) (3)(e)(ii)).

11 Resource-rich and strategically-important Xinjiang is China’s Balochistan. The condition of Xinjiang, which is perhaps the most important node of transnational transport corridors proposed by China, seems to be worsening. China has introduced a wide range of draconian restrictions on the province, some of them absurd and humiliating. China that has for a long time dealt with Uighur rights activists with an iron hand is now faced with the spectre of the return of hundreds of Uighur members of the Islamic State, who pose a real threat to the Chinese presence in Xinjiang. What is really alarming, though, is that an authoritarian state like China needs the services of the new avatar of Blackwater Security to protect its investments originating in Xinjiang.
the mainstay of China’s future plans in Pakistan that serves as a force multiplier against India.

India’s objections add to the risks faced by Chinese investors that include reservations of the people of GB. A protest by the people of GB against the exclusion of the Chief Minister of GB from the unusually large Pakistani delegation that attended the Belt and Road Forum in China is a case in point. Such protests highlight the longstanding distrust of the Pakistani Government in GB. Islamabad has not yet officially released the details of the CPEC, which appears to have been monopolised by Punjab at the expense of other provinces/regions, particularly Balochistan and GB. The security-centric discourse around the CPEC has reduced the room for critical examination of the project. The people of GB do not know what, if any, share they will obtain from the transit fees and other charges generated by the infrastructure built on their land. More importantly, they fear losing land to roads and dams proposed under the CPEC and being overwhelmed by the influx of workers from China and other provinces of Pakistan. The displacement and marginalisation of indigenous people suits Pakistan, though.

While the existing relationship with GB (and AJK) suits Pakistan and its powerful army, China’s growing influence in the region can fundamentally alter Islamabad’s calculus. Just as in Balochistan, Pakistan is welcoming greater Chinese investment in GB to bolster its presence in a region where its legitimacy is moot. By promoting investments from a permanent Security Council member, which has no qualms about human rights violations, environmental degradation and little regard for the rights of indigenous people, Pakistan is trying to insulate itself from potential international criticism of its exploitative treatment of the disputed territory.

In light of the growing Chinese interest in the region, Pakistan might reckon that the benefits of formally absorbing GB and securing investments made by China, the only source of international investment at this time, outweigh the costs. The absorption of GB will impair Pakistan’s bargaining position with India in the so-called Kashmir dispute. If Pakistan, however, believes that the Anglo-American world order is experiencing an irreversible decline (vis-à-vis a rising China), it would underestimate the international costs of its move insofar as China can brazenly shield it from international censure and allow it to continue claiming rights over parts of Jammu and Kashmir that remain in India. Statehood will also provide the people of GB with access to Pakistani courts and representation in the Pakistani Parliament, making it relatively difficult to acquire land and quell dissent, for instance. Incorporation as a province of Pakistan will, therefore, possibly mitigate some of the present drawbacks of GB. Again, Islamabad would underestimate the domestic costs if it believes that it can treat GB province in the same way as Balochistan and protect its economic and strategic interests in the face of local opposition. Others have argued that Pakistan understands that absorbing GB will impair its claim over the whole of Jammu and Kashmir. It has, however, tentatively pushed forward the proposal only to demonstrate to China that India will strongly oppose such a move or to signal to China that Pakistan is ready to accept the status quo along the line of control and focus on the CPEC. In other words, Pakistan’s as of now abortive attempt to absorb GB was actually a clever move to protect its core interests by simultaneously satisfying both the traditional Kashmir lobby and China.
Either way, Pakistan’s reported plan to absorb GB as a province reflects the growing dependence of Pakistan on China and, consequently, its growing sensitivity towards China’s interests. The interests of Pakistan and China in GB are not coterminous, however. Even if political and economic problems force China to withdraw from the CPEC (and GB), Pakistan will not abandon its longstanding policy of gradually absorbing GB that predates the launch of CPEC. Chinese interests in GB, too, predate the CPEC. China has been gradually enhancing its military and economic presence there under the garb of infrastructure development and maintenance, disaster relief and counter-terrorism operations.\textsuperscript{12}

The importance of GB to both Pakistan and China is thus clear. \textbf{Part Two} of this paper will examine the GB situation from the perspective of India and assess what, if any, policy options may be open to India.

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\textit{Any opinions or views expressed in this paper are those of the individual author, unless stated to be those of Future Directions International.}

\textsuperscript{12}In 2010, after Selig Harrison reported growing Chinese military presence in GB, Ashok Malik argued that China ‘has begun the scramble for Pakistan even before that country has fallen apart!’