



HAL
open science

People's Struggle for Participatory Governance in Gilgit-Baltistan

Livia Holden

► **To cite this version:**

Livia Holden. People's Struggle for Participatory Governance in Gilgit-Baltistan. Haley Duschinski; Mona Bhan; Cabeiri deBergh Robinson. The Palgrave Handbook of New Directions in Kashmir Studies, Palgrave Macmillan, pp.109 - 124, 2023, 978-3-031-28519-6. 10.1007/978-3-031-28520-2_7. hal-04135132

HAL Id: hal-04135132

<https://hal.science/hal-04135132>

Submitted on 20 Jun 2023

HAL is a multi-disciplinary open access archive for the deposit and dissemination of scientific research documents, whether they are published or not. The documents may come from teaching and research institutions in France or abroad, or from public or private research centers.

L'archive ouverte pluridisciplinaire **HAL**, est destinée au dépôt et à la diffusion de documents scientifiques de niveau recherche, publiés ou non, émanant des établissements d'enseignement et de recherche français ou étrangers, des laboratoires publics ou privés.



Distributed under a Creative Commons Attribution - NonCommercial - NoDerivatives 4.0
International License



The Palgrave Handbook of New Directions in Kashmir Studies

Edited by

Haley Duschinski · Mona Bhan
Cabeiri deBergh Robinson

palgrave
macmillan



People's Struggle for Participatory Governance in Gilgit-Baltistan

Livia Holden

INTRODUCTION

This chapter traces the struggles for participatory governance in Gilgit-Baltistan by analyzing the legal recognition of its territory and citizen's rights, as well as their participation in political life and access to natural resources. The first section offers a historical overview of the laws and case law that sanctioned the uncertain constitutional status of Gilgit-Baltistan. The second section retraces the establishment of political parties and the role of civil society. The third section surveys the access to natural resources in Gilgit-Baltistan. The information and data provided by this paper come from law and case law, academic scholarship on Gilgit-Baltistan, my first-hand experience during my stay in Pakistan between 2009 and 2016, and the fieldwork that I conducted in Gilgit-Baltistan during an independent social audit of the police of Gilgit-Baltistan, a project that I led at the Karakoram International University from 2014 to 2016 funded by the Higher Education Commission, Pakistan.¹

L. Holden (✉)
CNRS, Paris, France
e-mail: livia.holden@univ-paris1.fr

University of Paris 1 Panthéon Sorbonne, Paris, France

THE UNMET REQUESTS FOR LEGAL RECOGNITION

Before the Partition of India, present-day Gilgit-Baltistan was part of the princely state of Jammu and Kashmir, which was populated by a Muslim majority of nearly 77%, with 20% constituting a politically-powerful Hindu minority. The people of Jammu and Kashmir enjoyed almost exclusive rights on the land and its resources, which were sanctioned for the first time by the Maharaja Hari Singh with the Royal Decree 1927, issued on the request of the Hindu minority (Ahmad 2003; Bazaz 2002). The Royal Decree 1927 identified the people of Jammu and Kashmir as state subjects or residents, and limited non-residents' access to major employment, establishing companies, and purchasing immovable property (Ahmad 2003, 837).

On August 14–15, 1947, India and Pakistan came into existence as separate, independent states. On October 26, the Maharaja Hari Singh joined India and the local troops of present-day Gilgit-Baltistan and Azad Jammu and Kashmir insurged. On November 14, 1947, the newly founded Republic of Gilgit joined Pakistan. Kashmir was a matter of contention between India and Pakistan since the very beginning of the creation of the two states as separate entities. War between India and Pakistan ensued almost immediately in 1947. The conflict only partially ceased with two United Nations resolutions in 1948 and 1949 that advised both India and Pakistan to remove their armies from Jammu and Kashmir and that stipulated a United Nations-supervised referendum in which the people could freely choose whether the disputed territories of former Jammu and Kashmir should be administered by India or Pakistan. After the Cease-Fire Karachi Agreement 1949, the government of Pakistan divided the northern and western parts of Kashmir, then under its administration, into Azad Jammu and Kashmir (AJK) and the Northern Areas, as Gilgit-Baltistan was known until 2009. Neither Pakistan nor India ever withdrew their troops from the disputed territories of former Jammu and Kashmir.

Between 1952 and 1970, present-day Gilgit-Baltistan was governed by the Ministry of Kashmir Affairs and Northern Areas (KANA) and its legal framework was defined by the Frontier Crime Regulation (FCR). The FCR was a set of laws adopted by British India in 1867 to provide local agents with wider powers that also included the prosecution of serious crimes. The FCR essentially served the colonial purpose of suppressing opposition to the British government by extending ample power to local authorities, which assisted the colonizers in the implementation of indirect rule. According to Callen et al. (2019), the adoption of FCR by Pakistan had the effect of leaving Gilgit-Baltistan, and other similarly controlled territories, as virtually ungoverned by the state. Beg and Lapov (2018), Hakal (2018), and Lentz (2000) point to a situation of *de facto* legal pluralism and multi-layered governance provided by local non-state authorities.

The first democratic body of present-day Gilgit-Baltistan was the Northern Areas Advisory Council, created in 1969. It never had true legislative powers,

which rested with the Ministry of Kashmir Affairs and Northern Areas sitting in Islamabad. In 1972, the then Prime Minister Zulfikar Ali Bhutto visited the area and announced the abolition of all princely states and the abrogation of the Maharaja's State Subject Rule. Perhaps facilitated by the construction of the Indus Valley Road, the precursor of the Karakoram Highway, a considerable influx of migration followed from present-day Khyber Pakhtunkhwa. In 1974, the Northern Areas Advisory Council was renamed the Northern Areas Council (NAC) with the adoption of the Northern Areas Legal Framework Order 1974–75, a sort of de facto constitution. However, all powers remained in the hand of the Ministry of Kashmir Affairs and the Pakistan government. The people of the Northern Areas did not have any meaningful political representation or an independent judiciary, let alone participatory governance. Until 1994, there was not even a mention of the constitutional status of the Northern Areas in relation to Pakistan.

In 1994, the residents of the then Northern Areas and the Al-Jehad Trust filed two constitutional petitions at 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 May 28, 1999, the Supreme Court sanctioned the fundamental rights of the people of present-day Gilgit Baltistan saying that the people of the Northern Areas are citizens of Pakistan for all intents and purposes; that they have the right to invoke any of the fundamental rights; and that they are entitled to participate in the governance of their area and to have an independent judiciary. In an unprecedented move, the Supreme Court also directed the Federation of Pakistan to initiate appropriate administrative and legislative measures within a period of six months from May 28, 1999, to make necessary enactments to the constitution. However, the judgment also acknowledged the geographical location of the Northern Areas as very sensitive because of its borders with India, China, Tibet, and the then USSR, and denied competence to decide about matters of government in the Northern Areas, which would be against the larger interest of the country because a plebiscite under the auspices of the United Nations was to be held regarding the fate of Kashmir.

Al-Jehad Trust v. the Federation of Pakistan encapsulates Islamabad's ambiguity toward Gilgit-Baltistan. The Supreme Court accepted the legitimacy of the petitions but also reiterated the strategic link between the status of the Northern Areas and the outcome of the plebiscite deciding the status of Jammu and Kashmir. No substantial change ensued until the Gilgit-Baltistan Empowerment and Self-Governance Order 2009 recognized the political and administrative autonomy and the quasi-provincial status of the Northern Areas. The same Act renamed the Northern Areas as Gilgit-Baltistan. Some level of autonomy and self-governance were allocated with the establishment of the Legislative Assembly, but 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, but was also a court of last resort in that its judgments could not be appealed before the Supreme Court in Islamabad. Importantly, the Gilgit-Baltistan Empowerment and Self-Governance Order 2009, while granting the region limited rights of self-governance and some degree of independence from Pakistan-Administered Kashmir (AJK), was conveniently silent on the residents' subject rule which provided residents with special rights on the land and to natural resources since the Royal Decree 1927. Hence, while some rights were recognized and acknowledged, others were suppressed without even the need for a formal procedure.

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, Islamabad reiterated that the areas of Jammu and Kashmir administered by Pakistan semi-autonomously could not be formally integrated into the country until a plebiscite took place.

In February 2018, the ambiguous relationship between Islamabad and Gilgit-Baltistan consolidated into a new law, when the Federal government approved the Gilgit-Baltistan Order 2018, which replaced the Self-Governance Order 2009. The new order sanctioned the quasi-province status of Gilgit-Baltistan and transferred to the Gilgit-Baltistan Assembly all the powers previously exercised by the Gilgit-Baltistan Council presided by the Prime Minister of Pakistan. While the Gilgit-Baltistan Order 2018 afforded, at least in principle, major autonomy to local authorities and a certain level of formal inclusion into the Republic of Pakistan, it also decreased the power of the Gilgit-Baltistan Council. The Chief Court of Gilgit-Baltistan was renamed High Court, while it was still unclear whether appointments would be made by the Federation or at a regional level. The Gilgit-Baltistan Order 2018 was met with relentless protest for being "Prime Minister centered" and again for not providing Gilgit-Baltistan with the status of Pakistan's fifth province.

In 2018, another constitutional petition was filed at the Supreme Court in Islamabad on behalf of the Civil Aviation Authority (CAA), which operated the flights at Gilgit-Baltistan's two airports. The petition claimed that since the Self-Governance Order had sanctioned Gilgit-Baltistan as a province of Pakistan, the local courts and local government did not have any power over the people and businesses that were not residents of Gilgit-Baltistan. On January 17, 2019, the Supreme Court of Pakistan released a verdict which reiterated that no prejudice should be caused in any way to the status of Kashmir and the possibility to decide about its status through a plebiscite; it also repeated the need to extend the enjoyment of human rights to the people

of Gilgit-Baltistan, as well as their rights to have an independent judiciary and to participate in the governance of their area—as said also in *Al-Jehad Trust* (1999 SCMR 1379, para. 16). Finally, the judgment sanctioned the constitutional status of the Gilgit-Baltistan Supreme Court only within the ambit of Gilgit-Baltistan and the Proposed Order, and not outside Gilgit-Baltistan.

WEAKENED POLITICAL PARTICIPATION AND PUNISHED DISSENT

Pakistani political parties have informed the political awareness that generated the claim of democratic rights by the residents of Gilgit-Baltistan. From a Pakistan state-centered perspective, the political history of present-day Gilgit-Baltistan started in 1972 with the visit of Zulfikar Ali Bhutto and the reforms introduced by the Pakistan People's Party (PPP), the center-left social democratic party. Bhutto's reforms included the abolition of the Maharaja's State Subject Rule, which according to Ali (2004) had not been implemented since the 1950s in Gilgit-Baltistan, the abolition of the monarchic ruling of princely states like Hunza (among others), and the repeal of the FCR. These reforms, along with the subsidies known as the "Bhutto subsidies" for wheat and other basic supplies, were presented as paving the way to integrate Gilgit-Baltistan into Pakistan but also supported the establishment of the PPP in Gilgit-Baltistan.

Between 1977 and 1985, during the martial law imposed by the dictator Zia-ul-Haq, the Pakistan Muslim League (PML), a center-right conservative party, obtained strong representation in the Northern Area's councils and local bodies. In the 1980s, the construction of the Karakoram Highway (KKH) linking Gilgit-Baltistan to Islamabad brought improved connections and facilitated the establishment of the local branches of political parties of Pakistan and Azad Kashmir in Gilgit-Baltistan. However, improved connections with Pakistan also coincided with the rise of the religious militancy of the 1980s which, with the inflow in Gilgit-Baltistan of radical militants, increased its vulnerability to religious sectarianism (Hunzai 2013). Popular hatred toward martial law associated with the rise in power of the PML-N during the dictatorship of Zia-ul-Haq eventually had the opposite effect of strengthening the position of the PPP. Many people in Gilgit-Baltistan still associate the PPP today with the income support program introduced by Benazir Bhutto, the daughter of Ali Zulfikar Bhutto, who was the Prime Minister of Pakistan between 1988 and 1990 and 1993 and 1996.

From 1990 to the present day, national parties have been present in Gilgit-Baltistan, but the main political players in the first two elections were the PPP and the PML-N. These two major parties were comparatively older and more active in Gilgit-Baltistan than the other political parties because they had been the ruling parties in Pakistan and were as such expected also to rule in Gilgit-Baltistan.

General Musharraf visited Gilgit-Baltistan in 2001. He was criticized for a lack of trust since his security arrangement purposely excluded Shia security guards. The years of his tenure as ruler of Pakistan saw an increase in sectarian tensions in Gilgit-Baltistan (Feyyaz 2019), but he is also remembered for founding the Karakoram International University, establishing the hydropower dam in Naltar Valley, and opening the dry port in Sost.

In 2009, the first election of the Gilgit-Baltistan Legislative Assembly took place and the majority of seats were won by the PPP. Still, the Gilgit-Baltistan Council was chaired by the Prime Minister of Pakistan and half of its 12 members were appointed by the Federation of Pakistan, which retained the competence to legislate on 53 specific subjects. In 2013, the PML-N chief Nawaz Sharif personally inaugurated the new terminal at Gilgit Airport. His following visit, in April 2014, was decried by the opposition parties, which interpreted Nawaz Sharif's announcements of development projects for Gilgit-Baltistan as pre-poll rigging aimed only at extending his electoral base. Similar criticism was levied against Nawaz Sharif for his visit in May 2016 because the PML-N administration in charge since 2015 failed to meet its electorate's expectations.

The PML-N administration, elected in 2013, was also held responsible for overpowering the local executive body thanks to an amendment which gave almost absolute power over the Gilgit-Baltistan government to the Prime Minister. The second election of the Gilgit-Baltistan Legislative Assembly took place in 2015 whereby the majority of seats were won by the PML-N, which was the ruling party in Pakistan, securing 20 out of the 33 available seats.

The Balawaristan National Front (BNF) deserves mention because in spite of being a minor political party, it still generates significant anxiety in the intelligence services for its activities for the independence of Gilgit-Baltistan. Both in 2011 and 2015, the BNF obtained a seat at the Legislative Assembly and gained some popularity in the Ghizer District of Gilgit-Baltistan. The elected members had to swear their allegiance to Pakistan, but this was not perceived as a contradiction to the party agenda, because the BNF is aware that the independence of Gilgit-Baltistan is not a sustainable option. The BNF program has changed considerably over time, but its insistence on the primacy of access for the people of Gilgit-Baltistan to the economic and financial resources of the region has attracted some consensus among the disgruntled youths.

The Pakistan Tehreek-e-Insaf (PTI) founded by Imran Khan, who was elected the Prime Minister of Pakistan in 2018, struggled at first in the competition with the PLM-N and the PPP. Following his first visit to Skardu in 2012, Imran Khan's claim that the youth in Gilgit-Baltistan supported the PTI was received with skepticism. Imran Khan's second visit in November 2019 coincided with Pakistan's Independence Day. The Prime Minister recalled the oppression suffered by the people in Kashmir because of India's oppression. However, rumors circulated that the PTI did not manage to secure sufficient support in Gilgit-Baltistan in order to propose a strong candidate. The 2020 elections for the Gilgit-Baltistan Legislative Assembly, which were

expected to take place in June 2020, were postponed to October 2020 as a result. However, at a multiparty conference attended by all political leaders of Gilgit-Baltistan in July 2020, all parties criticized the decision to postpone the elections arguing that the delay was nothing but a pre-poll rigging tactic to increase the influence of the PTI in Gilgit-Baltistan before the 2020 elections.

The data that I collected through field research during a social audit of the Police of Gilgit-Baltistan between 2013 and 2016, and a recent update in 2019, revealed also some general perceptions about politics and governance from the 1970s onward. Qualitative interviews in fourteen districts of present-day Gilgit-Baltistan reflected a widespread anguish about the lack of constitutional recognition of Gilgit-Baltistan as a province of Pakistan, which was punctuated by a certain criticism against Pakistani politicians. Ali Zulfikar Bhutto was criticized by some for abolishing the princely state of Hunza and substituting a centralized and over-controlling bureaucracy, for the insufficient establishment of food subsidies, and for the suppression of the state subject rule, which allowed the settlement of residents from Pakistan. Some other people, however, lauded the abolition of Hunza state in 1972 which was considered oppressive because of imposing hefty taxation and withholding the right to movement from the people. Benazir Bhutto was blamed for strengthening the bureaucracy without increasing political representation. Asif Ali Zardari, President of Pakistan from 1998 to 2013, was blamed for preventing the access of the people of the region to the revenues generated from the economic and natural resources of Gilgit-Baltistan which were diverted instead to Pakistan. Bilawal Benazir Bhutto, son of Benazir Bhutto and Asif Ali Zardari who went to Gilgit in 2018 in order to secure consensus for his party by remembering his parents and grandfather's contribution to the region, was criticized for his failure to condemn the use of terrorism laws against political workers and for not demanding the release of non-violent political prisoners such as Baba Jan.

BABA JAN

Baba Jan is a Hunzakut political activist convicted by the Anti-Terrorism Court (ATC) for participating and promoting a protest for the victims of the Attabad landslide. His case is among the most blatant examples of the risk people take when expressing dissent, even in a peaceful manner, in Gilgit-Baltistan. Baba Jan's conviction attracted the attention of human rights groups and world-renowned intellectuals such as Noam Chomsky, Tarik Ali Khan, and David Graeber, who have signed a petition for his liberation (Change.org, n.d.). Yet, as Ali (2019) notes, Baba Jan did not attract the equivalent coverage in Pakistan, most likely due to fear that his case might become instrumental for India in the Kashmir conflict or for financial stakeholders in the ongoing mega-development projects in Gilgit-Baltistan.

In June 2010, a landslide submerged part of the KKH and displaced thousands of residents in Attabad. The ruling PPP party promised swift action

and compensation to all the affected families while Baba Jan organized the victims and lobbied for their compensation. However, more than a year later, the members of the families who were not compensated blocked the KKH when the Chief Minister of Gilgit-Baltistan Syed Mehdi Shah was due to travel through it in August 2011. The police intervened with firearms and tear gas causing the death of a local resident, Sher Afzal, and his son Sherullah Baig. The killing triggered a wave of violent protests in the Hunza valley where protesters attacked government offices and burnt cars. The widespread reasons for the dissatisfaction include the lack of transparency in duty revenue at the border between China and Pakistan, threats to withdraw a subsidy on wheat, which is the last remaining of the 122 subsidies extended to residents by Zulfikar Ali Bhutto in 1972, and the unresolved political status of Gilgit-Baltistan. However, Bab Jan's position has always remained moderate. In all his media interviews, Baba Jan has argued that positive changes for Gilgit-Baltistan can only be achieved through democratic participation as opposed to direct confrontation.

Due to his role as an activist and organizer of protests, Baba Jan was arrested, charged with sedition, and sentenced together with other eleven other activists to forty years of imprisonment by the Anti-Terrorism Court (ATC) in September 2014. The Chief Court (CC) of Gilgit-Baltistan overturned the ATC decision, but the Supreme Appellate Court (SAC) set aside the CC decision and increased the sentence of Baba Jan and others to life imprisonment with a fine of 2 million PKR each. A second life sentence was given to Baba Jan for promoting a peaceful protest in prison for the correct implementation of the prison manual's rules and protesting against the inhumane conditions of the inmates. From prison, Baba Jan participated in the 2015 election for a seat in the Gilgit-Baltistan Legislative Assembly as a candidate for the Awami Workers Party (AWP) in his district. His popularity earned him 4500 votes, but he lost to Ghazanfar Ali Khan, the Mir of Hunza (descendent of the Hunza rulers) and candidate for the PML-N who had already served seven terms in the GBLA.

The complexity of politics in Gilgit-Baltistan is highlighted by Azam Chaudhary (2015). Chaudhary underlines that the former ruler of Yasin, Gohar Aman, who led several successful campaigns against the Dogras in the mid-nineteenth century and whom the independentist party the Balawaristan National Front elected as hero, is unpopular among the Shia because he waged wars against Gilgit rulers and exterminated Shia troops. According to Chaudhary (2015), leftist parties found a window of opportunity among the Ismailis disillusioned by the main parties, the PPP and the PML-N. Therefore, Baba Jan, candidate for the AWP, obtained a large number of votes. This was an unexpected success not because the candidate was in prison, but rather because he was not a candidate for the ruling party in Pakistan. The widespread narrative in Gilgit-Baltistan is that a candidate of the ruling party will be in a better position to foster development and bring justice in Gilgit-Baltistan. Ghazanfar Ali Khan was elected as governor of Gilgit-Baltistan in November 2016 and

the AWP again nominated Baba Jan. However, the officer supervising the election rejected Baba Jan's candidacy because of his conviction. The elections were suspended pending the hearing at the Supreme Appellate Court, but the Supreme Appellate Court confirmed the verdict of the Anti-Terrorism Court and prevented Baba Jan's candidacy.

DIFFICULT ACCESS TO ECONOMIC AND NATURAL RESOURCES

The economic significance of Gilgit-Baltistan, whose turns and twists can be read also in light of a fight for the control of natural resources, have never been in the hands of its people, besides the daily access for limited subsistence (see also (Holden 2018)). The control over the land and natural resources of Gilgit-Baltistan ranges from land inheritance to unplanned urbanization, which preys on pastoral and agricultural land, including mining and the extraction of precious stones. I will mention here only the Bhasha Dam and the CPEC.

The Bhasha Dam is located in the heart of the Diamer District. If fully 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 is the second largest dam in the world by volume structure and is situated in Khyber Pakhtunkhwa, 180 km downstream of Gilgit City and 40 km from Chilas, the district town of the Diamer District. The project of the Bhasha Dam, as approved in 2001, says 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 should furthermore extend the lifespan and efficiency of the Tarbela Dam.

The Bhasha Dam project was hampered for more than a decade by inter-provincial and international politics, which debated 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 1000 acres were actually acquired. After more than a decade of stalemate, the newly-elected government of Pakistan unexpectedly decided to revive the Bhasha Dam project by declaring it a top national priority at the same level as 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 infrastructure for the resettlement of the affected villages was announced. During the negotiations for the land acquisition, I was myself involved as an independent expert for evaluating a study concerning land rights in the area where the Bhasha Dam is planned and its buffer zone. The study erroneously attributed exclusive land rights to the dominant groups without engaging in any consultation with the groups who had inhabited those areas for at least a century. I was not involved in the following steps of the whole consultancy, which extended also to the financial and technical feasibility of the dam, but

the representatives of some of those neglected groups confirmed later that they were excluded from any compensation.

To date, the Bhasha Dam is still hampered by a lack of funds. International organizations and governments on good terms with Pakistan have responded with a commitment of providing aid for additional feasibility plans, the implementation of resettlement and conservation, and construction. But Pakistan has failed to gather the necessary funds for starting the works and when even the most recent attempt at crowdfunding failed, the last resort has been the help of China. In May 2020, after China agreed to lend the necessary funds, Pakistan co-awarded the contract to a joint venture of the Power Construction Corporation of China and the Frontier Works Organization of Pakistan. While China's intervention might move the Bhasha Dam forward, the uncertain constitutional status of Gilgit-Baltistan and the lack of participatory governance of its people are both factors that seriously worry those analysts who have evaluated the feasibility of the project (Aamir 2020).

Unlike 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 starts from Pakistan's long-time friendly border with China at the Khunjarav Pass in Gilgit-Baltistan to reach Gwadar Port in Balochistan. Trade with China has long thrived through the famous Silk Road, and later the Karakoram Highway, and now via the CPEC which, for the time being, is simply the upgrading of the KKH to a two-lane road that will connect China to the Arabian Sea. On November 13, 2016, the CPEC—a trade corridor that 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. At the time of writing this chapter, a 3000 km route connects China's Western Xinjiang region to the Arabian Sea, while before the CPEC, Chinese goods were transported by ship through the Strait of Malacca, a distance of more than 16,000 km, with the journey taking between four and six weeks. The current scenario is that the CPEC has underperformed to some extent, and the balance is particularly negative for Gilgit-Baltistan, which has had to scale down its expectations (Hillman et al. 2020) while the people of Hunza are still waiting to be compensated for the land lost into the broadening of the Karakoram Highway. In 2018, virtually none of the announced projects in the transport and energy sectors had been implemented in Gilgit-Baltistan, which caused a loss of 98% of expected funds. Although both the Bhasha Dam and the CPEC were heralded as boons for Pakistan, the people of Gilgit-Baltistan had a legitimate expectation of participation in the management of these new resources, but over time the fear that these mega-development projects would not bring the benefits for Gilgit-Baltistan is now becoming reality (Howe and Hunzai 2018).

AKRSP'S PARTICIPATORY GOVERNANCE

This section describes very briefly the project “Deepening Participatory Governance in Gilgit-Baltistan,” initiated by the Aga Khan Rural Support Programme (AKRSP) in 2014 through funding from the European Union (AKRSP n.d.). The AKRSP is a private non-profit organization established by the Aga Khan Foundation in 1982, with the aim to foster development in Gilgit-Baltistan and Chitral (Pakistan). The AKRSP is not faith-based per se but has developed within the network of the Civil Society Organizations (CSO) established by the Aga Khan Foundation since the 1960s among the Shia Ismailis. The success of the CSO convinced Shoaib Sultan Khan, the founding general manager of AKRSP, of the potential for self-reliance of the people in Gilgit-Baltistan. Shoaib Sultan Khan maintained that the self-determination of the people in Gilgit-Baltistan depended more on the removal of ideological obstacles than on governmental action. Thus, the consolidation of a community-based development developed on three key elements: organization, competence, and capital development. Prince Karim Agha Khan IV propagated the value of voluntary participation of all community members to support the local community as the best way to improve communal life. In the 1990s, Pakistan officially acknowledged the role of CSO for the development of Gilgit-Baltistan, and since then, the AKRSP has played an increasingly important role for the people of Gilgit-Baltistan.

The ideological framework of the AKRSP is bottom-up and participatory because the decision-making process ensures broad base participation according to the following steps: (1) the community submits a series of issues to the AKRSP team; (2) the team requests the abidance of the participants to the community decisions; (3) focal persons are appointed or elected to supervise the management of the issues; (4) a series of weekly meetings to reach potential solutions or agreement is established; (5) specific requests are then submitted to the AKRSP team which, if necessary, will mediate with other institutions. Hence, after the Attabad disaster in 2010, three existing Local Support Organizations (LSOs) merged into the LSO Network (GOLSON), a network umbrella organization which lobbied to attract international attention and support for the victims of the disaster. GOLSON focused on educational and agricultural needs and even if it was criticized for poor teamwork and a lack of transparency and accountability, it managed to compensate at least partially for the inaction of the State of Pakistan (Beg and Lapov 2018). AKRSP's system of bottom-up participatory governance attracted international funds. The main target of the project was tackling poverty through strengthening communities' participation at the local level of socio-economic development (AKRSP, n.d.)

While the AKRSP is widely praised, it also attracted criticism due to the relationship with the state, the distribution of funds, equal access, and the effectiveness of results. Settle (2012) argues that despite its claim of empowerment and participatory governance, the AKRSP eventually leads to the

weakening of political rights because of its non-involvement with the state and public institutions. Settle (*ibid*) also denounces the lack of transparency and corruption which tarnishes the reputation of the AKRSP and alienates funders and stakeholders. Settle (*ibid*) is also critical of the significant financial investments poured into the AKRSP's complex bureaucracy and infrastructures which, in her view, could have been invested into education and building infrastructures for the communities. Varley (2019a) laments the lack of inclusion of Sunni and Shia due to sectarianism and ideological reasons. Finally, Khan (2010) doubts the effectiveness of the AKRSP's microfinance project for addressing and substantially reducing poverty in Gilgit-Baltistan.

In spite of these criticisms, the very existence of the AKRSP in Gilgit-Baltistan, a disputed territory where the state of Pakistan has been unwilling and incapable so far to provide adequate protection for basic human rights, shows on the one hand the resilience of the people of Gilgit-Baltistan and on the other hand the modalities of governance that develop beyond or beside the state. In fact, a generational change is observable in the relationship between Pakistan government officials and the AKRSP, which my interviews with the police officers in the Hunza districts of Gilgit-Baltistan confirmed. Older government officials with more than thirty years of service tended to see the AKRSP activities and institutions as forms of parallel governance which threatened the self-determination of Gilgit-Baltistan by perpetuating its dependence on foreign aid. Instead, as Khan (2018) writes, the new generation of government officials have grown appreciative of the AKRSP's actions. Hence, while older government officials have tended to endorse a top-down Islamabad-centered approach, younger officials including also the police have started to rely on the AKRSP's grassroots approach, including their local system of dispute settlement which I observed during my fieldwork in Hunza.

CONCLUSIONS: LIMINALITY AND MARGINALIZATION AS RESILIENCE

Gilgit-Baltistan remains a disputed territory to date. As a result, the people of Gilgit-Baltistan have resented the alternance of legal amendments and case law as bringing only small amendments that essentially reiterated the uncertain status of Gilgit-Baltistan. The most resented constraints remain the implicit repeal of the Maharaja's subject rule in 1972 and the substantial dependence of the decision-making process in Gilgit-Baltistan on the Ministry of Kashmir until 2018, and thereafter on the Prime Minister of Pakistan.

The political scene of Gilgit-Baltistan is still impacted by strong limitations such as the ones that have limited the actives of political parties, the strong dependence on Pakistan's ruling party, and the Federation's anxiety regarding dissent. Political parties were allowed in Gilgit-Baltistan only in 1972, and the elections held so far did nothing but reconfirm the victory of Pakistan's respective ruling party. Dissent, even if peaceful as in the case of Baba Jan, has been often disproportionately silenced. The political awareness of the people

of Gilgit-Baltistan has historically revolved around the visits of the prime ministers or dictators governing in Pakistan and the expectation that if justice will come, this will necessarily be top-down, hence from the ruling party.

The execution of mega-development projects such as the Bhasha Dam and the CPEC, which are crucially located in Gilgit-Baltistan, highlight the evident drawback of its uncertain constitutional status. The Federation of Pakistan refrained from any bold move regarding the status of Gilgit-Baltistan, and the primacy of the greater good for Pakistan, sanctioned also by the Supreme Court in 2018, indicates a substantial willingness to maintain the status quo. Since neither India nor Pakistan have been able to find a solution about Kashmir so far, the people of Gilgit-Baltistan continue to be refused access to the management of their economic and natural resources.

At present, there is hardly room for conventional participatory governance in Gilgit-Baltistan. The people of Gilgit-Baltistan have continued to request full integration into Pakistan while at the same time criticizing the politics and the laws of Pakistan that exclude them. As Chaudhary (2015) writes, the people of Gilgit-Baltistan are oblivious to such a contradiction, which does nothing but reconfirm their status of liminality and marginalization described by almost all the scholarship on Gilgit-Baltistan (Flowerday 2018; Haines 2007, 2013; Holden 2018; Howe and Hunzai 2018; Hong 2012, 2013; Hunzai 2013; Karrar and Mostowlansky 2018; Kreutzmann 2015; Sökefeld 2005, 2015): a liminality that translates into inequality and discrimination which go hand in hand with the lack of political cohesion and internal rivalries (Varley 2019a, 2019b). Ali (2019) and Dad (2016) attract attention to the fact that with political exclusion comes the loss of identity due to a lack of understanding from the mainstream public in Pakistan of the unique socio-cultural and geographical features of the people and the region of Gilgit-Baltistan. Similarly, Flowerday (2018) writes about the deception of which the people of Gilgit-Baltistan are the victims because of the gaps in the state narrative.

However, the people of Gilgit-Baltistan are also actors of resistance. Hong (2012) refers to the concept of subaltern cosmopolitan legality elaborated by de Sousa Santos and Rodriguez-Garavito to explain that the people of Gilgit-Baltistan resist the liminality of the state in which they are trapped. Hong (ibid) and Beg and Lapov (2018) praise the role of Village Organizations and Local Support Organizations (LSOs) established by the AKRSP, since LSOs promote political mobilization and collective action as an alternative to unsatisfactory law-centric strategies. Hong (2012) and Howe and Hunzai (2018) indicate that the strategies of resistance to the condition of liminality eventually enhance the visibility of the people of Gilgit-Baltistan because they attract the attention of the international community.

This paper highlights the fact that the people of Gilgit-Baltistan have submitted petitions to the Supreme Court, held peaceful protests, and initiated grassroots political scrutiny. Undermining their efforts would mean to silence their struggle. People's struggle for participatory governance in Gilgit-Baltistan shows a remarkable resilience, which has been unjustly perceived

as dissent. The youngest generations of Islamabad’s representatives are abandoning the unnecessary anxiety against non-state-initiated forms of participatory governance in Gilgit-Baltistan. This paper has mentioned only Baba Jan and the AKRSP, but during my fieldwork in Gilgit-Baltistan I have recorded a variety of community-based governance and dispute resolutions which evolve outside the state. This tension between state and non-state governance, I argue, is not necessarily anti-state, but rather a de facto multi-layered form of governance, which fills the gaps of the state’s absence and, ultimately, is compatible with the strong will of the people of Gilgit-Baltistan to fully integrate and be recognized as belonging to the state of Pakistan.

NOTE

1. This paper is a secondary output of the European Research Council funded project “Cultural Expertise in Europe: What is it useful for? – EURO-EXPERT.” Given the uncertain constitutional status and the geopolitical significance of Gilgit-Baltistan, the dates of historical events and political positions are often disputed. I have tried to provide external sources and contextual information wherever possible within the limitation of the scope and length of this paper.

WORKS CITED

CASE LAW

- Al-Jehad Trust v. Federation of Pakistan* 1999 SCMR 1379.
Civil Aviation Authority v. Supreme Appellate Court Gilgit-Baltistan (Constitution Petition No. 50/218.)

SCHOLARSHIP

- Aamir, Adnan. 2020. “Obstacles Remain for Pakistan Dam Backed by China.” *The Interpreter*, July 14.
- Ahmad, Parvez. 2003. “Nature of Land Rights in Kashmir under Dogras—1846–1947.” *Proceedings of the Indian History Congress*, 64: 822–83.
- AKRSP. n.d. “Deepening Participatory Governance.” Accessed May 19, 2021. <http://akrsp.org.pk/index.php/projects/accomplished/deepening-participatory-governance/>.
- Ali, Nosheen. 2019. *Delusional States: Feeling Rule and Development in Pakistan’s Northern Frontier*. Cambridge: Cambridge University Press.
- Ali, Usman. 2004. *Gilgit ki rog kahani* [A Woeful Tale of Gilgit]. Lahore, Pakistan: Maqbool Academy.
- Bazaz, Prem Nath. 2002. *Inside Kashmir*. Srinagar: Gulshan Publishers.
- Beg, Fazal Amin, and Zoran Lapov. 2018. “Civil Society and Governance in Gojal (Gilgit-Baltistan).” *Navein Rect: Nordic Journal of Law and Social Research (NJLSR)* 8: 77–100.
- Callen, Michael, Saad Gulzar, Arman Rezaee, and Jacob N. Shapiro. 2019. “Choosing Ungoverned Space: The Removal of Pakistan’s Frontier Crimes Regulation.” Center

- for Effective Global Action (CEGA) Working Paper Series 99, University of California, Berkely. https://escholarship.org/content/qt58w6w0jc/qt58w6w0jc_noSp_lash_ebcdbd2ff787545de705d2640a97fb65c.pdf?t=q1zylf
- Change.org. n.d. "Free Baba Jan—The Longest Serving Political Prisoner in Gilgit Baltistan." Accessed May 19, 2021. <https://www.change.org/p/government-of-pakistan-free-baba-jan-the-longest-serving-political-prisoner-in-gilgit-baltistan>.
- Chaudhary, Azam. 2015. "Changing Political Dynamics in Gilgit-Baltistan: A Socio-Historical Perspective." *Pakistan Journal of History and Culture* XXXVI (2): 145–66.
- Dad, Aziz Ali. 2016. "Boundaries and Identities: The Case of Gilgit-Baltistan." Crossroads Asia Working Paper Series 34, Bonn, Germany.
- Feyyaz, Muhammad. 2019. "Geopolitics, Statehood, Violence and Space Compression in Gilgit-Baltistan". *South Asian History and Culture* 10 (1): 28–45.
- Flowerday, Julie. 2018. "Britain and China's 19th Century Stalemate over Hunza - Kanjut". *Naveiñ Reet: Nordic Journal of Law and Social Research (NNJLSR)* 8: 117–154.
- Haines, Chad. 2007. "Remapping Pakistan's Liminal Geo-Body Along the Silk Route". In *New Approaches to Pakistan*, edited by Saeed Shafqat, 50–66. Karachi: Oxford University Press.
- Haines, Chad. 2013. *Nation, Territory, and Globalization in Pakistan: Traversing the Margins*. New York, London: Routledge.
- Hakal, Mueezuddin. 2018. "Inheritance Rights and Tribal Governance of Innermost Hunza (Gilgit-Baltistan)". *Naveiñ Reet: Nordic Journal of Law and Social Research (NNJLSR)* 8: 101–116.
- Hillman, Jonathan E., Maesea McCalpin, and Kendra Brock. 2020. "The China-Pakistan Economic Corridor at Five." *CSIS Briefs*, April.
- Holden, Livia. 2018. "Law, Culture, and Governance in Hunza". *Naveiñ Reet: Nordic Journal of Law and Social Research (NNJLSR)* 8: 7–11.
- Hong, Caylee. 2012. "Liminality and Resistance in Gilgit Baltistan." Legal Working Paper Series on Legal Empowerment for Sustainable Development, Centre for International Sustainable Development Law (CISDL), Montreal, Canada.
- Hong, Caylee. 2013. "Law and Liminality in Gilgit Baltistan: Managing Natural Resources in Constitutional Limbo". *Canadian Journal of Poverty Law* 2 (1): 71–103.
- Howe, Kaitlyn, and Izhar Hunzai. 2018. The Politics of Exclusion. *South Asian History and Culture* 10 (1): 14–27.
- Hunzai, Izhar. 2013. "Conflict Dynamics in Gilgit-Baltistan. Report." Washington, DC: United States Institute of Peace.
- Karrar, Hasan H., and Till Mostowlansky. 2018. "Assembling Marginality in Northern Pakistan". *Political Geography* 63: 65–74.
- Khan, Ahmad. 2018. "The Ngo-Government Relationship: A Case Study of The Aga Khan Rural Support Program (AKRSP) and the Government of Gilgit-Baltistan in Deepening Good Governance." *International Journal of Non-Governmental Organizations (NGOs) and Essays* 3 (2): 25–67.
- Khan, Faisal. 2010. "The Limits of Success? NGOs, Microfinance and Economic Development in Pakistan's Northern Areas". *Journal of Asian Public Policy* 3 (1): 53–70.
- Kreutzmann, Hermann. 2015. "Boundaries and Space in Gilgit-Baltistan". *Contemporary South Asia* 23 (3): 1–16.

- Lentz, Sabine. 2000. *Rechtspluralismus in den Northern Areas/Pakistan*. Cologne: Köppe Verlag.
- Settle, Antonia C. 2012. "The New Development Paradigm through the Lens of the Aga Khan Rural Support Programme: Legitimacy, Accountability and the Political Sphere." *Community Development Journal* 47 (3): 386–404.
- Sökefeld, Martin. 2005. "From Colonialism to Postcolonial Colonialism: Changing Modes of Domination in the Northern Areas of Pakistan". *The Journal of Asian Studies* 64 (4): 939–973.
- Sökefeld, Martin. 2015. "Jammu and Kashmir-Boundaries and Movements." *Contemporary South Asia* 23 (3): 251–265.
- Varley, Emma. 2019a. "At Odds with the Impulse: Muslim Humanitarianism and Its Exclusions in Northern Pakistan." *Allegra Law*, July 10.
- Varley, Emma. 2019b. "Monsoons and Medicine: The Biopolitics of Crisis and State Indifference in Gilgit-Baltistan." *South Asian History and Culture: Law, Governance, and Culture in Gilgit-Baltistan* 10 (1): 78–96.