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## An introduction to the disputed territory of Gilgit Baltistan: The Himalayan flashpoint

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### The making of the division of Jammu & Kashmir

The geopolitical entity of Gilgit Baltistan, which may be called the northern tip of the Indian subcontinent, emerged conspicuously on the map of Asia after the United Nations Security Council (UNSC) opened its long and elusive debate on the Jammu & Kashmir dispute as early as January 1948. As it is closely linked to the somewhat nameless region of Pakistan Administered Jammu & Kashmir, it becomes a necessity first, to understand the history of the making of Pakistan Administered Jammu & Kashmir and then analyse the ground situation as it shaped in the region of Gilgit Baltistan.

There is copious literature to show that preparations for annexing the Jammu & Kashmir State to Pakistan through force of arms were secretly planned months ahead of the actual partition of British India. The epicentre of this conspiracy was in Peshawar in the North-West Frontier Province (NWFP) where the Chief Minister, Qayyum Khan, was coordinating the annexation task to be assigned to the tribal *lashkars (militias)*, as he worked on the plan in close liaison with the Pakistani Army and Prime Minister Liaquat Ali Khan, a former landlord from Uttar Pradesh in India. The British Governor of the NWFP, too, came to know about it. Lt. General Akbar Khan, who was to coordinate and control the transportation and deployment of tribal *lashkars*, has given a graphic description in his book, '*Raiders in Kashmir*', of how the incursion proceeded.

### Turmoil in Poonch

The Peshawar conspirators established a link with the seditionists in Poonch district and in all probability, also clandestinely provided arms to the insurgents while the State forces were deployed to maintain order. Much later, when the tribal intruders dispatched some of their columns to Mirpur after capturing Muzaffarabad on 22 October 1947, the Poonch insurgents joined hands with them and besieged the small contingent of State forces in Mirpur. The story of heroic defence put up by that small State force has never been told, and the massacre of up to 40,000 innocent people, young, old and children, and the rape and kidnapping of a large number of Hindu and Sikh women by the combined force of tribesmen and local insurgents, too, has not been told in detail. Only recently, some nationalist Muslims of Pakistan Administered Jammu & Kashmir, in particular one young writer Mohammad Saeed Asad, has poignantly recorded the horrendous saga of this massacre.

A good number of people from the parts of present Pakistan Administered Jammu & Kashmir had been recruited into the British Indian Army. During World War II, they were deployed at various war fronts and after the war was won, the British rulers disbanded them and they returned to their homes in Sudnauti, Jalandhar, Bagh, Poonch, Kotli and Mirpur (now in Pakistan Administered Jammu & Kashmir). Reports were brought to the ruler of the State, Maharaja Hari Singh, saying that these disbanded soldiers could become restive and create trouble. The Maharaja tried to dissuade them and

it is even reported that he paid a failed visit to Mirpur to assuage the feelings of his subjects. There were strong malevolent elements bent upon creating bad feelings against the ruler, which explains that the so-called Poonch uprising was only a part of the larger perfidy, which some opportunists among the local leadership had stage-managed in connivance with the firebrands of the Muslim League and pro-Pakistan activists during India's freedom struggle.

Pakistan's sponsored and abetted incursion of Jammu & Kashmir was beaten off by Indian soldiers of the Sikh Light Infantry in the decisive battle of Shalteng, on the outskirts of the city of Srinagar on 7-8 November 1947. The veteran Indian commander, Brig. L.P. Sen, recaptured Baramulla on the morning of 8 November and his troops marched down the Jhelum gorge to recapture Uri. Sometime later, the Indian Army liberated the long-besieged Poonch garrison and pushed the enemy back while it made substantial gains on other fronts, as Jhangar was recaptured and so were Dras and Kargil in Ladakh division.

On 1 December 1948, India formally approached the UNSC with the complaint that Pakistan is an aggressor in Jammu & Kashmir and it should be asked to vacate the parts of the State illegally occupied through the intervention of sponsored tribal *lashkars* and continued to retain it by deploying regular troops to assist them. Pakistan responded by saying that the fighters were actually the nationals of the State in Poonch area who had taken up arms against the oppressive rule of the Maharaja of Jammu & Kashmir and that it had no role in the fighting. The argument and counter-arguments went on at the Security Council, but the UNSC failed to declare Pakistan an aggressor, though, in a Resolution of April 1948, it obligated Pakistan to vacate the part of the State its troops and fighting men had occupied, to prepare the path for holding a plebiscite.

In the meanwhile, the Anglo-American bloc brought pressure on India to accept a ceasefire which came about at the stroke of the midnight on 31 December 1948. India was trapped into accepting that some areas of the original State of Jammu & Kashmir remained under Pakistan's control, albeit temporarily. Pakistan called it '*Azad Jammu & Kashmir*', which served the interests of the imperial powers that were locked in a grim rivalry with the then Soviet Union trying to make inroads deep into the Central Asian region and then down the line to the warm waters of the Indian Ocean. With outright support from Pakistan and the handling of its affairs by Pakistan's Ministry of Kashmir Affairs (MKA), the so-called state of '*Azad Jammu & Kashmir*' surfaced on the map side by side with the newly formed State of Pakistan.

If Pakistan came into being as a new country with the announcement of freedom on 14-15 August 1947, another new, so-called state carved out of the State of Jammu & Kashmir, with the name of '*Azad Jammu & Kashmir*', came into being at the stroke of the midnight bell on 31 December 1948.

### [Legal status of Pakistan Administered Jammu & Kashmir](#)

The question is what was the de facto and de jure status of the area that was separated from the original State of Jammu & Kashmir at the time of the signing of the ceasefire agreement? Pakistan got illegal possession of 78,114 sq km of the territory of Jammu & Kashmir and re-named it as '*Azad Jammu & Kashmir*' comprising the region of '*Azad Jammu & Kashmir*' and the other called '*Northern*

Areas' known as (i) 'Azad Jammu & Kashmir' and (ii) 'Northern Areas'. In 1963, Pakistan illegally ceded an area of 5,180 sq km to China, which included the Shaksgam Valley that facilitated China to build a road- and rail link to Tibet. The total area of the State of Jammu & Kashmir is about 222,236 sq km, of which 78,114 sq km is under the illegal occupation of Pakistan and 37,555 sq km under the illegal occupation of China. India has control of 48% of the area of the former State of Jammu & Kashmir (Jammu, Kashmir Valley, Ladakh and Siachen Glacier); Pakistan controls 35% of the region (Gilgit Baltistan and Pakistan Administered Jammu & Kashmir) and China administers and controls 17% (Aksai Chin and Trans-Karakoram Tract) of the State since 1962.

On 24 October 1947, just two days after Pakistan-sponsored tribal *lashkars* captured Muzaffarabad, a provisional "national" government of 'Azad Jammu & Kashmir' was set up at Muzaffarabad, writes Ershad Mahmud in *Policy Perspective Journal*. He continues, "Without a chair, a table and a typewriter, the AJK government announced its inception and began raising an army of war of the disbanded soldiers and others from Poonch and Mirpur regions". The so-called 'Azad Jammu & Kashmir' government remained in its nominal form till the signing of the ceasefire agreement between India and Pakistan on 1 January 1949.

### Karachi Agreement 1949

In gross violation of the relevant clauses of the UNSC Resolution 47 of 21 April 1948, on Jammu & Kashmir, a tripartite agreement was signed among Pakistan, 'Azad Jammu & Kashmir' and the All Jammu and Kashmir Muslim Conference on 28 April 1949 at Karachi, which is now known as the Karachi Agreement. By virtue of this agreement, the bogus government of 'Azad Jammu & Kashmir' was institutionalized by its subservience to Pakistan and the 'Azad Jammu & Kashmir' government handed over twelve subjects, like defence, foreign policy, negotiations with the United Nations Commission for India and Pakistan (UNCIP) and the coordination of all affairs with regard to Gilgit Baltistan etc. to Pakistan.

It has to be noted that there was no representative of Gilgit and Baltistan, then called Northern Areas, in the delegation that signed the Karachi Agreement and there was no constitutional or legal provision to empower the representatives of 'Azad Jammu & Kashmir' or the All Jammu and Kashmir Muslim Conference to become dispensators on behalf of the people of these two regions. Further, reflecting on the Siachen conflict between India and Pakistan, it is asserted that the Karachi Agreement of 1949 did not delineate the boundary "beyond the map coordinate NJ9842" (Latitude 35°N Longitude 77°E).

On 2 March 1949, a convention of the Muslim Conference authorized Chowdhury Ghulam Abbas, the Chief of the party, to appoint the President and the Cabinet for 'Azad Jammu & Kashmir'. The Rules of Business of the 'Azad Kashmir Government 1950', announced through an ordinance, were revised thrice, finally vesting powers not in the people of 'Azad Jammu & Kashmir', but in the MKA of Pakistan, thereby reducing the authority of the All Jammu and Kashmir Muslim Conference. The Rules of Business were gradually eroded and the MKA was given crucial powers for dispensing administration of Pakistan Administered Jammu & Kashmir. For example, the appointment of the heads of government departments and the judiciary had to have the endorsement of the MKA. This caused irritation between the local leadership in 'Azad Jammu & Kashmir' and the Federal government of

Pakistan, against which, people in 'Azad Jammu & Kashmir' would bring out huge protest rallies and demand their political rights. The 'Azad Jammu & Kashmir' government is not allowed to create even a small post that requires a monthly stipend of Pakistani rupees (PKR) 150 (\$1) only, nor is it allowed to spend more than one lakh PKR (100.000 PKR = \$715) without the prior permission of the MKA.

No elections were held in Pakistan Administered Jammu & Kashmir from 1947 to 1960 and all Presidents were nominated by the government of Pakistan and only from the All Jammu and Kashmir Muslim Conference, which subscribed to the ideology of accession of Jammu & Kashmir State to Pakistan. The All Jammu and Kashmir Muslim Conference was, in addition, a divided house with allegiance to Chowdhury Abbas and Ibrahim Khan who were ideologically at great variance and at loggerheads.

### Sham democratic exercise

After the introduction of the formula of "*Basic Democracies*" of President Ayub Khan, who had assumed power as a result of a coup in October 1958, the President and the Council of 'Azad Jammu & Kashmir' were to be elected indirectly by the members of local bodies that were elected directly. In the elections of 1961, Chowdhury Ghulam Abbas and Sardar Ibrahim, both were disqualified for election by a Tribunal on charges of corruption whereas, interestingly, between 1947 and 1964, 'Azad Jammu & Kashmir' witnessed eight dismissals and appointments of Presidents.

The demand among 'Azad Jammu & Kashmir' leaders for a democratic political arrangement for 'Azad Jammu & Kashmir' was growing and finally in 1970, for the first time, representatives to the Legislative Assembly and the President were elected by the people with representation given to the refugees from Jammu & Kashmir settled in Pakistan.

In 1974, the modified Act of 1970 was reintroduced as 'Azad Jammu & Kashmir Interim Constitution Act'. It stipulated that the Legislative Assembly will consist of 49 members of which 41 are directly elected on the basis of adult franchise. The rest of the eight members, which include five female members, were to be elected by the legislators themselves. A new body, known as 'Azad Jammu & Kashmir Council', headed by the Pakistani Prime Minister was also formed. The 'Azad Jammu & Kashmir Council' consists of the 'Azad Jammu & Kashmir' President, five members nominated by the Prime Minister of Pakistan, Prime Minister of 'Azad Jammu & Kashmir' or a person nominated by him and six members elected by the 'Azad Jammu & Kashmir Assembly'. The Minister of Kashmir Affairs and the 'Northern Areas' is an ex-officio member of the Council (Amendment Act, 1976).

During the regime of General Zia-ul Haq, all political activities in 'Azad Jammu & Kashmir' were suspended, however, the election process was revived after the death of General Zia and the composition of the 'Azad Jammu & Kashmir Assembly' under the new dispensation is as follows:

- **Total number of seats – 49**
- **Directly elected members from 'Azad Jammu & Kashmir' – 29**
- **Refugees of Jammu & Kashmir settled in Pakistan – 12**
- **Female members nominated by directly elected members – 5**
- **Special groups including Mashaikhs, Ulema, technocrats and overseas people – 3**

The 'Azad Jammu & Kashmir Act' which alternatively may be called the 'Constitution of Azad Jammu & Kashmir' is full of contradictions; for example, the Act says that the future of the state will be decided on the basis of a free plebiscite in accordance with the UNSC's relevant resolutions. Then in the same breath, the Constitution says that *"no person or political party in AJK shall be permitted to propagate against or take part in activities prejudicial or detrimental to the ideology of state's accession to Pakistan"*.

A citizen of 'Azad Jammu & Kashmir' has to take the oath of allegiance to Pakistan while accepting employment in the 'Azad Jammu & Kashmir' government. Further, under Section 56 of the 'Azad Jammu & Kashmir Act' of 1974, the government of Pakistan can dismiss any elected government of 'Azad Jammu & Kashmir' irrespective of the support it may enjoy in the 'Azad Jammu & Kashmir Legislative Assembly'. In reality, the 'Azad Jammu & Kashmir Act 1974' provides two executive forums – The 'Azad Jammu & Kashmir Government' in Muzaffarabad and the 'Azad Kashmir Council' in Islamabad.

To sum up the political, social and human rights status of 'Azad Jammu & Kashmir', reproduced below is an excerpt from the Report of the World Watch: Human Rights Watch Report, vol.18, no.12©, September 2006.

*"Azad Kashmir is a legal anomaly. According to United Nations (UN) resolutions dating back to 1948, Azad Kashmir is neither a sovereign state nor a province of Pakistan, but rather a "local authority" with responsibility for the area assigned to it under a 1949 ceasefire agreement with India. It has remained in this state of legal limbo since that time. In practice, the Pakistani government in Islamabad, the Pakistani army and the Pakistani intelligence services (Inter-Services Intelligence, ISI) control all aspects of political life in Azad Kashmir—though "Azad" means "free," the residents of Azad Kashmir are anything but free. Curbs on political pluralism, freedom of expression, and freedom of association; a muzzled press; banned books; arbitrary arrest and detention and torture at the hands of the Pakistani military and the police; and discrimination against refugees from Jammu & Kashmir state. Singled out are Kashmiri nationalists who do not support the idea of Kashmir's accession to Pakistan. Anyone who wants to take part in public life has to sign a pledge of loyalty to Pakistan, while anyone who publicly supports or works for an independent Kashmir is persecuted. For those expressing independent or unpopular political views, there is a pervasive fear of Pakistani military and intelligence services—and of militant organizations acting at their behest or independently".*

### [Gilgit Baltistan](#)

This sparsely inhabited region is located at the northern tip of the Indian subcontinent with borders touching China to the east, Afghanistan and Pakistan to the west and India to the south. The Himalayan mountainous region covers an area of 72,971 sq km, more than six times the area of 'Azad Jammu & Kashmir'. Gilgit Baltistan is gifted with bounteous nature, snow-clad peaks glaciers, rivers and exotic

cultures, making it a great attraction for tourists and naturalists. It is divided into three divisions of Gilgit, Diamer and Baltistan, and sub-divided into ten districts. The principalities of Hunza and Nagar were retained as nominally autonomous entities by Pakistan until 1974. Chitral was under the suzerainty of the Maharaja of Jammu & Kashmir since 1878, and paid tribute like two other vassal principalities of Hunza and Nagar, however, in 1969, General Yahya Khan, incorporated Chitral into Pakistan.

The population of Gilgit Baltistan, estimated to be 1,8 million (2015) is ethnically divisible into two major regions of Dardistan and Baltistan. A variety of dialects is spoken by the people of the region and these do not have any recognized script. Burushaski, Shina and Khowar are among the widely spoken dialects, but after the illegal annexation of these regions by Pakistan, Urdu script was introduced in schools. Likewise, people of this vast region, though Muslims, subscribe to various factions like the Ismailis, Ithnā 'Ashariyyah Shia, Shinkaris and Noorbakhshia. Baltis of Baltistan generally adhere to the Twelver Shia sect while some Balti scholars are trying to reintroduce Tibetan (Yige), in a bid to maintain their original cultural characteristics.

The region is rich in mineral resources and produces a number of precious metals and important radioactive substance. Gold mines exist in the area of Bashah, Braldo, Parkuta, Saltoro and in the river beds of Shigar, Indus and Shyok. Good quality marble is excavated in the Skardu region. Emerald is mined in Shigar Valley. Additionally, the region is reported to have mines of *Uranium 238*.

### Political history

After Kashmir passed into the hands of Maharaja Gulab Singh as a result of the Treaty of Amritsar in 1846, Col. Nathe Shah, who controlled Gilgit on behalf of the Sikh Court in Lahore, transferred his allegiance to Gulab Singh. In the light of the clauses of the Treaty of Amritsar, Gulab Singh was free to annex the northern areas to his Kingdom. The British rulers had given him the independence to do so, keeping in mind that the strategically located State of Jammu & Kashmir would become a buffer between Russia and the British Indian Empire.

Around the latter half of the 19<sup>th</sup> century, British policy in the northern region began to crystallise. This was the era of the '*Great Game*' in Central Asia and the policy was to keep the Russians away as far as was possible, by creating a vast buffer. British Indian rulers cajoled the Maharaja of Jammu & Kashmir to bring the principalities of Chitral and Yasin under his control and in 1877, Gilgit Agency was established with Major John Biddulph as the first political agent to be appointed, withdrawn and re-appointed within a span of ten years. In 1878, the *Mehtar* (Ruler) of Chitral accepted the suzerainty of the Maharaja of Jammu & Kashmir.

### Gilgit Security

As a result of internal administrative measures carried out by the government of the Maharaja, essentially on the behest of the British Indian rulers, the district of Gilgit was reorganized into two *wazarats* (administrative units). Ladakh *wazarat* comprised Ladakh and Baltistan, while Gilgit *wazarat* comprised two *tehsils* (smaller administrative units). In Gilgit Agency, the Maharaja's



administration only controlled the *wazarat* while the rest of the district was controlled by the British Political Agent.

Towards the closing years of the 19<sup>th</sup> century, the prospect of a war between the two imperial powers brightened and the British intensified the security of the northern border of the British Indian Empire. In 1889, Col. Neville Chamberlain, the Military Secretary to the British Indian government, raised the '*Kashmir Imperial Service Troops*', a force trained and commanded by the British officers, which was replaced by the Gilgit Scouts in 1935 and charged with the duty of maintaining defence and internal security of Gilgit. This force played a vital role in annexing Gilgit Baltistan to the newly formed domain of Pakistan after the withdrawal of the British from British India on 15 August 1947.

Anticipating interference by the Bolshevik revolutionaries in Russia, the British forced the Maharaja of Jammu & Kashmir to lease out the Gilgit Agency to them for a period of sixty years from 26 March 1935. For the next twelve years, up to 15 August 1947, the British were the virtual rulers of the Gilgit Agency and its neighbouring areas. On 3 June 1947, the British government announced that it would be withdrawing from India and the British Indian government handed over the administrative control of all areas of Gilgit Agency including Hunza to the government of the Maharaja of Jammu & Kashmir and Brigadier Ghansara Singh of the State forces arrived in Gilgit along with General Scott, Chief of the Staff of Kashmir State Forces. During their meeting with Major Brown, the Commandant of Gilgit Scouts, Major Brown, Subedar Major Babar Khan and a Junior Commissioned Officer, gave their assurance that they would be loyal to the State authorities if their demands regarding service conditions were met.

Owing to the departure of the entire British administrative staff from Gilgit to Punjab (prospective Pakistan) after 1 August, civil administration of Brigadier Ghansara Singh collapsed for want of manpower and Major Brown and his Muslim staff of Gilgit Scouts comprising about 500 soldiers rose in rebellion. Ghansara Singh was besieged and the Hindu and Sikh soldiers of the 6<sup>th</sup> Kashmir Light Infantry were attacked and butchered by their Muslim infantrymen. Brigadier Ghansara Singh was deposed and arrested and the Gilgit Scouts raised the Pakistani flag on the Governor's official residence.

### Gilgit Baltistan under Pakistan

On the expiry of the lease deed of 1935 with the Transfer of Power, legally, Gilgit Baltistan would have reverted to the State of Jammu & Kashmir on 15 August 1947. However, instigated by Pakistan and the British Commandant of Gilgit Scouts, Major Brown, Gilgit Scouts revolted and with the help of the Pakistani Army arrested Ghansara Singh, and Sardar Muhammad Alam, Pakistan's first political agent arrived in Gilgit on 16 November 1947, barely a month after the Pakistan-sponsored tribal invasion of Jammu & Kashmir. The Karachi Agreement, alluded to in foregone pages, stated that "*all affairs of the Gilgit and Ladakh areas were under the control of Pakistan through their Political Agent in Gilgit*". The agreement made no reference to the local population or leadership while till then, Baltistan remained part of the Ladakh *wazarat*.

Ever since, the status of Gilgit Baltistan has remained in limbo. The All Jammu and Kashmir Muslim Conference, a signatory to the Karachi Agreement, had no presence in Gilgit Baltistan, resulting in the fact that the Karachi Agreement has never been accepted by the people and the leadership of Gilgit Baltistan. In a proclamation of 28 April 1949, Pakistan separated Gilgit Baltistan from 'Azad Jammu & Kashmir' and placed it under its direct control. In 1950, the control of the region was transferred from the Governor of the NWFP in Peshawar to the Pakistani MKA at Karachi, and the region was named 'Northern Areas' with the resident at Gilgit taking care of the day to day administration of entire Gilgit Baltistan.

### Northern Areas Council

From 1947 to 1970, the government of Pakistan established and administered the 'Northern Areas' under the arrangement stated above. In 1970, Zulfikar Ali Bhutto established the 'Northern Areas Council' and Gilgit Baltistan was directly administered by the Federal government with nomenclature changed to Federally Administered Northern Areas (FANA). On 2 March 1963, Pakistan signed an agreement with China which gave away around 5,180 sq km of the territory of the former state of Hunza to China despite opposition and protests by the *Mir* of Hunza. This was not only illegal, but also in contravention of the UNSC Resolutions on the Jammu & Kashmir dispute. The agreement ceded a part of Hunza-Gilgit, called Raskam and the Shaksgam Valley of Baltistan region, to China, pending settlement of the dispute over Jammu & Kashmir, which is also known as the Trans-Karakoram Tract. The Pakistani administered parts of Jammu & Kashmir to the north and west of the ceasefire line, established at the end of the Indo-Pakistani war of 1947, or the Line of Control (LoC) as it later came to be called, were divided into the 'Northern Areas' in the north and the so-called Pakistani state of 'Azad Jammu & Kashmir' in the south.

### Present-day Gilgit Baltistan

On 29 August 2009, the Gilgit Baltistan Empowerment and Self-Governance Order 2009, was passed by the Pakistani cabinet and later on signed by the President of Pakistan. The order granted self-rule to the people of the former 'Northern Areas', now renamed Gilgit Baltistan, by creating, among other things, an elected legislative assembly. There has been criticism and opposition to this move in Gilgit Baltistan region as the *Gilgit Baltistan United Movement*, while rejecting the new package, demanded that an independent and autonomous legislative assembly for Gilgit Baltistan should be formed with the installation of local authoritative government as per the UNCIP resolutions, where the people of Gilgit Baltistan can elect their own President and Prime Minister.

In early September 2009, Pakistan signed an agreement with the People's Republic of China for a mega energy project in Gilgit Baltistan which includes the construction of a 7,000 MW dam at Bunji in the Astore District of Baltistan while *Pakistan Times* of 15 March 2017, reported that Pakistan is planning to declare the strategic Gilgit Baltistan region as its fifth province. Inter-Provincial Coordination Minister, Riaz Hussain Pirzada, told local media that a committee headed by the Advisor of Foreign Affairs, Sartaj Aziz, had proposed giving the status of a province to Gilgit Baltistan. He also said that a



constitutional amendment would be made to change the status of the region, through which the China Pakistan Economic Corridor (CPEC) will pass.

This move has created a deep stir among the nationalist forces in Gilgit Baltistan which are facing incarceration and oppression at the hands of Pakistani authorities ruling the roost in Gilgit. The widespread discontent among the local people resounded not only in other parts of Pakistan but also in foreign countries where the diaspora has strongly criticized the violation of political and civil rights of the people and atrocities perpetrated on them by Islamabad regimes. The plight and victimization of the people of Gilgit Baltistan are adequately reflected in a resolution on the subject passed by the British Parliament, which is reproduced below as it is a rare document of condemnation of violations of human and civil rights of people in Gilgit Baltistan:

The British Parliament motion reads, *"Gilgit-Baltistan is a legal and constitutional part of the state of Jammu & Kashmir, India, which is illegally occupied by Pakistan since 1947, and where people are denied their fundamental rights including the right of freedom of expression"*.

In addition, the British parliamentarians accused Pakistan of adopting a policy to change the demography of Gilgit Baltistan region in violation of the State Subject Ordinance. They called the construction of CPEC as illegal. *"The forced and illegal construction of the China Pakistan Economic Corridor has interfered with the disputed territory"*, the motion said.

### Under Pakistan's control

The Karachi Agreement of 1949 lapsed after President Yahya Khan of Pakistan promulgated the Act of 1970. Pakistan has not returned Gilgit Baltistan (*'Northern Areas'*) to the state of *'Azad Jammu & Kashmir'*, despite the verdict of the *'Azad Jammu & Kashmir'* Supreme Court that the area is part of the original State of Jammu & Kashmir. The *'Azad Jammu & Kashmir Assembly Resolution'* of 1972 asked Pakistan to return the *'Northern Areas'* to *'Azad Jammu & Kashmir'* because according to the Karachi Agreement of 1949, the area had been taken over by Pakistan temporarily.

Realising the need for reform, even if only an eyewash, a Presidential Order was issued in August 1972, abolishing the *Jagirdari* (feudal) system. It did away with the institution of hereditary rule of the state of Nagar. Gilgit and Baltistan Agencies were re-designated as districts and Political Agents as Deputy Commissioners. The resident became the Commissioner of the *'Northern Areas'* and Hunza, the last vestige of the vassal state, was abolished during the visit of Prime Minister Zulfikar Ali Bhutto in 1974.

The region has never been represented in the Parliament of Pakistan or in the Assembly of *'Azad Jammu & Kashmir'*. No political parties are permitted to be raised and there is no public platform for the people of the region to ventilate their grievances or demand their rights. People continued to be governed under the obsolete and inhuman Frontier Crimes Regulations (FCR).

Some legal and structural changes happened as a result of Zulfikar Ali Bhutto's *'Northern Areas Legal Framework Order 1974-75'* as the region was brought under Pakistan Penal Code and Yahya Khan's *'Northern Areas Advisory Council'* was converted into *'Northern Areas Council'* with 14 directly

elected members but the Commissioner, as its Head. Yet, the Council could not dispense legislative or executive powers.

General Zia's coup in 1977 brought the 'Northern Areas' under the jackboot of 'Martial Law Zone-E'. General Zia never treated the 'Northern Areas' as disputed and bluntly asserted that "Gilgit, Hunza and Skardu were outside the Kashmir dispute and integral parts of Pakistan". However, reacting to it, the 'Azad Jammu & Kashmir Assembly' adopted a Resolution in April 1982, which affirmed that Gilgit Baltistan was part of Jammu & Kashmir and should be included in 'Azad Jammu & Kashmir'. Four major political parties in the region (All Jammu & Kashmir Muslim Conference, Azad Kashmir Peoples Party, JK Mahaz-e-Rai Shumari and Azad Muslim Conference) sent a jointly signed letter to President Zia, explaining the legal status of the region as part of Jammu & Kashmir.

The 'Northern Areas Council' was expanded in 1999 and renamed the 'Northern Areas Legislative Council'. A year later, the post of Speaker was also created, but the Council was virtually ineffective and not one of the 18 Resolutions that it passed till 2004, was implemented.

### Eroding the identity

The people of Gilgit Baltistan were angered by various attempts of Islamabad leading to the erosion of their identity. Zulfiqar Ali Bhutto issued an order removing the State Subject Rule, a law enacted by the Maharaja which protects the status of the indigenous people since the rule only allows the natives, referred to as State Subjects, to acquire permanent residence in the State. Pursuant to this rule, the natural resources of the State are the property of the indigenous people who have the right to utilize them without any outside interference. The abrogation of this law resulted in great influx of outsiders into the region and threatened a demographic and sectarian change in Gilgit Baltistan which escalated local opposition to the rulers from outside. Rabid fanatics from various parts of Pakistan made their way into the region and relentlessly worked towards radicalization of the people, ultimately leading to sectarian clashes while Deobandi ideologues patronized by General Zia, introduced terrorist organizations like *Sipah-e-Sahaba Pakistan* in the region.

The Shia population suspected that the administration was discriminative to their disadvantage and in 1988, it organized a massive anti-government demonstration in Gilgit which was suppressed by the administration through the indiscriminate use of brute force. Thereafter, sectarian tension never left Gilgit. In the sectarian clashes of 17 August 1993, at least 22 lives were lost. The army had to be called in, which accused the Shia of acquiring arms from Iran and storing these in their mosques. Widely popular Shia leader Agha Ziauddin, who had brokered peace among the warring factions by making the administration agree to the withdrawal of objectionable portions in some textbooks, was assassinated by Sunni assailants on 8 January 2005. His murder led to widespread disturbances, which were exacerbated by the murder of Inspector General of Police in March of the same year, perhaps to avenge the murder of the Shia cleric. Violence, protests and shutdowns have not left Gilgit Baltistan ever since and the sectarian crisis continues to simmer.

The causes of discontent are many; Absence of political rights and years of promulgation of the FCR, discrimination of locals in recruitment to government jobs, admission and other privileges, absence of

independent and impartial judiciary, recruitment of outsiders on critical and responsible administrative positions, sectarian and ethnic marginalization and above all, economic exploitation of the region without investment for development, are the identifiable reasons for the simmering discontent in the entire region. In addition, the massive presence of the Chinese workforce in the region, suspected to be actually People's Liberation Army (PLA) personnel, has also cast a gloom over any prospect of peace and prosperity of the region.

### Strategic importance

A close look at the map of Gilgit Baltistan will reveal its sensitive location and strategic importance. The border of Xinjiang, the western province of China, Afghanistan, Pakistan and Indian Administered Jammu & Kashmir touch on those of the region of Gilgit Baltistan. Construction of the Karakoram Highway by China, across the disputed region and connecting it with the Pakistani seaport of Gwadar in the Persian Gulf, has posed a serious threat to the security of the region. Now, the mega project of CPEC, an ambitious \$62 billion project, is not only a security threat but also a legal challenge to China and Pakistan. It is a strong step on the part of China to establish its military power in the Indian subcontinent.

Pakistan first, illegally provided China with the facility of building a railway line across the ceded territory of Jammu & Kashmir to Tibet and now under the '*One Belt One Road*' scheme, China is planning a railway line along the Karakoram Highway to reach the West Asian region where it has a variety of interests; political and economic.

It is reported that China is virtually controlling the developmental projects in Gilgit Baltistan, moving in heavy machinery and large-scale manpower drawn from the PLA under the guise of technicians and engineers. It is also reported that China has built scores of tunnels through which the railway line will pass and in which ballistic missile launching pads are also established. Taking this scenario into consideration, one may conclude that it has a direct impact on the security and strategic alignment not only in Central and West Asia, but most importantly, in the Indo-Pacific region as well.

### Conclusion

Before concluding this monograph, two things need to be said; Firstly, Pakistan has been using the disputed territory of Jammu & Kashmir for setting up scores of training camps for terrorist groups. Kashmiris are lured to these camps, run by active and retired Pakistani Army officers, and Pakistani and Kashmiri jihadists, trained and equipped in these training camps, are clandestinely pushed to the Indian side of the LoC with the purpose of unleashing subversion and destabilization of the legally elected government in Indian Administered Jammu & Kashmir. This is Pakistan's proxy war against India.

The second point to be made is that Pakistan not only illegally ceded parts of the Aksai Chin area to China which originally belong to the princely State of Jammu & Kashmir but also collaborated with China in building the Karakoram Highway which connects the western Chinese province of Xinjiang to the Gwadar port on the Makran coast of Pakistan. This highway has been built illegally over disputed

territory of Jammu & Kashmir and the strategic importance of this road and its potential of becoming a threat to the security of the Indo-Pacific region are self-explanatory.

As these concluding lines are scripted, it was reported in the media that on 18 December 2018, a massive public protest in Pakistan Administered Jammu & Kashmir and Gilgit Baltistan was held against Pakistan's ill treatment of the region and its people. Protesting people on Gilgit Baltistan's streets were shouting anti-Pakistan slogans and rejecting Pakistan government's enforced taxation. Amidst a scenario of shut down of markets, business establishments and offices, traders in large numbers gathered in major towns, including Gilgit and Skardu, to express their anger against the imposition of *'illegal'* taxes by Islamabad under the *Gilgit Baltistan Tax Adaptation Act 2012*. The protests will continue till the government meets the demands, the organizers have announced.

*"This is the height of barbarism. We don't have any party to express our concerns. So, the people have no option but to block roads and go on strike. Now, the government will use force to demolish our campaign. For the past 47 years, they have kept us confined by dividing us on sectarian lines",* said a protester.

In Rawalakot (Pakistan Administered Jammu & Kashmir), people came onto the streets to protest against the discriminatory surge in load shedding hours. The protest was organized by the Jammu Kashmir National Awami Party (JKNAP), which claimed that the region produces around 5,000 MW of electricity from five dams and 4,500 MW of that electricity is diverted to the Islamabad grid, leaving the local people with just 500 MW. Sardar Liaquat Hayat, President of JKNAP, said, *"We people are paying hefty bills despite having hours long load shedding. We all need to come onto the streets to protest for our right to free electricity. We need to give sacrifices as nothing comes free. Those who are getting everything free are the 'moulvis' sitting in a mosque. Ordinary people have to fight for their rights"*.

The JKNAP has threatened to intensify its protest against Islamabad if their demands are not met. It also blames Pakistan for exploiting resources of the region and being responsible for the poverty and underdevelopment in Pakistan Administered Jammu & Kashmir.

The broad masses of people in Gilgit Baltistan are carrying an impression that the reason why Pakistani authorities allowed massive influx of the Chinese into the Gilgit Baltistan region is that they apprehend that, they alone, may not be able to control the anti-Pakistan wave gaining strength in the region. By opening up the region to the footprints of Chinese soldiers in the garb of engineers, technicians and skilled labourers, Pakistan has surrendered the local administration to Chinese authorities, whose ultimate interest lies in building their military outpost in the most sensitive and strategic Himalayan enclave. Taking into account the future prospect of Gilgit Baltistan as the illegal, yet formidable, stronghold of China in the lap of the Himalayas, wherefrom it can reach the bordering States with considerable ease after the completion of *'One Belt One Road'* project, China has asked Pakistan to define the legal status of Gilgit Baltistan because India has been staking claim to the region as part of the original State of Jammu & Kashmir which legally acceded to India in 1947.

This subtle anti-India move of Beijing has forced Pakistan to propose converting Gilgit Baltistan into the fifth province of Pakistan with a status at par with the other four provinces of Pakistan. However,

as Islamabad is mulling for this solution, nationalist forces in Gilgit Baltistan have forged a strong united opposition to any change of status. Furthermore, Pakistan's move to illegally attempt to annex Gilgit Baltistan, and thereby change the fundamentals of the actual Jammu & Kashmir-issue and cement China's illegitimate stake in this dispute, under the rubric of infrastructural development, is in contravention of international law while Pakistan is in breach of its own Constitution, the various bilateral agreements with India over Jammu & Kashmir, the UNSC Resolutions and more importantly, the wishes of the people of the State of Jammu & Kashmir.

Islamabad also envisages these legal flaws in converting the region into its fifth province while the '*Azad Jammu & Kashmir High Court*' has already declared Gilgit Baltistan part of the original State of Jammu & Kashmir ruled by the Dogra rulers.

If Pakistan hazards the change in the status of Gilgit Baltistan and imposes its sovereign writ over Gilgit Baltistan, India could claim a moral right to fully integrate Jammu & Kashmir into India and scrap Article 370 of its Constitution, which gives Jammu & Kashmir a special status and also respond to the long standing demand of the people of Ladakh for grant of Union Territory status.

Pakistan's and China's game-plan in the disputed region is not speculative: It is a calculated move to bolster both countries' strategic interests in the region while disregarding international norms, practices and international law.

The CPEC facilitates a third country's entry into territory long disputed between two other countries and as such, is bound to only further complicate the dispute and impede its resolution.



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