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## Law, Governance, and Culture in Gilgit-Baltistan: Introduction

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### Abstract

This paper offers an introduction to law, governance and culture in Gilgit-Baltistan. The first section provides a historical survey of the most significant events that make of Gilgit-Baltistan a disputed territory with uncertain constitutional status in Pakistan. The second section delves into the case law that has sanctioned the constitutional status and the rights of the people of Gilgit-Baltistan in connection with the concepts of liminality and marginality. The third section mentions two current mega-projects, the Bhasha Dam and the China Pakistan Economic Corridor (CPEC), in order to highlight the economic and political stakes that Gilgit-Baltistan represents at the national and international level. The fourth section surveys religious diversity and sectarianism as components that consistently come up in recent socio-political analysis of Gilgit-Baltistan as factors underlying latent unrest and sudden conflicts. The paper concludes with a proposal to de-colonise the anthropology of Gilgit-Baltistan through a process of cultural expertise that includes perspectives and knowledge generated by scholars that are native of or have spent long time in Gilgit-Baltistan without necessarily belonging to the elitist networks of first class universities around the globe.

**Keyword:** Gilgit-Baltistan, cultural expertise, law and governance, higher education, de-colonisation

Gilgit-Baltistan, formerly known as the Northern Areas, Karakoram, and Hindukush is a semi-autonomous and partially self-governing region of Northern Pakistan. It was formed in 1970 from a merger between Gilgit Agency, the Baltistan region and the princely states of Hunza and Nagar. Landlocked between Afghanistan, India, and China, this province-like territory is rich in natural resources, and contains several of the world's highest mountains. Gilgit-Baltistan features a variety of religions and languages. From an international perspective, Gilgit-Baltistan is a disputed area. Pakistan's federal authorities and local government bodies together with the army and ubiquitous intelligence have controlled the territory to various extents since the Partition of India in 1947. In spite of frequent talks to include Gilgit-Baltistan as a province of Pakistan, little concrete action has ensued thus far.

European and Anglo-Saxon scholarships have historically competed for access to Gilgit-Baltistan: at first through expeditions and more recently through international programs of development, environmental conservation, and academic mentorship.

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Scholarship on Gilgit-Baltistan has been prolific; however, topics such as law and governance have not yet been addressed at length, especially with regards culture. Local perspectives on the subject are hard to acquire as indigenous scholars struggle to be heard. This special issue has come from pressing requests by people and scholars in Gilgit-Baltistan to openly discuss the impact of recent institutional and infra-structural changes in the region. By scrutinizing law and governance in various aspects of people's everyday lives, this special issue asks whether cultural expertise on what is happening now might have an impact on the access to rights and governance for the people of Gilgit-Baltistan.

This special issue focuses on people's expectations of law and governance in Gilgit-Baltistan. Thus, it refers, very broadly, to the emergent concept of cultural expertise, as cultural arguments that connect with rights (Holden 2011 and Holden 2019). Law is addressed in a framework of legal pluralism and governance from the perspective of governability in Foucauldian terms. Both concepts have been debated at large in socio-legal studies and this special issue does not intend to add much to the existing theoretical debate. Rather, it continues the reflection explored in *Legal Pluralism and Governance in South Asia and Diasporas* to further scrutinise the close link between governance and law (Holden 2014) with specific attention to cultural arguments. Since Gilgit-Baltistan is a disputed territory with an uncertain constitutional status, this special issue offers a unique perspective where law and governance are not, technically speaking, legitimated by the state. Here, the scholarly debate about whether law should be necessarily linked with the state, as well as the conventional opposition between state- and non-state law, becomes virtually immaterial. Or, in other words, from a state-centred perspective, if there is no state, it becomes hardly possible to talk about law and governance. The ensuing questions are potentially never ending. If there is no state: can we talk about private and public space? Or access to public services? Justice and rights? Public education? I have elsewhere argued that much of South Asian case-studies show how non-state law concurs with state-law toward justice (Holden 2003 and 2014). But what happens if there is no state, technically speaking?

This introduction provides a concise historical outline of the salient but little-known facts regarding Gilgit-Baltistan. It briefly outlines the most common topics associated with law and governance in Gilgit-Baltistan: uncertain constitutional status, mega-development projects, and sectarian rivalries. It finally delves into a collaborative approach that this special issue formulates as engaged anthropology through decolonizing lenses. The answers to the abovementioned question retrace patterns of discourses and narratives that have not been so far sufficiently addressed due to issues of their sensitivity: exclusionary politics in

development (Howe and Hunzai), the use of public space as an anti-state activity (Feyyaz), new stakeholders in the Kashmir issue (Flowerday), sectarianism as normalcy (Ullah and Ali), and failures of health services at times of crisis (Varley). Whilst the papers included in this special issue will be mentioned throughout, an overview of each will conclude this introduction.

### **Historical timeline**

Gilgit-Baltistan, at times inaccessible until the construction of the Karakoram Highway in the 1970s, has been ruled for centuries by local princes and feudal lords, whose influence is still visible in today's party-based politics. The modalities of the passage from local princely states to today's constitutional uncertainties still hold a high degree of ambiguity or at least of approximation. With the Treaty of Amritsar, 1848, the East India Company transferred all the hilly territories east of Indus, including parts of present-day Gilgit-Baltistan to the Dogra, the Maharaja of Kashmir. It is at present an incontrovertible fact that the territories located east of the Indus River do not encompass all of Gilgit-Baltistan. Yet conventional interpretations have imputed this incongruence to the ignorance of the signatories who, arguably, had never even set foot in the region (Sökefeld 2015). British colonizers, argues Quayyum (2013: 5), were "primarily concerned with ordering these societies, rather than incorporating them into debates over rights and citizenship." Flowerday, in this special issue goes further and integrates colonial documents with local accounts in the manner of historical anthropology. A veritable counter-narrative unfolds, which to a great extent disrupts the conventional opposition India/Pakistan on the broader issue of Kashmir and leads to a re-think in light of some sidelined information from the 19<sup>th</sup> century.

Further to the uncertainties of the Treaty of Amritsar, in 1879, British colonizers, probably fearing an invasion from the Czar of Russia, appointed a colonial agent for Gilgit Agency, which was not in contradiction with the concomitant reliance of the British on the Dogra rule. Quayyum (2015: 16) argues that British indirect rule conveniently served "as a buffer between Afghan and British territories; it absorbed parts of the Sikh kingdom without the British having to invest significant resources; it also provided a stable state under British control in light of an expanding Tsarist empire; and arguably offered a Hindu cushion in an otherwise 'fanatical' Muslim belt."

What exactly happened in Gilgit-Baltistan on the 14<sup>th</sup> August 1947 is another important matter of debate. It is unclear whether or not the British Administration handed Gilgit Agency over to the Maharaja of Kashmir, but the prevalent narrative in Gilgit-

Baltistan is that Gilgit Scouts waged a war of liberation led by a local commander, Colonel Mirza Hassan Khan, which ended victoriously on the 1<sup>st</sup> November 1947. Freedom lasted only until the 14<sup>th</sup> November 1947 when the newly-founded Republic of Gilgit declared its accession to the state of Pakistan. Even though the princely states retained much of their power, the state of Pakistan had taken over administrative control of Gilgit. Sardar Alam Khan was sent as a political agent to Gilgit Agency, and the Frontier Crimes Regulation (FCR) was imposed as the law of the land that, among others, imposed collective punishment for the crime of one.

Not all the territory of today's Gilgit-Baltistan accessed Pakistan at the same time. At the time of partition, Hunza-Nagar - two separate districts today -, was still a princely state which entertained diplomatic relationships with its neighbours through the payment of tributes to the Maharaja of Kashmir as well as to China. Some records state that on the 3<sup>rd</sup> November 1947, the Mir of Hunza sent a telegram to Quaid-e-Azam Muhammad Ali Jinnah, the founder of Pakistan, stating that Hunza wanted to accede to Pakistan. It was however only in 1974, when Zulfikar Ali Bhutto, then Prime Minister of Pakistan, abolished Hunza's princely government and veritably annexed Hunza-Nagar to Pakistan.

In 1948 and 1949, the United Nations, moved by both Pakistan and India, delivered two resolutions attesting to the status of present-day Gilgit-Baltistan as a disputed territory waiting for a plebiscite to decide the fate of Kashmir. The UN advised both India and Pakistan to remove their armies from all disputed territories, so that a UN-supervised referendum could take place. However, neither was prepared to let go of the territories under their control, and the situation has remained the same ever since. In April 1949, Pakistan signed the Karachi Agreement that gave to Azad Jammu and Kashmir (AJK), also called Pakistan-Controlled Kashmir, power of administration over present-day Gilgit-Baltistan. This agreement has been considered by many as highly controversial for negating the rights of self-determination to the people of Gilgit-Baltistan.

In 1988, Pakistan's then Prime Minister Benazir Bhutto established a new body, called the Northern Areas Council. In 1994 she introduced the Legal Framework Order (LFO), which turned the Northern Areas Council into the Northern Areas Legislative Council. The leader of the house of this body was the deputy chief executive, while the minister of Kashmir Affairs and Northern Areas served as chief executive. In 1999, while Pakistan fell under the dictatorship of General Pervez Musharraf, in the Northern Areas another legislative assembly completed its term. In 2006, General Musharraf visited the region and in 2007 the Northern Area Legislative Assembly (NALA) was created. Greater

powers to collect taxes were afforded to the Northern Areas government. The leader of the house was now the chief executive, while the minister of Kashmir Affairs and Northern Areas became the chairman of the legislative assembly. The most significant change made by General Musharraf was in granting the Northern Areas Legislative Assembly the right to amend the Legal Framework Order (LFO).

On September 8<sup>th</sup> 2009, under Prime Minister Yousuf Gilani the name of Northern Areas was replaced with Gilgit-Baltistan and the Gilgit-Baltistan Empowerment and Self-Governance Order was adopted. By the same act the NALA was renamed the Gilgit-Baltistan Legislative Assembly (GBLA) and Gilgit-Baltistan Council (GBC). The new positions of chief minister and governor were created. Despite these changes, the right to amend the LFO was removed, and the Council was handed greater powers than the GB Legislative Assembly. The decade between 2009 and 2018 saw Gilgit-Baltistan in the midst of mega-development projects such as the Basha Dam and the China-Pak Economic Corridor (CPEC). The inclusion of Gilgit-Baltistan as the fifth province of the Federation of Pakistan was tabled as a priority during the Pakistan Muslim League Nawaz (PML-N) government, which was established after the 2014 elections. However, inclusion of Gilgit-Baltistan as the fifth province of Pakistan was later withdrawn (see Howe and Hunzai in this special issue). In order to better understand the reasons for the reluctance of the Federation of Pakistan to accept the pressing requests of the people of Gilgit-Baltistan it is necessary to briefly look at the law underlying the current debates.

### **The uncertain constitutional status of Gilgit-Baltistan**

The uncertain constitutional status of Gilgit-Baltistan has been sanctioned by two legal documents: the Al Jihad Supreme Court ruling in 1999 and the already mentioned Empowerment and Self-Governance Order, 2009.

In 1994, the residents of the then Northern Areas and the Al Jihad Trust filed two constitutional petitions in the Supreme Court regarding the constitutional status of present-day Gilgit-Baltistan. The petitions argued that the then Northern Areas were part of the territory of Pakistan and that the people of the Northern Areas were Pakistani and could not be denied participation in the government and access to an independent judiciary. On the 28<sup>th</sup> May 1999 the Supreme Court ruled as follows:<sup>1</sup>

People of Northern Areas are citizens of Pakistan for all intents and purposes and like other citizens of Pakistan have the right to invoke any of the fundamental rights and liable to pay taxes and other levies competently imposed. Said people are also entitled to participate in the governance of their area and to have an independent judiciary to enforce, inter alia, the fundamental rights. Supreme Court directed the Federation of Pakistan to initiate appropriate administrative/ legislative measures, with a period of six months from 28-5-1999 to make necessary enactments in the Constitution [...] to ensure that the people of Northern Areas enjoy their fundamental rights, namely, to be governed through their chosen representatives and to have access to justice through an independent judiciary [...].

[...]

The Northern Areas have a Chief Court, which can be equated with a High Court [...]. Its jurisdiction is to be enlarged as to include jurisdiction to entertain constitutional petitions inter alia to enforce the fundamental rights enshrined in the Constitution and to provide right to approach a higher forum through a petition for leave to appeal [...]

But the judgment also said:

It may be observed that since the geographical location of the Northern Areas is very sensitive because it is bordering India, China, Tibet and USSR, and as the above areas in the past have also been treated differently, this Court cannot decide what type of Government should be provided to ensure the compliance with the above mandate of the Constitution. Nor we can direct that the people of Northern Areas should be given representation in the Parliament as, at this stage, it may not be in the larger interest of the country because of the fact that a plebiscite under the auspices of the United Nations is to be held.

In short whilst the Supreme Court ascertained the legitimacy of the requests formulated in the above petitions it also validated the counter arguments of the State Attorney that highlighted the strategic link between the status of the Northern Areas and the outcome of the plebiscite deciding the status of Jammu and Kashmir. Hence, no substantial change ensued until 2009 when Islamabad, perhaps under pressure from the upcoming mega-development projects in the area, felt it necessary to revive the trust of the people of the Northern Areas.

In 2009 the Gilgit-Baltistan Empowerment and Self-Governance Order recognised the political and administrative autonomy and the quasi-provincial status of the Northern Areas. The same Act renamed the Northern Areas as Gilgit-Baltistan. Yet, autonomy and

self-governance were limited. Although this Act provided the region with a Legislative Assembly, it only entrusted it with comparable provincial authority. The most important political and economic affairs, such as the management of natural resources and tourism were allocated to the Gilgit-Baltistan Council (GBC), under the direction of the Prime Minister of Pakistan. Additionally, the Act provided for a Supreme Appellate Court, which was at the same time subjected to the Federation, namely for the appointment of judges. In addition, it was also a court of last resort in that its judgments could be appealed before the Supreme Court in Islamabad. Hence, once again there was no substantial change.

Although instances of recognition and formal integration into the state of Pakistan have frequently been on the table in connection with recent development projects, the Federation of Pakistan has not yet finalized the constitutional recognition of Gilgit-Baltistan as Pakistan's fifth province. In January 2016, China, the main investor in the CPEC and other projects under construction in Gilgit-Baltistan, requested the Government of Pakistan to formalize its constitutional status. A proposal was drafted that saw Gilgit-Baltistan in the Constitution of Pakistan for the first time with two lawmakers to be appointed at the Federal Parliament as observers. However, the position that Islamabad reiterated was that the parts of Jammu and Kashmir controlled by Pakistan are semi-autonomous and cannot be formally integrated into the country until a plebiscite has taken place.<sup>2</sup>

On February 2018, the Federal Government approved the Gilgit-Baltistan Order 2018, which replaced the Self-Governance Order 2009. The new order transferred to the Gilgit-Baltistan Assembly all the powers previously exercised by the Gilgit-Baltistan Council presided by the Prime Minister of Pakistan, and was regarded as a step forward for annulling the power of the Gilgit-Baltistan Council and removing the authority of Kashmir's Affairs Ministry over the affairs of Gilgit-Baltistan. The Chief Court of Gilgit-Baltistan was renamed the High Court, whilst it was still unclear whether appointments would be made from the Federation or at a local level. However, the Gilgit-Baltistan Order was eventually rejected for being "Prime Minister centered" and again not providing Gilgit-Baltistan with the status of Pakistan's fifth province.

On the 17<sup>th</sup> January 2019, the Supreme Court of Pakistan released the verdict for *Civil Aviation Authority v. Supreme Appellate Court Gilgit-Baltistan* (Constitution Petition No. 50/218). The following issues were addressed by the Supreme Court:

1. Would granting fundamental rights and a status, role and recognition of Gilgit-Baltistan in the constitutional scheme of Pakistan prejudice Pakistan's



cause for the resolution of the Kashmir dispute by such appropriate means as may be acceptable to Pakistan (which could, for example, be a United Nations sanctioned and supervised plebiscite)?

2. What rights can be granted to the people of Gilgit-Baltistan?

3. Is the Gilgit-Baltistan Supreme Appellate Court a constitutional court?

In its 100-page judgement, the Supreme Court clarifies that the verdict should not in any way affect the nature and status of the Kashmir issue, which can only be solved through a plebiscite organised by both India and Pakistan. The judgement notes also that in *Al-Jehad Trust* (1999 SCMR 1379, paragraph 16) the Supreme Court had already directed the Pakistan government to extend fundamental freedoms to all the people of Gilgit-Baltistan who are citizens of Pakistan for all intents and purposes, therefore legitimately entitling them to participate in the governance of their area and to have an independent judiciary. Finally, the judgment sanctioned the constitutional status of Gilgit-Baltistan Supreme Court only within the ambit of Gilgit-Baltistan and the Proposed Order, and not outside Gilgit-Baltistan. In summary, there was no significant change for the people of Gilgit-Baltistan.

The reiterated uncertainty of borders and the ambiguous constitutional status that has featured throughout much of the history of Gilgit-Baltistan was described by Haines (2007 and 2013:45) as territorial and ultimately political, and economic liminality. This liminality is in relation with borders and the uncertainty of its constitutional status, and has been referred to by Hong (2012) and Kreutzmann (2015). Liminality was also mentioned by Cook and Butz (2016) regarding the inequality of justice during a time of disaster in Gojal. With the partial exception of Kreutzmann who seems more optimistic on the financial situation of Gilgit-Baltistan (2015), the liminality to which the above scholarship refers is devoid of the positive connotation of transition and change celebrated by Van Gennep (1960) and Turner (1967 and 1969). It is instead heavily marked by a constant feeling of disorientation and ambiguity leading to some kind of intemporality. Hence perhaps more than liminality *tout court*, it is the post-modern idea of permanent liminality formulated by Skakolczai (2014: 34) that better highlights the paradox of Gilgit-Baltistan as a temporary situation which becomes “extended, lasting, all eventually but a permanent state.” Indeed among the social phenomena treated in this special issue many could be connected with some forms of permanent liminality, which entail a great component of scepticism toward much agonized change. Yet, even permanent liminality does not exhaust the specific uncertainty and disorientation described by the scholarship and expressed by the people of Gilgit-Baltistan.

The scant scholarship that has included associated factors of culture and identity with notions of borders in Gilgit-Baltistan inevitably attracts interpretations in light of strategic interests in the area. Before, this mostly concerned the Kashmir issue but now financial interests regarding mega-development projects are also vying for attention. Linked to both issues is the cogent question of whether or not Gilgit-Baltistan can be considered as having cultural unity. It is unclear however whether anthropology can be applied to address this. Broadly speaking, anthropological debates on culture and identity favour dynamic perceptions of self where individuals are seen rather for their multiple identities and thereby seldom confirm unity (Abu-Lughod 1991). Hence, Sökefeld (2013 and 2015) argues that Jammu and Kashmir can be taken as a whole but not as a sole unit. In so doing, he seems to distance himself from the idea of Dardic language and Dardistan, orientalist terminology elaborated by Gottlieb Leitner (1868) to designate the seemingly unique blend of cultures and diversity of today's Gilgit-Baltistan. Yet, as much as orientalist views of South Asia have been criticised for supporting the politics of colonial control, non-interventionist views have also been accused of tacitly upholding the status quo regarding the broader issue of Kashmir. Racine (1999) and Singh (2013) lament, for example, that the supposed Western neutrality vis-à-vis Kashmir does nothing but perpetuate the underlying tension for fear of a greater conflict that would harm bigger powers.

Snedden (2012 and 2015), accused by Singh (2013) of supporting Western views, has pleaded that the dilemma between neutrality and partisanship be overcome in Gilgit-Baltistan by leaving the decision to its people. He criticizes the use of loaded terms such as 'Pakistan' or 'Indian-occupied Kashmir' and whilst outlining the geographic and financial connection of Jammu and Kashmir with Pakistan, he decidedly argues for self-determination. Kreutzmann (2015) links self-determination with boundary-making and actors as well as factors that are external to Gilgit-Baltistan and part of post-colonial legacies. Rather, he argues that Gilgit-Baltistan has benefited from its strategic location in terms of infrastructural development. He notes: "Yet from activists within and outside of Gilgit-Baltistan, the present situation is often perceived as stagnant, rather detrimental in economic terms and unacceptable from the self-determinist perspective" (Kreutzmann 2015: 287). Karrar and Mostowlansky (2018) argue that Gilgit-Baltistan has been part of what they call an "assemblage of marginality" which is marked by exclusion yet, as a marginal space, it allows for comparison with marginal spaces in other areas of the world.

The scope of this special issue is mundane from an ethnomethodological perspective, in that we are interested in the arguments formulated by people in their everyday lives

instead of technical and academic analyses (Pollner 1987: 149). This special issue does not intend to offer solutions to the long-standing issues concerning Kashmir, but does underline the perceived impact and the significance of the uncertain constitutional status of Gilgit-Baltistan, in people's everyday lives. As we will see in the next sections, and more extensively throughout the unfolding of this special issue, narratives and counter-narratives on law, governance, and culture in Gilgit-Baltistan disclose gaps and silences ranging from fictive empowerment to modern reformulations of sectarianism while also including the perennial lack of access to healthcare, the restricted use of public space, and the Islamisation of higher education. This special issue suggests the importance of cultural expertise in understanding how people connects everyday life and rights by filling the gaps and interpreting the many silences of law and governance in circumstances of deep uncertainty yet heightened surveillance.

### **Control of natural resources**

The economic significance of Gilgit-Baltistan is multidimensional and, with hindsight to the establishment of natural reserve as well as mega-development projects, its history can be read also as a fight for the control of natural resources. After the opening of the Karakoram Highway, development projects of various sizes and to varying extents have modified the ways in which the people of Gilgit-Baltistan have exploited natural resources. These range from the use of pastoral land to women's inheritance and include the process of rapid urbanization that has seen spurts of unplanned construction in the main towns of Gilgit. This section, however, will only mention the two mega-development projects that are currently in progress in order to sketch a background of the competing interests among national and international stakeholders in Gilgit-Baltistan: the Bhasha Dam and the already mentioned CPEC.

The Bhasha Dam is planned for construction in the heart of the Diamer District. If built, it will be the largest dam in the world by volume structure in roller-compacted concrete. It will sit upstream of the Tarbela Dam, which itself is the second largest dam in the world by volume structure, and is situated in Khyberpakhtunkwa, 180 km downstream of Gilgit city and 40 km from Chilas, a district town in the Diamer District. The project, as approved in 2001, states that the Bhasha Dam will store water and generate electricity as to ensure agricultural irrigation and electricity for Pakistan and, potentially, for South Asia. The Bhasha Dam will furthermore extend the lifespan and efficiency of the Tarbela Dam.

However, the Bhasha Dam project was hampered for more than a decade by interprovincial and international politics debating on priority access and control over the territory and its natural resources. The acquisition of land started only in 2010 with the target of acquiring 37,419 acres but as of May 2013 only about 1,000 acres were actually acquired. After more than a decade of stalemate the newly-elected federal government unexpectedly decided to revive the Bhasha Dam project by declaring it a top national priority at the same level of nuclear plants. In November 2013, the government of Gilgit-Baltistan transferred 17,000 acres of supposedly state-owned land to the authorities managing the Bhasha Dam project. At the same time offices for the acquisition of private land were opened in Chilas and the development of the infrastructure for the resettlement of the affected villages was announced. Concomitantly, international organizations and governments in good terms with Pakistan have responded with a commitment of providing aid for additional feasibility plans, implementation of resettlement and conservation, and construction. To date, the majority of land allocated to the construction of the Bhasha Dam has been transferred to the Federation of Pakistan but further uncertainty regarding internal borders and access to resources has further delayed its accomplishment.

Differently from the Bhasha Dam, the CPEC, perhaps because it required less demanding infrastructure at its inception, seems to have been implemented more successfully, even though the costs and benefits remain unclear, especially for Gilgit-Baltistan. The CPEC uncoils from the only friendly border that Pakistan has always had: its border with China through the Khunjarav Pass in Gilgit-Baltistan. Trade with China has always thrived through the famous Silk Road, and later the Karakoram Highway, and now the CPEC which connects China to the Arabian Sea. On the 13<sup>th</sup> November 2016 the CPEC - a trade corridor which goes through Gilgit-Baltistan and Balochistan to the Chinese-operated Gwadar Port in the south of Pakistan - was inaugurated as partly operational. Its value was originally US\$ 46 billion but it has never ceased to increase since then. A 3,000-km route will eventually connect China's Western Xinjiang region to the Arabian Sea. Currently, Chinese goods are transported by ship through the Strait of Malacca, a distance of more than 16,000 km, with the journey taking between four to six weeks. In fact, due to the current state of the roads and the frequent checkpoints for goods and persons throughout Gilgit-Baltistan and Balochistan, today the journey could take about the same time as by ship, but it is expected that the investment will soon provide the needed infrastructure for speeding up communication and trade. Although both the Bhasha Dam and the CPEC were heralded as boons for Pakistan and as a consequence for Gilgit-Baltistan as well, the fear is that these

mega-development projects might not bring the benefits for Gilgit-Baltistan that was once hoped for, especially if its constitutional status remains uncertain.

Unsurprisingly, scholarship interested in power dynamics has signalled the increasing interrelation between the management of water and security in order to ensure priority access and the strategic use of natural resources.<sup>3</sup> The history of Gilgit-Baltistan, which encompasses both isolation and connection coupled with competing territorial claims, resonates with studies on water, culture, and power that investigate the impact of larger and smaller hydropower structures on local governance.<sup>4</sup> Furthermore, it relates with studies on policy making in mega-development projects in remote regions,<sup>5</sup> especially in relation to the displacement of people, the conservation of the environment and culture as global heritage,<sup>6</sup> and the recognition of rights.<sup>7</sup> Analysis of borders (Haines 2013) as well as geography and environmental sciences (Cook and Butz 2017, Kreutzmann 2016) and medical anthropology (Varley 2010) have denounced an imbalance of power as well as the uneven access to services and development in Gilgit-Baltistan.

Concomitantly to the execution of mega-development projects such as the Basha Dam and the CPEC, the Federation of Pakistan could not but accept having a discussion on the integration of Gilgit-Baltistan as the fifth province of Pakistan. But eventually, the Federation failed again to keep its promise. It could be concluded that the two-nation theory, which has been at the core of the foundation of Pakistan, is irreconcilable with the idea of a separate Kashmir. Yet, as we will see there is more than that in people's silenced narratives. This special issue suggests the need for a cultural expertise that brings to light the expectations of rights that are anchored in people's everyday lives in Gilgit-Baltistan.

### **Religious diversity and sectarian rivalries**

The population of Gilgit-Baltistan, distributed across 24 ethnic groups consisting of seven main linguistic groups, belongs to various Shia and Sunni sects of Islam and also includes some non-Muslim minorities. Southern districts, in particular the Diamer District and the Astore District, are almost entirely Sunni and claim particular rights concerning property, arms possession, and social norms that were recognized at the time of their accession to the Gilgit Agency in 1957. Northern districts are almost entirely Ismaili whilst the eastern part, Baltistan, features a Shia majority. Gilgit city features the highest level of religious and ethnic diversity in the region.

The remarkable religious and cultural variation of Gilgit-Baltistan, besides generating the above mentioned myth of Dardistan, can also be seen in connection with the

conflicts and violence that have taken place in the region over the past decades. From 1960 to 1970 the religious leaders of Sunni and Shia sects started a campaign based on mutual invectives (Hunzai 2013). In the 1970s the police injured a significant number of people during Shia-Sunni clashes in Gilgit, which prompted a wave of retaliatory killing and kidnapping; in 1988 attacks on Shias and Shia villages happened over a moon sighting controversy after Holy Ramadan; in 2001 Shia and Sunni students in a Gilgit high school clashed violently, sparking demonstrations and strikes in the city around a controversial Sunni-centred curriculum; while in 2012 the target killings of Shia travellers on the two roads that connect Gilgit-Baltistan with Islamabad generated further retaliatory killings in Gilgit city.

Analyses of recent sectarian violence in Gilgit-Baltistan have suffered considerable drawbacks due to the heightened sensitivity and surveillance from both Pakistani and Indian intelligence. Notwithstanding, Sokefeld (2005) and Ali (2008) have denounced the colonial politics of the state of Pakistan as being part of the nation-building process. Feyyaz (2011), Hunzai (2011), and Varley (2010) who are also contributing to this special issue, have more pragmatically stressed the link between sectarian rivalries and uncertain governance. By adopting a critical stance their scholarship contradicts *a priori* sectarian readings of conflicts. With Mehfoozullah, Ali, and Varley, this special issue contributes to the understanding of sectarianism as “normalcy” where the processes of exclusion/inclusion are not only violent but also negotiable with regards to their causal link to broader issues of law and governance.

### **Collaborative approach**

Whilst scholarship on Gilgit-Baltistan has focused to varied extents on issues that are significant at a global level, barriers are still felt as persisting between so-called indigenous and international scholarship. The very adjective “indigenous” was used here only after considerable deliberation and a lack of a better alternative. The choice relies on two authoritative sources: the Higher Education Commission of Pakistan defines as indigenous scholars those scholars who originate from Pakistan and have studied in Pakistan; and the same term is also used by engaged anthropology to which this special issue inspires for a collaborative and de-colonizing approach. Sillitoe (2015) encourages barriers to be broken down, dialogue to be facilitated, and different cultural-intellectual traditions to be drawn on. This is what we have attempted to do with this special issue. Although I felt right to do so at all time, I must confess that it was not easy at all: this collaboration attracted perplexity and

criticism by some quarters and it was an excruciatingly slow progress. Difficulties were encountered, firstly, in terms of identifying scholars, both indigenous and non-indigenous, who were ready to engage in dialogue on sensitive topics of law and governance. Secondly, our diverse professional experiences brought different expectations regarding pace and standards. We experienced the isolation, which is so well described by Sillitoe (2015: 28):

While cooperation between engaged anthropology and indigenous research seems advantageous, indeed obligatory, particularly with the similarities between their philosophies, it is perplexing that they are working largely in isolation. There are considerable mutual misunderstanding given their markedly different views and approaches; most anthropologists ignoring indigenous scholars, who in their turn are largely antagonistic to outsider researchers.

Due to the regulated access for scholars who are not resident of Gilgit-Baltistan and the high level of surveillance in the region, open communication on sensitive themes is fraught with potential dangers, which are difficult to assess because these range from rumours to threats and also include vested strategies of occasionally self-appointed mediators. Anthropological scholarship features consolidated trends of reflections on the unpredictable trauma of research in conflict areas (Nordstrom 1995). Yet, recently increased surveillance in Gilgit-Baltistan gave rise to self-reflection on power dynamics (Grieser 2016) as well as an interrogation on the articulation of ethics and guidelines for academic mentorship in fieldwork where access is officially regulated by intelligence authorities (Sokefeld 2016). During my three-year stay in Gilgit-Baltistan, it became clear that ethics should connect with social responsibility and go beyond the no-harm principle adopted by anthropology. Inclusion and academic collaboration was the pressing issue. Hence, after a series of informal communications with scholars interested in law and governance in Gilgit-Baltistan a workshop was convened at the Institute of Advanced Studies in Nantes on the 14-16 April 2016.<sup>8</sup> This workshop generated a series of papers adopting a socio-legal perspective, and focusing on people's points of views. Papers include counter narratives that all point to the interest of cultural expertise, as a concept connecting rights and the people's expectations of such rights with stringent implications on governance and governability. A first series of publishable papers on law, culture, and governance are collected in this special issue, and a second series on law and culture in Hunza is under publication with Naveiñ Reet: Nordic Journal of Law and Social Research.

This special issue has involved a considerable deal of reciprocal scrutiny and self-reflection. During the editorship the difficulties of colonial inheritance could not be more

evident. We have adopted a de-colonization approach to the knowledge produced in Western universities by engaging and supporting the academic voices of those who originate from previously-colonised cultures. But when we came to the modalities of implementation of such an engagement we found yet another divide between the academicians from globally recognized institutions and those who come from less-well-ranked universities but who possess cultural capital. Do not the Western standards of publication undermine regardless the indigenous voices that this special issue wants to include? Or, would not the very fact of focusing on indigenous views be another form of asserting Western supremacy? The very adjective “indigenous” was used only after considerable deliberation and a lack of a better alternative. The choice relies on two authoritative sources: the Higher Education Commission of Pakistan defines indigenous scholars as those who originate from Pakistan and have studied in Pakistan; and the same term is also used by engaged anthropology to which this special issue inspires for a collaborative and de-colonizing approach (Sillitoe 2015). Thus, we needed to engage beyond current institutional aims in a process that required a reconfiguration of roles and reciprocal expectations concerning conventions of seniority and academic standards. Hence, although we are grateful to the institutions that accepted and supported our collaboration, we argue that this is the first collaborative publication on Gilgit-Baltistan developed by scholars as people – in Uddin’s words through a re-engagement with the people (2011). Eventually, this special issue suggests and emphasizes the opportunity, capacity, and duty of anthropologists to de-colonise through cultural expertise the framework of power unbalance that often features institutional interactions in global academia.

### **The papers of this special issue**

Whilst all the contributions to this special issue are based on qualitative data, the sequence of papers is organised as a macro- to micro-reading on law, culture and governance in Gilgit-Baltistan. The first set of papers offers macro-perspectives of political exclusion (Howe and Hunzai), geopolitical analysis of structural violence (Feyyaz), and a historical counter-narrative of statehood (Flowerday). The second set of papers offers micro-perspective on access to healthcare and bio-politics at times of crisis (Varley), and an analysis of sectarianism in the private and public sector (Ullah and Ali).

Howe and Hunzai describe the ways through which the people of Gilgit-Baltistan have been repeatedly excluded from the decision-making process in the CPEC project and



the increasing awareness among the population regarding the lack of access not only to abstract notions of rights but more specifically to financial opportunities and social benefits. Feyyaz addresses the disappearance of what was the public space in connection with institutional measures to counter violence and sectarian tensions in Gilgit-Baltistan. He argues that the scholarly awareness of liminal statehood and geopolitical stakes is necessary for people to reclaim public spaces in Gilgit-Baltistan. Flowerday raises the question of British colonial sovereignty in 19<sup>th</sup>-century Gilgit Agency. On the basis of an anthropological interpretation of historical documents that were concealed from the people of Gilgit-Baltistan, she formulates a counter-narrative that proposes new stakeholders in the Kashmir issue. Her innovative approach of an historical anthropology which combines fieldwork and archive investigation with personal intuitions and a profound empathy with the people of Gilgit-Baltistan, suggests that alternative interpretations of statehood could be beneficial to bridge the gap between local people's expectations and the international stalemate on the Kashmir issue,

Ullah and Ali provide empirical evidence about the existence and manifestations of sectarianism at the workplace in Gilgit city and its impact on the everyday manifestation of local governance, which is deeply ingrained in cultural expectations about rights and justice. This paper, while highlighting the extent of sectarianism in Gilgit city and conveying a sense of hopelessness on the possibility to overcome it in the present day, also suggests the existence of an indigenous model of local governance that, precisely thanks to sectarianism, would be able to navigate the difficult dynamics of regional and federal governance in Gilgit-Baltistan. Varley scrutinizes the effects of climatic disasters on healthcare, in order to highlight how adverse outcomes at times of crisis are linked to the everyday exclusionary practices of law and governance in Gilgit-Baltistan. She argues that even though at times of crisis gaps and failure in the provision of healthcare are expected, these are part of a long history of neglect and ultimately abuse by the state. People who have interiorised the lack of proper healthcare in Gilgit tend therefore to reinterpret and connect exceptional events such as climatic disasters with their peculiar context of everyday marginalisation.

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<sup>1</sup> Al-Jehad Trust v. Federation of Pakistan 1999 SCMR 1379

<sup>2</sup> see among others <http://tribune.com.pk/story/1023523/chinese-pressure-seespakistan-mull-constitutional-status-of-gilgit-baltistan/> and <http://tns.thenews.com.pk/gilgit-baltistan-province/#.V4tcxldC7iA> and <http://unpo.org/article/18856>

<sup>3</sup> Kalicki and Goldwyn (2013), Peimani (2011), Sachs (2009), World Bank (1995).

<sup>4</sup> Donahue and Johnston (1998), Fauré and Rubin (1993), Fisher, Hill, Brett, and Feinman (2009), Oliver-Smith (2009), Smith (1971), Solomon (2010) Strang (2004).

<sup>5</sup> Abbink (2012), Campregher (2010), Flood (1997), Johnston and Garcia-Downing (2004).

<sup>6</sup> Albert, Bernecker, Rudolff (2013), Benton (2013), Halbertsma, Stipriaan van, and Ulzen (2011), Harrison (2010), Stone (2011), Langfield, Logan, William and Nic Craith (2010), Scarre (2006).

<sup>7</sup> Brown (1998, 2005, and 2010), Carman (2005), Coombe (1997), Cuno (2008), Renfrew (2000).

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