

China Pakistan Economic Corridor (CPEC): A Game Changer for Gilgit Baltistan and Its Constitutional Status

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Abstract

China Pakistan Economic Corridor (CPEC) is a mega project, which likely will have both positive and negative impacts on Pakistan including its northern areas, in particularly Gilgit Baltistan. The project's negative impacts include such as its impact on larger Kashmir issue, fundamental demographic restrictions on the people of the region, neglecting certain areas in the project, forcible acquisition of lands and pollution. Experts considered exposing of politically marginalized region like Gilgit Baltistan to a huge economic project like CPEC dangerous without determining the legal status of that region, clarifying the role in the process and involvement in the project and by not taking opinions of local people into consideration. This research paper concludes that both government and people of Gilgit Baltistan must collaborate and work together to lessen the negative outcomes of the project which will eventually turn the project into a game changer for the country in its real sense.

Keywords: CPEC, China, Pakistan, Gilgit Baltistan, NDRC, CDB, FCR, US Congressional Research Service, EIA, Pakistan Environmental Protection Act.

Introduction

Pakistan is known as one of the friendly and notable ally of China. Metaphorically this relationship is described as sweeter than honey, higher than Himalayas, deeper than oceans and stronger than steel. Indeed, the relationship between the two countries is becoming stronger with the passage of time. Both countries have immense support for each other, whether it is strategically, politically, economically, or diplomatically. Here it should be mentioned that Pakistan was the first Islamic country and third noncommunist state to recognize China. Also, Pakistan was the first Islamic and second South Asian country after India to establish diplomatic relationship with China in 1951. Since then, their relationship become stronger in all aspects. They support each other on every occasion such as China lent its support in 1965 and 1971 Indo-Pak wars as well as in 1998's Nuclear Weapon Program.

Similarly, Pakistan being one of the two countries alongside Cuba support China in United Nations after Tiananmen Square Incident, 1989. China also always has enormous support to the development of economy of Pakistan, for example its Pakistan's second largest export destination after U.S. Also, Pakistan is China's largest investment destination in South Asia with total bilateral trade reached at 17 billion US dollars. New developments were registered for upcoming years, among which one of the most important one is China Pakistan Economic Corridor (CPEC), which is consider as the game changer for both countries with construction cost of 54 billion US dollars. Given so, this paper will highlight the significance of CPEC for the development of the country, especially for the development of Gilgit Baltistan also its potential impacts on the country in particularly Gilgit Baltistan.

Chinese strategic Interest and Requirement of Comprehensive Structure.

CPEC is one of the most important projects in the economic history of Pakistan. Generally described as the game changer, it is of utmost importance for both China and Pakistan. Where Pakistan is benefiting from CPEC through enormous boost in economy of the country and also crucial developments in the infrastructure and Power sector, China is also benefiting in every possible way. China is securing its strategic interest in East Asia and Arabian Sea mainly threaten by the United States as well as development of shortest root for trade through Pakistan and also the most important development required in the Sinkiang Province. CPEC development came into existence in November 2013 after Government of China's National Development Reform Commission (NDRC) urged the China Development Bank (CDB) to compose a comprehensive structure for the development of CPEC. The implantation required a detailed framework for which CDB worked with teams from NDRC, as well as ministries of transport, National Energy Administration and China Tourism Planning Institute and developed a master plan to be executed in next 15 years till 2030, which will eventually open the floodgate for Chinese Enterprises both public and private to explore every available chance in Pakistan's Economy. CPEC agreement was officially signed by both governments in April 2015. CPEC connecting Gwadar to Khunjrab and China includes vast projects which will have maximum impacts on Pakistan which includes its northern areas in particularly Gilgit Baltistan.

Magnitude of Gilgit Baltistan in the accomplishment of CPEC

Gilgit Baltistan usually described as gateway to CPEC has a pivotal role in the completion of this project. Gilgit Baltistan is the region which connects both countries through Khunjrab Pass. Gilgit Baltistan is also known as Jewel of Pakistan because of its geography and picturesque beauty. Gilgit Baltistan with approximated population of 1.249 million covers an area of 72,971 km², is a dream place for mountaineers and anglers. Gilgit Baltistan is comprised of three divisions and ten districts. The three divisions are known as Baltistan (Ghanche, Shigar, Kharmang and Skardu), Gilgit (Gilgit, Ghizer, Hunza and Nagar) and Diamer (Diamer and Astore). After independence lack of awareness and Frontier Crimes Regulations (FCR) led Gilgit Baltistan to absence of political activities.

The abolishment of FCR in 1974 was a milestone for political activities in the area. But in true sense election was held based on party systems in 1994. Still Gilgit Baltistan was lacking self-empowerment, for which Government of Pakistan passed Gilgit-Baltistan's Empowerment and Self Governance Order in 2009. To some extent Govt. of Pakistan tried to overcome the political issues in the region but still need of giving Gilgit Baltistan a full status of province is an undeniable fact. One cannot deny the fact that Gilgit Baltistan being the gateway between both countries has uttermost importance in the accomplishment of CPEC. CPEC will mark the beginning of economic reforms and infrastructural developments in the region. Job opportunities will be provided for local people. The region will be changed in every aspect after the completion of the project. The Geo-Political importance of Gilgit Baltistan can be determined from various factors such as its geographical location, the Karakoram Highway (KKH), Wakhan Corridor and The Sost Dry Port.

Constitutional Status of Gilgit Baltistan.

Since its independence, the status of Gilgit Baltistan remains liminal from the very beginning. The people of the region have been deprived of their rights i.e., legal representation in the Parliament of Pakistan and access to the superior judiciary (Supreme Court), hence, same rights as other citizens of the Pakistan have not been provided to them in the Constitution.

The liminality of the status of the region is obvious from the Constitution of Pakistan as well as the well-known decision of the Supreme Court in Al-Jehad Trust Case, both of which lacks the clarity regarding the status of Gilgit Baltistan. In the aforementioned case, the decision of the Supreme Court is equivocal in its grounds. Although it asserts the control of Pakistan over the Northern Areas (now Gilgit Baltistan) and confirm the people of the region as “citizens of Pakistan, for all intents and purposes”, the Court also held that the Government is not obliged to endow the people of the region legal representation in the National Assembly and access to the Supreme Court.

In November 2020, the Prime Minister of Pakistan’s announcement of upgrading the region of Gilgit Baltistan to provisional provincial status, became a sigh of relief for many in the region as it was long awaited. Moreover, in March 2021 the assembly of Gilgit- Baltistan passed a unanimous decision and demanded a provisional status. The Government of Pakistan has to respect the decision because the area has gained significance mainly due to CPEC and there is a greater requirement to assimilate it in Pakistan for achieving prospective economic goals.

Impact of Political Situation on defining the status of Gilgit Baltistan

Talking about the current political situation of Gilgit Baltistan, India claims that Pakistan is continuously denying the right to self-determination of the people of Gilgit Baltistan, and the major population does not want to be part of Pakistan. The United Nations deems that Gilgit Baltistan is a part of Kashmir tension, hence through its resolutions it declares that the issues shall be decided by fair and free plebiscites, to protect the autonomous region from any alien subjugation or domination. China is also concerned about the impacts of political situation in Gilgit Baltistan and giving recommendations to Government of Pakistan to create possibilities of making Gilgit Baltistan as fifth province in order to remove diplomatic hurdles by diminishing the disputed tag from the region. India wants eagerly to intersperse the development by effects made to claim the region as a part of larger Kashmir issue. But according to Pakistan’s claims Gilgit Baltistan was never part of Kashmir as argued that the region was amass of various princely states that were under control of ‘Amirs’ or ‘Rajas’ while Kashmir was under control of ‘Dogras’. It will be unfair if one does not discuss the efforts of Pakistan on separating Gilgit Baltistan from Kashmir issue, so they make the region constitutional part of the country. For instance, because of consistent striving of Pakistan in 2000’s, the US Congressional Research Service in its reports issued after February 13, 2007, showed Gilgit Baltistan as adjoining part of Pakistan and Aksai Chin as ‘Indian Claim’ in their map.

Throughout that timespan Pakistan try its best to convince the International Community that Gilgit Baltistan was never part of Jammu and Kashmir. That campaign was a part of another important campaign of claiming that India was in illegal occupation of Siachen. Although after passing of Gilgit-Baltistan (Empowerment and Self-Governance) Order in 2009, the region have their own Chief Minister, a council and legislative assembly but still it is neither a province nor state. Rather it has a semi provincial form of political system and also Gilgit Baltistan has no representation in central government which paralyzed them to make any laws or to participate in the process of any issue relating to their region.

Political Impacts of CPEC on Gilgit Baltistan

Government of Pakistan is facing a lot of criticism for political impacts of CPEC on the region, not getting enough benefits and also legal status of Gilgit Baltistan. One of those critics of Pakistan on the issue are separatists from Jammu and Kashmir. For instance, Yasin Malik wrote an open letter to Pakistan to not

consider the idea of giving provincial status to the region because of its direct impact on the larger Kashmir issue. Local population is also criticizing the Government for the direct control of the region from the federal as the power vested in the Governor rather than in local hands.

People and local politicians are also concerned about the major proportions Punjab is getting and depriving the region from their legal proportion. Experts considered exposing of politically marginalized region like Gilgit Baltistan to a huge economic project like CPEC dangerous without determining the legal status of that region, clarifying the role in the process and involvement in the project and by not taking opinions of local people into consideration. Further in their opinion Pakistan can face hurdles in the completion of the mega project like CPEC in future without clearing its equivocal status and policies regarding the region and retaining Gilgit Baltistan in political chaos. Freedom is an essential part of development of any society as Amartya Sen quoted "Development consists of the removal of various types of unfreedoms that leave people with little choice and little opportunity of exercising their reasoned agency. The removal of substantial unfreedoms, it is argued here, is constitutive of development." People and political activists are also concerned about the possibility, which they described as obvious fact, of increasing numbers and influence of China People's Liberation Army and Pakistani security forces in the region which will lead the local people to the fundamental demographic restrictions to such extent that they will become minority in their own region.

Pakistan needs to investigate these problems and solve them before they turned into a much bigger problem. The feelings of being deprived should be diminishes from their minds by taking actual steps rather than lame promises. The basic rights and representation as of other citizens should be given to the people of the region and instead of ignoring the concerns and interests of local communities they should be properly addressed. This project is of utmost importance to the development of both Pakistan and Gilgit Baltistan so all the problems should be addressed properly and prevent it from all the hurdles. There are a lot of areas which are developed despite of being disputed such as China's success in developing Tibet in order to win support of local population. Speakers at National Conference on CPEC: Macro and Micro Dividends for Pakistan and the Region spoke that despite of many challenges, CPEC will have positive impacts on the whole region in shape of different development projects and bulk of opportunities for the people of the region.

Economic Impacts of CPEC on Gilgit Baltistan

One of the main reasons CPEC is called as 'game changer' is the hope for economic developments not only in Pakistan but particularly in Gilgit Baltistan. This project will result as economic panacea for the region which is generally consist of the population which face various challenges of unemployment, poor communication, shortage of energy resources, lack of education, roads and insufficient medical facilities. For that purpose, the prime concern of CPEC is to work in the areas such as transport and transmissions, investment, industry, energy and assured cooperation among the people. As per expectations people of the region will get maximum benefits from the project. Government is claiming that the positive economic outcome will deal with all the negative externalities and clear all the doubts present in people's mind regarding the project. They argued that the improvement of socio-economic condition of the region depends upon the basic infrastructural development which is a must needed reality. Not only it will result in the boost of tourism industry in the region but also will generate enormous job opportunities for the local population. Gilgit Baltistan will get its own economic zone which is one of the most important aspects of the project for the region. As to combat the energy crises in the region, two separate hydropower projects will be included in the CPEC. Apart from them to reserve energy resources a regional grid will be constructed in Gilgit. The distribution of power will be done in two phases, in first phase it will be distributed in only three districts of Gilgit and then in second phase the remaining region will be connected to the grid. Federal government is agreed to grant the financial resources of Rs.25 billion for the project. CPEC will also help to counter the problem of superannuated and generally interrupted telecommunication system by the subterranean optical fiber line placed from Khunjerab to Rawalpindi. This will ultimately

transform the region into center of high quality and speedy internet and resolve all the communication problems. Officials are hoping for the best outcome from CPEC for the region as well as Pakistan.

President Mamnoon Hussain during his visit to Skardu stated that business fraternity should avail every opportunity present in the scenic region because it has a lot of potential. He also added that the current government was working hard to come with far better solutions for the diplomatic hurdles and issues because it could affect the development process. During meeting with FPCCI's (The Federation of Pakistan Chambers of Commerce & Industry) President Abdul Rauf Alam, Chief Minister Gilgit Baltistan, Hafiz Hafeez Ur Rehman said that, "We are planning to establish an investment board, boost tourism, generates additional power, and improve law and order situation to trigger economic activities which will reduce poverty and raise standard of living of people". A special committee of senators on CPEC headed by Senator Taj Haider visited Gilgit to understand the concerns of people about the project. They held a meeting with activists, journalists, lawyers and members of Gilgit Baltistan Assembly. Concerns of the people were highlighted by the speakers; one such concern was that official share of the region is not yet clarified. Senators were asked to provide help to Gilgit Baltistan Assembly in making of better policies regarding revenue of the project. In response Haider said, "Hurdles in the way of CPEC projects will be removed to ensure it is completed in time." He also added that in order to gain maximum profit from the project essential reforms is needed in the area of tourism, mining and other sectors of the region. He also said that we will submit our proposed recommendations to the senate regarding the project after thorough examination of the area and several meetings with various stakeholders which will be based as per desires of the people.

Apart from official's claims there are a lot of criticism from activists and people on the project. They are admitting the fact that the project will provide enormous opportunities regarding transportation, development of micro enterprises, service sector, regional trade and investment, tourism, and energy conservation but still government position is not clear about the region which is obvious from the fact that Gilgit Baltistan was not part of any of 51 accords signed between Pakistan and China. They claimed that when it comes to development no significant steps were taken by any of subsequent governments to mainstream the region which is most neglected from the beginning. People are concerned about neglecting the areas which are located away from the Karakoram Highway (KKH) i.e. entire Baltistan Division, Astore District and various parts of Gilgit Division in the process. They are also concerned about the transportation's hurdles arising from the land sliding on KKH route. To combat those possible hurdles a group of au fait natives proffered the possibility of alternative routes, one such instance is of the route which will start from the point on the KKH known as Thalichi and through District of Astore continues to Rattu.

Further from them through Shuhter Pass it will be connected to the Muzaffarabad road and then ultimately goes down to Islamabad. This will not only provide a must safer route during land sliding but also will reduce the distance by 55km. According to media reports the government is planning to shift the existing Sust Dry Port (Gilgit Baltistan) to Havelian (Khyber Pakhtunkhwa) A special committee of senators on CPEC headed by Senator Taj Haider visited Gilgit to understand the concerns of people about the project. They held a meeting with activists, journalists, lawyers, and members of Gilgit Baltistan Assembly. Concerns of the people were highlighted by the speakers; one such concern was that official share of the region is not yet clarified. Senators were asked to provide help to Gilgit Baltistan Assembly in making of better policies regarding revenue of the project. In response Haider said, "Hurdles in the way of CPEC projects will be removed to ensure it is completed in time." He also added that in order to gain maximum profit from the project essential reforms is needed in the area of tourism, mining and other sectors of the region. He also said that we will submit our proposed recommendations to the senate regarding the project after thorough examination of the area and several meetings with various stakeholders which will be based as per desires of the people.

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According to critics although it's a very good thing to focus on the development of backward areas of Punjab and Sindh and invested in the coal, oil and gas projects in those areas, the success of the project will be ultimately depend upon safe passage and satisfied people inhabiting around it. The amelioration of lifestyle of the people in the region required full participation of all stakeholders and need to embrace the project despite of all issues and conflicts. All the countries in contemporaneous world embrace the economic developments and their interdependence despite of their ongoing politics conflicts and diplomatic issues. Its undeniable fact that one cannot compete with contemporary world without much needed economic development, so Government of Pakistan and people of Gilgit Baltistan must concentrate on the CPEC first.

Next steps of the infrastructural and socio-political reforms should be taken once the economy of the region is revitalized by the mega project. Detaining of the much-needed economic opportunities and development process in the region because of an issue that has not been resolved for more than 70 years is not wise at all. The work on the legal reforms can be initiated as soon as required economic developments are done in the region. Further politicization of the process will cause only harm to the people and deprived them of the economic advantages they will get from the project. So, the process of development must be continued keeping in mind the desires and hopes of the people and political forces of Gilgit Baltistan.

Environmental Impacts of CPEC on Gilgit Baltistan

In current altercation about the pros and cons of CPEC and their political and economic aspects on Gilgit Baltistan very little attention has been paid to the much important environmental effects of the project on the region. Gilgit Baltistan being one of the most important natural reservoirs of Pakistan is attracted by many tourists, mountaineers, and hikers. One of the main factors of pollution in the region is the large number of vehicles which are part of domiciliary traffic. In high altitude areas which are also suffered from climatic tension, the ecosystem is very fragile. One of the main factors which protect those areas from soil abrasion, landslides and snow slides is alpine forests. Noise and air pollution together will act as main

destroyer to the scenic beauty of the region by directly affecting those areas. Ocular pollution will be caused by the increasing traffic and construction therefore to the project. A large proportion of residents which either live near KKH or construction sites will be directly exposed to the pollution and pernicious environmental effects ultimately causing harm to their health. As mountainous areas are much more sensitive than plain areas, the environmental stress will be also much more severe.

The main sources for the income of people of the region are tourism and natural resources which are likely to destroy by the adverse effects of construction and abnormal increase in traffic. As per Pakistan Agriculture Research Council report the region has the capability to export almonds worth of billions, but people are afraid from potential destruction the project will likely cause to the environment which will ultimately affect these resources. Exposure of the region suddenly to the high number of people will result not only affecting the wildlife and natural environment but also will directly affect its social life. Experts are concerned about the effects the project will bring to the region if precautionary measures are not taken in the beginning i.e., air and water pollution, diminution of natural resources, effects on biodiversity, deliquesces of glaciers, acidification, and waste dumping. Another consequence that cannot be ignored is land degeneration, which is caused by abrupt deforestation, erosion, and mining.

Experts argued that to secure the environment for the present and future generations of the region, government needs to take necessary steps of precautions which will ultimately help in the achievement of environmentally manageable developments. Some experts are comparing this issue with the issue of global warming faced by the whole world nowadays with one exception that we have still time to control possible future outcomes. They claimed that lack of planning for sustainable environmental developments will be destructive for the region. So, the government needs to take the matter serious and do not hesitate in execution of CPEC without giving environmental protection guarantees. Otherwise, it will leave the region unprotected against exploitations of transportation and the pollution caused by it, indifferent administration and big business actors. Pakistan needs to come with the clear framework regarding the project otherwise it will not only ruin its own interests but also cause abrupt change in climate and ultimately causing global warming. Officials, however, claimed that all the preventive measures will be taken in the process. Federal Minister for Climate Change Senator Mushahid Ullah Khan in meeting with the International Union for Conservation of Nature (IUCN) told them that they will take all the steps to make CPEC sustainable both economically and environmentally. Also, government is bound to instigate Environmental Impacts Assessment (EIA) studies of every development project according to Pakistan Environmental Protection Act, 1997 (PEPA).

Conclusion

CPEC is no doubt a game changer not only for Pakistan but for the whole region especially Gilgit Baltistan which is one of the most neglected areas from the time it got independence. Now CPEC brings some fresh hopes for the development of the region and welfare of whole population. People are not against the project instead they have some concerns and doubts regarding share and role of Gilgit Baltistan in the CPEC and economic and environmental impacts of the project on the region. Government needs to identify and address those concerns and doubts of the local population and come up with detailed and clear policy regarding the role of Gilgit Baltistan in the project and also the steps they are taking to make the project economically and environmentally sustainable. The process is of utmost important to the region so it should be continued without interruption but also according to the aspirations of the people of Gilgit Baltistan.

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