

The Tragic History of Gilgit-Baltistan since 1947

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The history of Gilgit-Baltistan during the last seven decades has been tragic. The region is a part of the Indian State of Jammu and Kashmir. There have been attempts to amalgamate it with Pakistan; but strategic planners in Islamabad perhaps feel that such a move might weaken their case on Kashmir. The status of Gilgit-Baltistan is ambiguous and undefined. It is not even a part of the so called *Azad Kashmir*. The people of the region thus lack a national/state identity. There is no transparency or accountability in governance. Sectarian violence has been on the increase. This is because outsiders, contrary to tradition and history, have been induced to settle there. Unemployment has been increasing. The plight and difficulties faced by the people of the region have gone unnoticed for long.

Location, Geography, and the People

The total area of the State of Jammu and Kashmir is 222,236 sq. km. Of this, at present, 101,437 sq. km are under India's administrative control.

The details of illegal Pakistani/Chinese occupation in the State of Jammu & Kashmir are as follows.

- Pakistan occupied Kashmir (POK), which consists of the so-called *Azad Kashmir* and Gilgit-Baltistan, covers an area of 78,114 sq. km. Of this, the territory of Gilgit-Baltistan, also known as *Northern Areas*, is more than five times the area of so-called *Azad Kashmir*.
- In addition, the area under Chinese control is 42,685sq. km, which includes 5,180 sq. km illegally ceded to China by Pakistan in 1963.

Northern Areas is the name given after 1947 to the area comprising Gilgit-Baltistan. The capital is Gilgit. It has nine districts. The districts of the Baltistan region include Ghanche, Skardu, Kharmanu and Shigar. The Gilgit region is divided into the districts of Astore, Diamer, Ghizer, Hunza-Nagar and Gilgit.

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The religious groups in the Gilgit-Baltistan region include the Shia (Twelvers), Nurbakhshi (Twelvers), Ismaili, Sunni and Ahlehadith. The languages spoken in the region are Shina, Balti, Wakhi, Khowar, Gujjari, Burushaski, Puriki, Kashmiri and Pashto.¹

Gilgit-Baltistan is a multi-lingual region with socio-cultural and ethnic diversity. It is surrounded by the Hindu Kush and the Karakoram. According to the Pakistani census of 1998, the population of Gilgit-Baltistan was 870,347. Based on this figure, the current population is projected at 1,387,106. Amongst them, the Shias constitute 39 percent, Sunnis 27 percent, Ismailis 18 percent, and Noorbakshis 16 percent. According to the same 1998 Pakistan census, the population of so called *Azad Kashmir* was 2,973 million. Based on this, the current population could be 4.59 million.

Gilgit-Baltistan has plenty of natural resources. The Indus River offers hydro-electric potential. There are many minerals deposits in the area. The major deposits are of nickel, cobalt, copper, lead, tin, mica, quartz, zircon and coal. There are also other important resources. The complaint of the local population is that there is no infrastructure development, and very little development in potential growth areas like energy, tourism and mining. There is no transparent mechanism to assess the revenue earned from tourism. The Federal Government collects trekking fees, environmental protection fees and other taxes, but does not share it with the local community. In Hunza, a common complaint is that the Federal Government does not disclose details of the revenue it receives from trucks entering from China. This has been attributed to the colonial mindset of the Federal Government.

The web site of the Government of Gilgit-Baltistan lists various tourist attractions, including 101 peaks, 119 lakes and 5,100 glaciers, 23 historical forts, 75 polo grounds, and a host of other tourist attractions; but the local people have not been able to avail of these benefits. There has been a systematic decline in tourist flow on account of sectarianism, terrorism, poor governance, and the deteriorating law and order situation.

Pre-1947 History

The area of Gilgit-Baltistan had been mostly under the control of the Maharaja of Kashmir. The table below gives a brief account of various rulers/governments in Gilgit.

1842	Troops from Kashmir took control of Gilgit
1846	Conquest of Gilgit by Raja Goharaman from Yasil

1860	Death of Goharaman. Re-establishment of the control of Kashmir in Gilgit
1879 - 81	Establishment of the first British Agency in Gilgit by Colonel Biddulph, parallel with the administration of Kashmir.
1889	Re-establishment of the British Agency; the period of 'dual control' by Kashmir and the British
1935	Lease of the Gilgit Agency by the British; end of dual control
July 30, 1947	Transfer of the administration from the British to Governor Ghansara Singh of Kashmir
November 16, 1947	Establishment of the illegal Pakistan administration

Martin Sokefeld has written extensively about colonial rule in the area and about 'post colonialism' practices in the *Northern Areas* by Pakistan after 1947.²

Post 1947 Developments

The *Northern Areas* in Pakistan have no politico/legal status. They are neither a province of Pakistan nor a part of *Azad Kashmir*. They are ruled directly by Pakistan. Pakistani rule is identical to the story of deprivation of the people of the *Northern Areas*. Sometime ago, the Pakistani magazine 'Herald' termed the *Northern Areas* as 'the last colony'. As early as August 14, 1964, the Karachi's *Outlook* wrote,

the uncomfortable truth is that the Ministry of Kashmir Affairs has acquired a vested interest of its own. It treats *Azad Kashmir* territory and Gilgit-Baltistan areas as its own domain which a Joint Secretary controls as Chief Advisor. His over-lordship runs supreme and without such checks and balances as are applicable to other areas of Pakistan ...The Ministry likes to deal with puppets not with the presidents who take their position too literally.³

Despite the passage of time, there has not been any material change.

In 1947, Gilgit-Baltistan formed a part of the State of Jammu and Kashmir, under Maharaja Hari Singh's rule. Pakistan has propagated a narrative that suggests that the people of Gilgit-Baltistan revolted against the Maharaja in reaction to his decision to accede to India. At the same time, Pakistan has always been in a dilemma to describe the region as a part of its territory.

Two land routes connect Gilgit-Baltistan with Kargil and Leh on the Indian side—the Skardu (POK side) to the Kargil road and Khaplu (POK side) to the Leh road. There has always been a great desire amongst the people in Gilgit-Baltistan to be connected across the LOC; but the Pakistan authorities have prevented such interaction. A report prepared by the British based organisation named Conciliation Resources quotes Ismael Khan, a development expert from Skardu, who complained,

If the road between Srinagar and Muzaffarabad, at the very centre of the conflict, could be unbolted, if the borders between Pakistani and Indian Punjab where a hell of murder and mayhem took place at the time of Partition, can be opened for all kinds of exchanges, why not us?⁴

There has been a consistent demand from individuals, groups and political parties in the *Northern Areas* to open the border along the LOC.

Information about the exact number of visitors from the *Northern Areas* to J&K is not available. The two land routes connecting the *Northern Areas* with Kargil and Leh have not been opened. However, figures are available of the total number of visitors from and to POK. A report published by Conciliation Resources states that from 2005 until February 2012, 6,270 visitors from 'AJK' (*Azad Kashmir*) came to Jammu and Kashmir via the Poonch route while 4,608 travellers used the Uri-Muzaffarabad route. Only 487 visitors used the Teetwal LOC route during this period. Nearly 3,624 visitors from this side went to 'AJK' via Chakkan-Da-Bagh, 2,674 via the Uri-Kaman Post whereas just 856 travelled via Teetwal. The number of POK visitors - 11,496 - is higher compared to the number of residents of Jammu and Kashmir visiting POK, whose number, until February 2012, was 7,288.⁵

Piecemeal Changes introduced after 1947

After 1947, the governance arrangement in Gilgit-Baltistan evolved on different lines as compared to in so called *Azad Kashmir*. In November 1947, Pakistan sent Muhammad Alam as its representative to Gilgit to run the local administration. Less than two years later, under the pretext of geographical and administrative reasons, the so called *Azad Kashmir* government was asked to surrender administrative control to Gilgit-Baltistan. As a result, on 28 April 1949, the Karachi Agreement was signed, handing over the administrative and legal control of Gilgit-Baltistan to Pakistan. This also gave the Pakistan government the responsibility for defence and foreign affairs of so called *Azad Kashmir*. Henceforth, the political and administrative affairs of Gilgit-

Baltistan were managed through the Frontier Tribal Regulation (FTR). The so called *Azad Kashmir* and *Northern Areas* became two distinct entities, without having any formal official relationship. In 1969, the NA Advisory Council (NAAC) was set up; but it did not give any decision making power to the local authorities. In 1970, Hunza and Nagar were amalgamated with Gilgit-Baltistan.

On account of protests by the local population, Zulfikar Ali Bhutto abolished FTR and introduced the *Northern Areas Council Legal Framework Order* in 1974–75. It introduced some administrative and judicial reforms but did not in any way empower the people of Gilgit-Baltistan.

During 1988-90, the first tenure of Benazir Bhutto as Prime Minister, she appointed the local PPP leader, Qurban Ali, as advisor to the prime minister for the *Northern Areas*.

In 1994, the PPP government introduced the *Northern Areas Legal Framework Order* (LFO). According to this, all executive powers were vested with the Federal Minister of Kashmir Affairs and *Northern Areas*. He also doubled up as the chief executive of the *Northern Areas Legislative Council* (NALC). His authority was absolute, and no legislation could be passed unless it had his prior approval.

In response to the Pakistani Supreme Court's decision of 1999 to extend fundamental freedom to the *Northern Areas*, the government of Pakistan (during General Musharraf's tenure) delegated further administrative and financial powers to NALC, after making some minor amendments to the 1994 Legal Framework Order. These were, however, insignificant. In 2007, the NALC was upgraded to a Legislative Assembly. The Pakistan Minister of Kashmir Affairs functioned as the ex-officio Chairman of the Legislative Assembly. In August 2009, the PPP led Federal Government introduced the Gilgit-Baltistan Empowerment of Self-Governance Order. It changed the name of the region from *Northern Areas* to Gilgit-Baltistan, and created the new offices of the Governor and the Chief Minister. Gilgit-Baltistan was also entitled to have its own Public Service Commission, Election Commission, and an Auditor General. It also established an Upper House in the Gilgit-Baltistan Council which comprised of 15 members, with the Prime Minister of Pakistan as its ex-officio Chairperson. The elected Legislative Assembly is functional only in name as all decisions are effectively taken by the Federal Government in Islamabad. The Order of 2009 is on the lines of the so called *Azad Kashmir Interim Constitution Act* of 1974, and both offer the two respective territories less autonomy than what has been granted to the four provinces of Pakistan.⁶

It is interesting that most of the administrative changes made in 1974, 1988, 1994 and 2009 were made when there was a PPP government in Islamabad. It may, however, be mentioned that the changes in 2009 had been under consideration since 2006-07.

Earlier, General Zia wanted to make the *Northern Areas* a part of Pakistan. In 1982, General Zia-ul-Haq proclaimed that the people of the *Northern Areas* were not a part of the state of Jammu and Kashmir. He extended his martial law to the *Northern Areas* but not to so called *Azad Kashmir*. He was drawing a distinction between the two. In an interview to the Indian journalist, Kuldip Nayyar (on 1 April 1982), Zia-ul-Haq said Gilgit, Hunza, and Skardu of the *Northern Areas* were not part of disputed areas⁷.

General Zia's Announcement and India's Protest

While addressing the Majlis-e-Shoora on 3 April 1982, General Zia announced that three observers from the *Northern Areas* would be appointed to the Federal Council or the Majlis-e-Shoora. This author was then India's Chargé d'affaires a.i. in Pakistan, and was present at the Majlis-e-Shoora session, along with all Foreign Heads of Diplomatic Missions in Islamabad, when General Zia made this announcement. Two hours later, he lodged a protest and expressed India's concern at General Zia's announcement to the Additional Secretary of the Pakistan Foreign office. He was reminded that *Northern Areas*, which formed a part of the Indian State of Jammu and Kashmir, could not be represented in a Pakistani nominated Federal Council. Apparently, there were also some objections from the so called *Azad Kashmir*, and the proposal was not put into practice.

Now, thirty four years later in 2016, according to the recommendations of a committee recently formed by the current Gilgit-Baltistan government for 'representation in the Senate of Pakistan,' Gilgit-Baltistan hopes to be considered 'as an interim federating unit with due recognition and representation as in the case of other federating units.'

In his recently published book, *Neither a Hawk nor a Dove* (2015), former Pakistani Foreign Minister Khurshid Mahmud Kasuri writes that during back channel discussions on Kashmir, Pakistan accepted Gilgit and Baltistan as a part of Jammu & Kashmir. He added,

Before Independence, the *Northern Areas* including inter alia Gilgit and Baltistan, were part of the princely state of Jammu and Kashmir...during the back channel negotiations also, the Indians made

it abundantly clear that they could only accept an agreement regarding Jammu & Kashmir if the *Northern Areas* were also included in the entire scheme. We confronted a dilemma.... We therefore reached an agreement after many arguments and negotiations that there would be two units for the purposes of the agreement...comprising the areas respectively controlled by India and Pakistan.⁸

Meanwhile, the issue of arbitrarily separating Gilgit-Baltistan from the so called *Azad Kashmir* by the Government of Pakistan had caused concern to many. A writ petition challenging that the *Northern Areas* were not a part of Pakistan was filed in the High Court of *Azad Kashmir* in what came to be known as the Muskeen case.⁹ This happened during the period the author was India's High Commissioner in Pakistan (1992–95). Others have argued that the Sino-Pakistan Agreement of 1963 conceded that the *Northern Areas* were a part of the State of Jammu & Kashmir. The High Court of the so called *Azad Kashmir* decided that the *Northern Areas* were a part of *Azad Kashmir*. Pakistan did not implement that decision and had it vacated by its Supreme Court, which maintained that the High Court had no jurisdiction to issue any order in the matter. It described the matter as a political rather than a legal issue.

There have been growing popular demands in recent years for political reforms in Gilgit-Baltistan. People are demanding a share in the China-Pakistan Economic Corridor (CPEC), and there have also been different popular protests in matters like the anti-taxation movement which snowballed into a demand for the constitutional up-gradation of the region as the fifth province of Pakistan. This demand has been particularly increasing since September 2012. It is interesting that the reaction of both in the so called *Azad Kashmir* and of the Separatists in Jammu & Kashmir has been critical of the demand for a separate province of Gilgit-Baltistan.

Rise of Sectarianism in Gilgit-Baltistan

The three main communities in Gilgit-Baltistan - Shias, Ismailis and Sunnis - lived peacefully in communal harmony till the 1970's in the Kashmiri tradition prevalent before 1947. Differences started to emerge from 1975 onwards. Skardu has a predominantly Shia population. The Sunnis have lived mostly in Diamir, and the Ismailis in Hunza. The first sectarian clash occurred in 1975 when a Shia Muharrum procession was fired at from a Sunni mosque in Gilgit. The next major clash was in 1998 over the sighting of the moon to mark the end of Ramadan. By this time, sectarian violence had become a

common occurrence, and manifested itself after the killing of foreign mountaineers in 2014. The fact of Shias and Sunnis living in separate towns and areas has adversely affected cohesion.

The Karakoram Highway (KKH) linking Pakistan with Gilgit-Baltistan has resulted in influx of weapons and drugs and attacks by religious militia into the region, leading to a change in demography. The decision to abolish SSR (State Subject Rule) was an attempt at upsetting the demography of the region. This paved the way for settling outsiders - mostly Sunni ethnic Pathans and Punjabis - in Gilgit-Baltistan. The non-violent Ismaili community also started becoming targets of attack. The Agha Khan foundation has been active in developmental work in the area, and there were reports that even their workers have been targeted.

SSR (State Subject Rule) was a law passed by the erstwhile Maharaja of Kashmir defining a hereditary state subject, and forbidding employment of non-state subjects in public services. Also, non-state residents were not allowed to purchase land in the State of Jammu and Kashmir. This rule is still applicable in Jammu & Kashmir. Technically, it is perhaps prevalent in the so called *Azad Kashmir*. A change was effected in respect of Gilgit-Baltistan where non-residents can now purchase property, settle there, and also change the demographic composition of the region.

China's involvement in Gilgit-Baltistan

An important reason why Gilgit-Baltistan was kept away from so called *Azad Kashmir* and under direct supervision and control of Pakistan was the China factor. The area ceded by Pakistan to China in 1963, south of the Mintaka Pass, belonged to Hunza. The Border Agreement of 2 March 1963 changed the alignment of the boundary line between the Sinkiang province of China and the contiguous area under the actual control of Pakistan. India has challenged the legitimacy of this agreement. Ceding territory to China was not even discussed in Gilgit-Baltistan as it did not have any elected assembly of its own. Articles I, II and VI of the 1963 Agreement, however, accepted that the area covered by the Agreement was disputed. Article VI of the Agreement stated that

the two parties have agreed that after the settlement of the Kashmir dispute between India and Pakistan, the sovereign authority concerned will reopen negotiations with the government of the People's Republic of China on the boundary as described in Article II of the present

Agreement of Kashmir so as to sign a boundary treaty to replace the present agreement...

Article I of the Agreement accepts that the India-Pakistan boundary in this area is not delimited or defined. It states that

in view of the fact that the boundary between China's Sinkiang and the contiguous areas, the defence of which is under the control of Pakistan, has never been formally delimited, the two parties agree to delimit it on the basis of the traditional customary boundary.

Here, China concedes that the area is not under the sovereign control of Pakistan, a fact that becomes important when seen in the context of the CPEC.

China-Pakistan Economic Corridor and Gilgit-Baltistan

The CPEC passes through POK which is a part of the Indian State of Jammu and Kashmir. The shortest route from Gwadar to Kashgar runs through Panjgur, Quetta, Zhob, Dera Ismail Khan, and then into Punjab through Mianwali, onto Islamabad, and then the KKH to Xinjiang. It has been suggested that, on account of security considerations and because of reservations expressed by the governments of Balochistan, Khyber Pakhtunkhwa and Sind, the Government of Pakistan carried out changes in the routes of CPEC to pass mainly through Punjab. As a result, the CPEC is being dubbed as the China-Punjab Economic Corridor. There were reports that China was not comfortable about the route passing through Baluchistan and Khyber Pakhtunkhwa on account of protests against CPEC and security situation in those areas. Accordingly, the corridor route was changed to avoid much of Baluchistan as well as all of Khyber Pakhtunkhwa.¹⁰

Additionally, there have been reports in the Pakistani media that China was concerned about regular protests in Gilgit-Baltistan about CPEC. Press reports did not, however, specify any particular detail but referred to the fact that 600 km of the proposed 2,000 km Kasghar-Gwadar corridor passes through the region. Consequently, there has been apprehension that the pace of progress of the implementation of the project could get affected. However, the corridor has to pass through POK. There have been reports in the Pakistani media quoting officials that Pakistan was considering elevating the status of Gilgit-Baltistan to a province of Pakistan on Chinese insistence.¹¹

Reports in the Indian media have revealed that there are more than 5,000 Chinese troops across the Middle-East and Asia to protect China's economic

corridor. The largest number (1800) in this list is deployed on the China-Pakistan corridor. Many of them would be stationed in POK, and could be cause for concern in India.¹²

In respect of the South China Sea, China has based its claims of sovereignty on the historical context. But these seem to have become secondary and extraneous to China in the context of the CPEC projects in POK. Both history and sovereignty issues do not favour Chinese arguments here. They are, therefore, using commercial arguments for their political and strategic investments in Pakistan for transiting through POK.¹³

Conclusion

All this goes to reveal that Pakistan has shown greater concern for the territory of Jammu and Kashmir it occupied in late 1947 than for the people living there. While Pakistan continues to grapple with the thorny issue of determining the legal status of the territory, the residents of the area have been consistently deprived of the benefits of autonomy generally associated with a federal set-up. This uncertainty has been abused by Pakistan to settle outsiders in the region to change its demography. What is also of concern is that the territory of Gilgit-Baltistan is being used by China to the detriment of Indian interests.

Gilgit-Baltistan has been neglected, isolated and disfranchised. Its status has been deliberately kept ambiguous. None of the Constitutions of Pakistan - 1956, 1962, 1972 and 1973 - recognised the *Northern Areas* as a part of Pakistan. Conversely, the 1974 interim constitution of POK also did not include Gilgit and Baltistan.

The people of Gilgit-Baltistan have been denied basic rights and privileges. *K-2*, the leading newspaper of the region, has always carried on its masthead the phrase *Sarzamin-Be-Ain Ki Awaz* (Voice of the constitution-less land). This in itself explains the misery of the people. It is time the world takes note of the sufferings faced by the people of Gilgit-Baltistan.

Notes :

- ¹ POK Newsletter, IDSA, New Delhi, available at: <http://www.idsa.in/poknewsdigest>
- ² Martin Sokefeld, 'From Colonialism to Postcolonial Colonialism: Changing Modes of Domination in the Northern Areas of Pakistan', *Journal of Asian Studies*, 64(4), 939973.
- ³ Quoted in http://www.kashmirlibrary.org/kashmir_timeline/kashmir_files/india_pok.htm
- ⁴ Syed Waqas Ali and TaqiAkhunzada, 'Unheard voices: engaging youth of Gilgit-Baltistan',

Conciliation Resources U.K., <http://www.c-r.org/downloads/CR%20Unheard%20voices%20from%20Himalayas.pdf>, pg. 20, accessed 5 September 2016.

- ⁵ Waqas Ali, 'The Impact of Conflict on Young People in Azad Jammu and Kashmir', http://www.c-r.org/downloads/IPK_youthreport_WaqasAli_web.pdf, pg. 21, accessed 5 September 2016.
- ⁶ S.M.Gillani, Discussion Paper 2011, Pakistan Institute of Legislative Development and Transparency (PILDAT) Islamabad, <http://www.pildat.org/publications/publication/constitution/ProposedConstitutionalAmendments-AJK-GB-DiscussionPaperMay2011.pdf> accessed 5 September 2016.
- ⁷ <http://indiatoday.intoday.in/story/no-war-pact-between-indian-and-pakistan-pushed-out-of-reach-as-leaders-spar/1/391667.html>
- ⁸ Khurshid Mahmud Kasuri, *Neither a Hawk nor a Dove*, Oxford University Press, 2015, pg. 90, 339"41
- ⁹ Nilima Lambah, *A Life across Three Continents*, Roli Books, 2008, pg. 139.
- ¹⁰ Sushant Sareen, *Corridor Calculus*, Monograph, Vivekananda International Foundation, 2016, available at <http://www.vifindia.org/sites/default/files/corridor-calculus-china-pakistan-economic-corridor-and-china-s-comprador-investment-model-in-pakistan.pdf>, Pg 12, accessed 5 September 2016.
- ¹¹ 'Pakistan mulls elevating status of Gilgit-Baltistan on Chinese insistence', *Dawn*, 8 January 2016.
- ¹² *New Delhi Times*, Vol. 25, No. 52, pp. 1–7 February, 2016
- ¹³ Rumel Dahiya and Jagannath Panda, 'A Tale of Two Disputes: China's Irrationality and India's Stakes', IDSA Policy Brief, 29 June 2015. http://www.idsa.in/policybrief/ATaleofTwoDisputesChinasIrrationalityandIndiasStakes_rdahiya_290615, accessed on 5 September, 2016.

