# Disparity in Governance and Socio-Political Treatment: A Comparative Study of Gilgit-Baltistan and Azad Jammu & Kashmir within Pakistan's Federal/Political Framework.

**By**

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**Abstract**

This research paper aims to highlight different aspects of disparity in state's administrative and governance attitude towards Gilgit-Baltistan while comparing it with the administrative and governance approach of Pakistan with Azad Jammu & Kashmir. Gilgit-Baltistan and Azad Jammu and Kashmir both fall under one Political/Administrative set-up i.e., the ministry of Kashmir Affairs & Gilgit-Baltistan (Mo KA&GB) in the federal structure of Pakistan. Though the two regions' legal status is undefined and have equal statuses yet when it comes to constitutional provisions and other privileges from the federal government, there appears disparity in state's governance approach treating Gilgit-Baltistan differentially. As the two regions are connected with each other and have same status and identity in this state, therefore the two regions under one political set-up should be treated equally in terms of constitutional provisions and governance set-up, but the case is not that way. This research paper aims to explore why there exists disparity between the two regions governance and socio-political set-up within the federal system of Pakistan and what the people of Gilgit-Baltistan expects from the federal government. What are the structural hurdles facing the state in treating them equally and the reasons of such dual approach of governance in the federal political set-up of Pakistan. Moreover, in the context of border management and governance, I am specifically highlighting the concerns of the border dwellers at the Ladakh-Baltistan border, how they are affected/affecting by the dual standard governance approach of the state, and what are their concerns to the governing authorities of this state.

The study examines the issues in the administrative set-up and relies on data from scholarly articles and semi structured/open-ended interviews of border dwellers, political leaders, and experts from the region who have good understandings on the affairs of Gilgit-Baltistan and Kashmir.

**Keywords**

**Governance, Disparity, Socio-Political Treatment, Gilgit-Baltistan, Azad Jammu & Kashmir, Pakistan, Federal.**

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## Chapter#1

### 1.1). Introduction

The Erstwhile parts of the State of Jammu and Kashmir i.e., Gilgit-Baltistan (GB) and Azad Jammu and Kashmir (AJK) are integrated with the state of Pakistan. “The two regions in the state of Pakistan are neither independent in their administrative affairs nor they are part of Pakistan for administrative purposes like the other four provinces. The total area of Azad Jammu and Kashmir & Gilgit-Baltistan is 33,958 square miles, comprising 29, 814 square miles of Gilgit-Baltistan (GB) and 4,144 square miles of Azad Jammu and Kashmir (AJK)” (Shahzad, Akram, & Hashmi, 2016).

Gilgit-Baltistan formerly known as the Northern Areas is in the north of Pakistan having borders with Indian Occupied Kashmir in the East, Azad Jammu & Kashmir in the South, Xinjiang Province of China in the north, and Afghanistan in the west. The region consists of ten districts with three major divisions including Gilgit, Baltistan & Astor-Diamer. Gilgit city serves as the administrative capital of the region. Gilgit-Baltistan is the home of five peaks of over 8000 meters including the famous peaks of K2 and Nanga Parbat, and more than 50 peaks of 7000 meters. The second highest plateau, the Deosai Plain, is located in GB. Moreover, this region has the highest freshwater reservoirs in the form of glaciers. The longest glaciers including Siachen Glacier, Baltoro and Biafo glacier are located in this region (Ali, 2019).

Azad Jammu & Kashmir is surrounded by Indian Occupied Kashmir in the east separated by

Line of Control (LoC), Punjab Province of Pakistan in the South, Khyber Pakhtunkhwa in the West, and Gilgit-Baltistan in the North. Azad Jammu & Kasmir has ten districts and two divisions with Muzaffarabad city as the administrative capital of the region.

Though the two regions, Gilgit-Baltistan (GB) and Azad Jammu & Kashmir (AJK) both fall under one political set-up/governing body i.e., under the ministry of Kashmir Affairs & Gilgit-Baltistan (Mo KA&GB) in the federal structure of Pakistan. As per the yearbook of the ministry of KA&GB, "its responsibility includes to ensure good governance and sustainable development in AJ&K and GB" (Government of Pakistan, Ministry of Kashmir Affairs & Gilgit-Baltistan, 2020-21). If we see practically, the ministry deviates from its responsibility of good governance in GB. So, when it comes to constitutional provisions and other privileges within the federal system of Pakistan, there exists disparities in state's behavior treating Gilgit-Baltistan unequally. Regions under the same governing body and having same status and identity often enjoy equal treatment, constitutional provisions and other privileges, but that is not the way in the case of GB and AJK. So, this research paper aims to explore why there exist disparities between the two regions' governance and socio-political set-up within the federal state of Pakistan? Why do there exits two different unequal governance set-ups when the two regions fall under one political set-up/governing body and connected with each other in terms of status and identity? What are the reasons behind the unequal governance approach or treatment to Gilgit-Baltistan.

### 1.2). Background of the Research Question, Rationale and Objectives

As a social science student majoring in political science, studying and exploring state-citizen and core-periphery relationships in governance system of modern states have always been my core interest. This research project falls under the domain of political science, and this research project is about exploring disparity in governance and socio-political treatment of

Gilgit-Baltistan in comparison with Azad Jammu and Kashmir in the federal state structure of Pakistan. Gilgit-Baltistan and Azad Jammu and Kashmir both fall under one political/administrative set-up i.e., under the Ministry of Kashmir Affairs & Gilgit-Baltistan in the federal structure of Pakistan. When it comes to constitutional provisions and other privileges within the federal state, there exists disparities in state's behavior towards Gilgit-Baltistan. GB and AJK both are connected in terms of identity and status, lacking constitutional rights in the federal structure of Pakistan. Regions under the same governing body and having same status and identity often enjoy equal treatment, constitutional provisions and other privileges. However, the prevailing reality in the state of Pakistan greatly contrasts with this idea, revealing pronounced disparities in constitutional provisions and regional governance while handling GB and AJK. Azad Jammu & Kashmir has a complete set-up to run its administrative affairs, and it seems that it has a separate state like set-up. It has its own political set-up comprising a President, Prime Minister, Parliament and even has a flag. "AJK has well-established government since 1948. Its constitution was enacted in 1948 which laid the foundation for running the judicial administration and even some laws of former State of Jammu and Kashmir remained in operation. Throughout history it has had a parliamentary history. As time passed, political development became part of its parliamentary history, and various Governance acts were enacted. Among them the Governance Act 1964 possesses prime importance in its parliamentary history. After 1970 there started happening presidential and parliamentary elections as well" (Shahzad et al., 2016). But if we look towards Gilgit-Baltistan, we do not see any such political or parliamentary progress till the 70s. Gilgit-Baltistan's affairs have mostly been run by political agents. It got a so-called self-governance order with the name of "Gilgit-Baltistan (Empowerment and Self-Governance) Order" in 2009 giving it a province-like structure for

the first time in history. So, we see that the former unit was running with proper political and governance set-up from the very beginning, but the later one lacks such set-up and still it does not have as such equivalent set-up as of AJK.

Moreover, in the debate of border governance and management, borders from AJK side under favorable situations often gets functional or at-least had been crossable in the past for multiple times, but the Ladakh-Baltistan Border from Gilgit-Baltistan side has never been operationalized even for a single time in history after partition. The border issue also presents significant concern regarding the dual standards of treatment with Gilgit-Baltistan. The plight of the divided families residing along the Ladakh-Baltistan border, who have been unable to reunite for over 53 years despite their proximity, merits attention. While borders from the Kashmir side often facilitate/facilitated movement and interaction, the humanitarian crisis at the Ladakh-Baltistan border remains largely unaddressed in academic discourse.

So, being hailing from a region which is facing constitutional crisis & governance issues and especially being the resident of a border region, witnessing the pains of separation of the divided communities, inspired me to write on these issues and highlight the concerns via academia. This paper seeks to shed light on the dual standard treatments of the region and on the overlooked aspect of the humanitarian crisis prevailing in the border sides as well, emphasizing the urgent need for necessary policy interventions.

It is imperative to explore the underlying unequal governance or administrative structures that have prevailed over time. This study is necessary for understanding the reasons behind such disparate treatment, which Gilgit-Baltistan has endured for the past 77 years. Addressing these disparities are important, particularly in the context of Gilgit-Baltistan's political instability, as its people seek fair treatment and self-governance in true meaning within the state. These issues have been largely overlooked in academic and political discourse, thus

prompting me to comprehensively explore them as part of this research project. This endeavor aims to offer fresh insights by analyzing perspectives from political elites, civil society members, and academicians from Gilgit-Baltistan.

So, my research paper aims to explore why there exists disparities between the two regions' governance and socio-political set-up within the state of Pakistan when they are related with each other and having same identity and status. Hence, I am exploring:

What are the reasons behind the unequal treatment of Gilgit-Baltistan within Pakistan's political framework, and how does this differential treatment impact the people of Gilgit-Baltistan? Why there prevail two different governance set-ups in GB and AJK when both are connected and have same identity and status in the state of Pakistan?

## Chapter#2

### 2.1). Theoretical Framework

This paper is exploring the disparity in governance and unequal treatment of Gilgit-Baltistan in comparison with AJK's set-up in the federal system of Pakistan. In this part, I am utilizing several theories related to unequal governance attitude and border management approaches which will help us to conceptualize the main arguments. First, I will define the key concepts involved in this study.

#### i). Key Concepts

#### a). Disparity in Governance and Unequal Treatment

Unequal treatment or disparity in governance simply implies systematic differences in the distribution of political power and resources between different regions or groups within a state. This can be experienced in the administrative systems and governing policies that highlight astonishing socio-political imbalances. These disparities often signify deeper

problems of marginalization where certain other regions or communities are systematically or accidentally kept away from the governance processes altogether as full stakeholders, with differing prospects for development, political independence and access to state benefits (Fukuyama 2013; Young 1990).

In the context of Azad Jammu and Kashmir (AJK) and Gilgit-Baltistan (GB) saying 'unequal treatment or disparity in governance' refers to the unfair federal government governance approach, structures and political opportunities for the two regions. While AJK has its own government, parliament and constitution giving it much empowered set-up, the political history of GB in terms of political empowerment has been ad hoc based with limited political empowerment in Pakistani federation. This disparity has profound implications on the sociopolitical development of the people of Gilgit-Baltistan.

The disparity in governance or administrative approach is evident by the fact that "Currently, AJK is governed by the Interim Constitution Act of 1974. This Act was passed by the legislative assembly of AJK and vetted by the government of Pakistan. GB on the other hand is governed by a governance order, which was issued by the President of Pakistan (Shahzad et el., 2016)". So, we see that the former unit is empowered enough as its people are legislating through their own assembly where their representative members sit, no matter how much empowered they are, the debate of empowerment in real meaning is another debate, but at least their own assembly passes Acts which later approved by the Government of Pakistan. But in the case of GB, we see that there also exists a legislative assembly, but the state governs the region under ad hoc arrangement basis by issuing presidential orders.

Secondly, "The Government of AJK was established on 24th October 1947. Under the Rules of Business which were developed in order to run the administration of Azad Jammu and

Kashmir, the executive as well as the legislative authority was vested in the President. The law of the land was enacted in 1948 which laid the foundation for running the judicial administration and even some laws of former State of Jammu and Kashmir remained in operation" (Akhtar, 2011-2012). On the other hand, in the context of GB "When Government of Pakistan took control of GB in 1947, the first law to be enforced there was the continuation of the colonial law i.e., the Frontier Crimes Regulations (FCR)" (Akhtar, 2011-2012). We see that one region is running with a proper political governance setup under which the region's rules of business are formulated, while right after taking over to GB the government is imposing outdated colonial laws like FCR there and giving the whole administrative and judicial power to a single man which used to serve as the political agent for the entire region. So, unlike AJK, governing GB through presidential orders, highlights that "AJK enjoys more autonomy than GB" (Sökefeld, 2015).

Moreover, the border studies show that in the past Pakistan and India have worked together to create a more peaceful people-centric approach from Kashmir side by allowing cross-border interaction. This approach led to the opening of the borders in Kashmir side and allowed cross-LOC movement on both sides. The article written by Dr. Shaheen Akhtar highlights that "in the past there occurred the resumption of bus service across LOC, and its main purpose was to reunite the divided families across the LOC. In 1947 thousands of families living on the two parts of Kashmir were separated. After the ceasefire in Kashmir on 1 January 1949, a simple rahdari permit system was devised for travel between divided Kashmir but it was discarded a few years later and the bus service was suspended in 1965. After almost four decades of suspension, a bus proposal was floated by India in July 2001 and then revived in October 2003. On 16 February 2005, the two countries, after intensive negotiations agreed to restart a fortnightly Srinagar-Muzaffarabad bus service from 7 April.

In January 2006, both countries agreed to start another bus service linking Poonch and Rawalakot which was launched six months later in June. Initially, the bus services operated only fortnightly and carried 20-25 people in case of Srinagar-Muzaffarabad and 50-50 in case of Rawalakot-Poonch. In 2008, they were converted into weekly services" (Akhtar, 20112012). But the divided people from Gilgit-Baltistan living at the Ladakh-Baltistan border who have been divided due to the partition in 1947 and later in 1971 could never been able to cross the borders from this region. The border from this side has never been operationalized or crossable even for a single time in history after establishing borders. So, seeing borders crossable from one side (Kashmir) to allow the separated people to meet each other, while never allowing the same kind of people from the Gilgit-Baltistan side, is another evidence of disparity in governance approach of the state.

**b). Governance**

The famous political scientist Fukuyama defines governance as "The mechanism by which decisions are made and authorities are implemented with the involvement of different players with the ultimate aim of promoting accountability, transparency, and adherence to the rule of law" (Fukuyama, 2013).

**c). Socio-Political Treatment**

Socio-political treatment refers to how a state or society manages to deal with certain social segments or areas, determining their social, economic, and political statuses. This idea refers to the factors that define how such groups are treated in regard to resource allocation, rights, opportunities, as well as political influence and representation of those populations.

Socio-political treatment is therefore shaped by history, culture and institutions of a given society and/or country and results in either inclusion or exclusion of certain sections of the societies, within the polity (Fraser, 1995; Grugel & Bishop, 2014).

In addition to that, socio-political treatment refers to the manner in which a state administers, facilitates and regulates social groups, affects their position in society in terms of social, economic, and political rights and opportunities (Fraser, 1995; Grugel & Bishop, 2014).

**d). Federalism**

In federalism, there is a government whereby power is distributed between the center and other units such as States or Provinces according to the constitution. This division of power makes sure that each level of government has jurisdiction of power where it is free to act yet both of them are in agreement and operate under one system. Federalism is designed to meet requirements of unity and uniformity of the central power as well as the existence of different regions and populations interests in a single state (Elazar, 1987; Watts, 2008).

### ii). Theories on Borderland, Regionalism as well as Cross Border Cooperation

Borderland theory focuses on the concept that while borders are lines separating various territories, these are in fact socially or politically constructed spaces that also symbolize political, economic and cultural interactions. This theory as pointed out by Wilson & Donnan (1998) stresses that borders are fluid constructs, that can illustrate power relations, state domination and regionality.

Thus, the borderland theory makes it possible to understand the changes in the approaches to border management in GB and AJK. Whereas the AJK side has witnessed ‘working border’ and contact with the Indian administered side, GB border as the Ladakh Baltistan frontier has

remained hard and sealed since 1947. This social and political negation in the state structure has resulted in marginalization of the GB people. Thus, the theory will be employed to analyze how these differences in border management maintain GB on the periphery of comparison to AJK.

Furthermore, regionalism and cross-border cooperation theory highlighted by Parkman and Sum (2002) concerns how regions in borders can come together and negotiate to address issues and bring development and connectivity. This theory can be used to study how border regions can transition to co-operation from conflict.

While cross-border cooperation appears to be non-existent in GB compared to AJK where border crossing has at times opened periodically, highlights the disparities in border management and regulations policies of the state of Pakistan. This theory will help to dissect how such disparities affect the socio-economic opportunities in GB and lead to its overall isolation and lack of development compared to AJK.

Developing a theoretical framework for a study is necessary as it provides a structure to conceptualize the main stances and help us in the analysis of our main arguments. The theoretical frameworks explored above will help for a thorough investigation and understanding of the socio-political disparities, incoherent governance and border management practices and how these unequal governing approaches by the state are impacting the common people and the regional development of Gilgit-Baltistan. Through the use of these theories, this research will have an added value of explaining the current state of affairs in governance disparities and emphasize the need to address these governance issues.

### 2.2). Research Methodology

I am using qualitative research methodology involving qualitative analysis of primary and secondary data. For this method I am including interviews of GB's political leaders, border dwellers and experts who have good understanding on the affairs of GB and Kashmir in Pakistan's political set-up. I have contacted people using purposive sampling, as this approach enables us to reach suitable and target respondents directly. The project includes empirical research and original data through field work via open-ended/semi-structured interviews.

### 2.3). Literature Review

#### i). Political Trajectories of Gilgit-Baltistan and Azad Jammu & Kashmir

It is imperative to study the historical background of Gilgit-Baltistan (GB) and Azad Jammu and Kashmir (AJK) in order to comprehend the prevailing inequities and disparities in governance the governance systems. In the federal political system of Pakistan both regions (Gilgit-Baltistan and Azad Jammu & Kashmir) possess significantly different political trajectories. As Nosheen Ali states that "historically, the territories that today form Gilgit-Baltistan were under the dual sovereignty of the British as well as the Maharaja of Kashmir. At time of partition the British government returned the region to Maharaja of Kashmir. When the Maharaja announced its accession with India, the predominantly Muslim population of Gilgit region opposed the accession, and the paramilitary force, the Gilgit Scout liberated the region from Kashmir and declared an independent state. This independence was short lived and the leaders of rebellion seeing aligning their interests with the Muslim majority state Pakistan, acceded it to Pakistan. On the other hand, India and Pakistan fought a war on Kashmir. Aided by the local resistance, the Pakistani army obtained control over the area which is known as Azad Jammu and Kashmir (AJK). After that when the Kashmir issue

was raised in the United Nation Assembly, Gilgit-Baltistan was made part of Kashmir dispute. Since then, Gilgit-Baltistan relates to Kashmir" (Ali, 2019). The area comprised of GB was integrated into Pakistan in 1947 but was not governed by a proper governance structure till 2009, when the Gilgit-Baltistan Empowerment and Self-Governance Order was passed

(Sökefeld, 2015). Gilgit-Baltistan is governing through presidential orders, Azad Jammu & Kashmir, on the other hand, has had a more established political setup, "AJK is governed by the Interim Constitution Act of 1974. This Act was passed by the legislative assembly of AJK and vetted by the government of Pakistan" (Shahzad et el., 2016).

Furthermore, examining the governance structures in these two regions highlights the unfair treatment of these two regions, especially Gilgit-Baltistan. AJK has had a functioning parliamentary system since the formation of its government, "the Government of AJK was established on 24th October 1947. Under the Rules of Business which were developed in order to run the administration of Azad Jammu and Kashmir, the executive as well as the legislative authority was vested in the President. The law of the land was enacted in 1948 which laid the foundation for running the judicial administration and even some laws of former State of Jammu and Kashmir remained in operation" (Shahzad et el., 2016). "When Government of Pakistan took over control of GB in 1947, the first law to be enforced there was a continuation of the colonial law i.e., the Frontier Crimes Regulations (FCR)" (Shahzad et el., 2016). On the other hand, the reform and governance orders onwards 2009 giving a new political structure and governance approach to GB still put the region under the strong political influence and control of federal government where important decisions are taken by the central government and its governing body, leaving local mass and the assembly powerless (Dad, 2021). Thus, serious differences between the governance set-up of GB and

AJK are manifested in the fact that unlike Azad Jammu and Kashmir in Pakistan, Gilgit-Baltistan is still tightly controlled from the federal under ad hoc arrangements with presidential orders.

**ii). Unequal Treatment/Governance**

The unequal governance approach between GB and AJK has social and political implications. The people of GB always feel marginalized as their region does not enjoy an empowered governance and lacks sufficient development as compared to AJK (Wani, 2020). The sociopolitical unrest in GB is also fueled by the fact that the region has become a strategic economic zone that hosts the China-Pakistan Economic Corridor (CPEC) resulting into more centralization of power and limited local participation in policymaking for GB (Ali & Dad, 2016). AJK, though facing many challenges on its own, however, has a greater degree of political participation with its politically active population and is hence relatively more socio politically stable (Shehzad et al., 2016).

So, dual standards of treatment refer to the unequal treatment of certain regions and their people by the State. This can take a variety of ways like unequal governance structure, discrimination in the criminal justice system, unequal access to resources of the State, or it could refer to the unequal application of laws and regulations. About dual standards of treatment, a Sociologist Mary Jo Dudley argues that inequality such as having one set of rules for some and a different set of rules for the others is a clear indication of a society that wants its minority citizens to feel like they do not belong and are not trustworthy, hence create an atmosphere of isolation and voicelessness among members of a society (Dudley, 2019). Such dual standards of treatment can be both intentional and unintentional and can be a result of discrimination or simply the result of unequal access to resources and power. Unequal or dual standards of treatment of certain regions or groups of people by the State may affect citizens'

or people's sense of belonging and identity in multiple ways. As political scientist Andrew E. Herscher says that these "dual standards can lead to feeling disempowerment, as citizens are unable to rely on the state to protect their rights and interests" (Herscher, 2013).

Moreover, a scholar Juss was of the view that 'a perception of two different sets of treatment outcomes can erode the confidence of citizens in the State and the legal system' (Juss 2016). Furthermore, as Iris Marion Young, a political theorist, has it "Unequal treatment arouses feelings of oppression, and the citizen feels unable to depend on the state for their rights and interests (Young, 2011). So, when different regions having the same identity and status are treated unequally it is human nature that the one which is being treated unequally ultimately gets a sense of exclusion, marginalization, and lack of trust in the State.

**iii). Centre-Periphery Relations and Asymmetrical Federalism**

The decentralization of power and the participation of the peripheral regions in the federal system in the context of GB and AJK can be discussed in the perspective of the center-periphery theory and asymmetrical federalism. In asymmetrical federalism, where some regions within a country have more autonomy and political empowerment than others (Samad, 2011), which also applies to the governance of GB and AJK. This has resulted in differences in how the state has dealt with the two regions whereby GB being under more tight control from the central authority.

A German scholar who has written extensively on the affairs of GB and Kashmir says that providing equal governance to GB and AJK are complex in nature. One big obstacle is the fact that the status of the contested region of Kashmir remains uncertain, and since changes in the status of GB may affect Pakistan's approach to the cause of Kashmir (Sökefeld, 2015). I believe that as the governance policies related to administration are internal state policies to run its territories, and in the context of GB giving similar constitutional provisions and

empowered governance to GB as of AJK will not impact the Kashmir cause. The state has given a large portion to China in 1962, that did not impact the Kashmir cause then giving a proper empowered governance structure to GB will not impact the Kashmir issue as well. It is about giving the region a fair governance system via its assembly which by structure is present there and not administering the region more with presidential orders from the center. I agree with Wani's stance that the lack of political will has prevented the federal government giving GB the constitutional status equivalent to AJK (Wani, 2020). However, the issue of what makes political will to be lacking needs to be addressed and this paper seeks to fill this gap.

The prolonged governance inequality impacts the socio-political development of GB, which now demands self-governance and representation (Dad, 2021).

Furthermore, a comparative analysis of federalism and asymmetrical governance offers useful information about the conditions in GB and AJK. For example, at the Canadian state, Quebec is one region that has unique identity and strategic status and is under a different legal regime from the rest of the country and as is the case with Catalonia at the Spanish state (Keating, 2004). These studies propose that though asymmetrical federalism can be a rational approach in certain contexts, it results in potential chronic political and social issues as evident in the unrest in GB.

**iv). Border Management Practices**

Over the past few years, there have been significant growing interests we see among scholars in border studies exploring the lives of the trans-border people. As a scholar argues that "in the contemporary era, borderland studies have been focused more on the growing permeability of borders while devaluing national borders" (Pladan, 2013). Moreover, it is argued that "in reference to the US-Mexico border, some scholars theorized that peaceful and

stable border allows cross-border interaction" (Pladan, 2013). But in the case of India and Pakistan, especially the borders between India and Pakistan at the Ladakh-Baltistan side have never been cross-able despite being a peaceful border region. In fact, the situation in this side is like "the map cuts up; the story cuts across" (de Certeau 1984: 129).

"On 17 December 1971 both India and Pakistan declared cease-fire on the border. Thus, Gorkha Ridge became the last border point in the western sector of Ladakh region at the Turtuk-Frano border" (Pladan, 2013). Since then, the border is closed, separating thousands of families at just a few kilometers distance. "While the people in both Indian and Pakistani Punjab enjoy cross-border cultural and commercial links, the people of Gilgit-Baltistan and Ladakh are denied similar interchanges in the name of Kashmir issue" (Pladan, 2013).

If we explore the border studies, it highlights that in the past, Pakistan and India have worked together to create a more peaceful people-centric approach from Kashmir side by allowing cross-border interaction. This approach led to the opening of the borders in Kashmir side and allowed cross-LOC movement on both sides. According to Dr. Shaheen "in the past there occurred the resumption of bus service across LOC, and its main purpose was to reunite the divided families across the LOC. In 1947 thousands of families living on the two parts of Kashmir were separated. After the ceasefire in Kashmir on 1 January 1949, a simple rahdari permit system was devised for travel between divided Kashmir but it was discarded a few years later and the bus service was suspended in 1965. After almost four decades of suspension, a bus proposal was floated by India in July 2001 and then revived in October 2003. On 16 February 2005, the two countries, after intensive negotiations agreed to restart a fortnightly Srinagar-Muzaffarabad bus service from 7 April. In January 2006, both countries agreed to start another bus service linking Poonch and Rawalakot which was launched six months later in June. Initially, the bus services operated only fortnightly and carried 20-25 people in case of Srinagar-Muzaffarabad and 50-50 in case of Rawalakot-Poonch. In 2008,

they were converted into weekly services" (Akhtar, 2011-2012). But the divided people from Gilgit-Baltistan living at the Ladakh-Baltistan border who have been divided due to the partition in 1947 and later in 1971 could never be able to cross the borders from this side. The border from this side has never been operationalized or crossable even for a single time in history after partition. So, seeing borders crossable from one side (Kashmir) to allow the separated people to meet each other, while never allowing the same kind of people from the Gilgit-Baltistan side, highlights the contrasting governance approach of the state.

We know that Gilgit-Baltistan and Kashmir fall under one political unit/governing ministry within the federal structure of Pakistan. The state of Pakistan has linked GB with Kashmir issue in the resolutions presented in the United Nations over Kashmir conflict between India and Pakistan, but there exist disparities in state's behavior while treating the two regions. Hence there is a gap of understanding that, why there exists disparities and dual standards of treatment towards Gilgit Baltistan. If GB is having same status, identity and linked with Kashmir, then why are there two different structures of governance implemented? If the state of Pakistan claims GB as part of Kashmir, then GB should also get constitutional provisions and status like Kashmir. AJK's setup has been politically more empowered than GB's after getting into Pakistan in 1947. The border with India from Kashmir side under favorable conditions often gets functional in terms of communication and transportation but not from Gilgit-Baltistan side. So, there we see a gap in understanding why there exists disparities in state's behavior towards Gilgit-Baltistan especially? What are the reasons for this inequality and the hurdles in providing fair provisions to GB at the state's part?

### 2.4). Gaps in Literature Review

The literature on center-periphery relations often focuses on Pakistan's overall governance but lacks a focused examination of how these dynamics specifically play out in the context of

GB and AJK. There is a need for more nuanced studies that explore the nature of the center-periphery relationship in these regions and how it perpetuates the governance disparities. Moreover, literature largely discusses governance issues from the perspective of state policies and geopolitical strategies, with insufficient attention to the perspectives, voices, and agency of the local populations of peripheries like GB etc. There is a gap in qualitative studies that include interviews, surveys, or ethnographic research focusing on how people of such region perceive and respond to the governance structures imposed upon them.

Similarly, in the border studies the plights of the partition of the 1971 war and concerns of the divided people over the Ladakh-Baltistan border have not been captured in academia in a wider context. Literature is full of borders affairs mostly of Punjab, Bengal and Kashmir, but the Gilgit-Baltistan and Ladakh people's concerns have never been included in academia.

## Chapter#3 Understanding the Governance System of GB & Kashmir in the federal System of Pakistan.

### 3.1). History of Political Link Between Gilgit-Baltistan and Azad Jammu & Kashmir

#### i). Pre-Partition Era (Till 1947 Partition)

The history of the link between Gilgit-Baltistan and Kashmir is deeply connected and needs to be viewed vis-a-vis the overall development of the polity and administration in the regions. Gilgit Baltistan was a part of the princely state of Jammu and Kashmir before the partition of British India in 1947; it was then known as the Gilgit Agency. In 1846, following the Treaty of Amritsar, the British sold Kashmir, including the Gilgit region, to Maharaja of Kashmir (Ahmad, 2020). After signing the treaty, Gulab Singh became the Maharaja of Jammu and Kashmir, which took him some time to take control over Gilgit. The Dogra rulers of Kashmir

retained formal authority over the area, even though they lacked complete administrative control over the distant, rugged territory (Snedden, 2012).

In the 19th century, the area which is now Gilgit Baltistan gained political importance owing to its geographical location marking its borders with Afghanistan China and Russia. The British realized the strategic importance of this area to prevent Russia from further expansion hence in 1877 the British founded the Gilgit Agency which effectively put the region under British rule even though administratively it was under the Dogra rulers of Kashmir (Lamb, 1991). The British raised an army of local soldiers due to the Russian threat and called it Gilgit Scouts (Ahmad, 2020). Later in 1935 the British had taken on lease the Gilgit Agency from the Maharaja for a period of 60 years. It helped the British in cementing control and geopolitical structure over the region, thus forming a better strategy to counter check the Russians (Schofield, 2015).

Later in the wake of the 1947 partition "The British reverted the control of the region, back to the Maharaja of Kashmir. He decided to stay independent, though Pakistan and India tried hard to convince him to join their respective sides" (Roychowdhury, 2017). "In 1947 when the great changes were taking place in United India and the Muslims were struggling for a separate homeland, the people of Gilgit and Baltistan also realized the importance of the opportunity presented to them by history in the wake of Pakistan's inception. They seized the moment and revolted against the repressive Dogra rule. After successful liberation of their areas, the people of Gilgit and Baltistan unanimously opted to join Pakistan" (ARJK, 2014).

**ii). Post Partition Era and Constitutional Provisions to Gilgit-Baltistan and Azad Jammu & Kashmir**

The division of British India in the year 1947 has transformed the overall dynamics between Gilgit-Baltistan and Kashmir. After the Maharaja of Kashmir opted for accession to India in

October 1947, Gilgit Scouts, a local militia, mutinied against the Maharaja's forces and captured the Gilgit Agency, effectively joining Pakistan (Ali, 2019) and by this move, Gilgit-Baltistan was physically separated from rest of the state of Jammu and Kashmir. The territory has continued to be administered by Pakistan but was not formally incorporated into the Pakistani legal polity, and its status remained undefined for decades.

While both the regions were connected politically before 1947, but they had different constitutional provisions and political journey after it although the state has made GB subsidiary of Kashmir issue again. Azad Jammu and Kashmir (AJK), the part of Kashmir under the control of Pakistan, was provided with a certain degree of autonomy including having a separate constitution and political structure in form of Legislative Assembly, President and Prime Minister etc. In case of Gilgit- Baltistan, although it was under the administrative control of Pakistani federation, but it had no Independent political structure like AJK for quite some time and was directly controlled by the Pakistani federal government (Shahzad et el., 2016). These differences led to proportional differences in governance, and other constitutional provisions between Gilgit-Baltistan and Azad Jammu and Kashmir which with the time grown into a contentious issue within the federal structure of Pakistan.

After the liberation from Dogra rule the leadership of GB decided to join Pakistan and sent accession message to Pakistan. "When Government of Pakistan took over control of GB in 1947, the first law to be enforced there was a continuation of the colonial law i.e., the Frontier Crimes Regulations (FCR)*"* (Shahzad et el., 2016). *"*In April 1949, Pakistan signed the Karachi Agreement that gave to Azad Jammu and Kashmir (AJK), also called Pakistan Controlled Kashmir, power of administration over present-day Gilgit-Baltistan. This agreement has been considered by many as highly controversial for negating the rights of self-determination to the people of Gilgit-Baltistan" (Holden, 2019)

So, instead of including it in the mainstream Pakistan the leadership of Pakistan connected it again with Kashmir and sent a political agent to look after the affairs of Gilgit. “Sardar Alam Khan was sent as a political agent to Gilgit Agency, and the Frontier Crimes Regulation (FCR) was imposed as the law of the land that, among others, imposed collective punishment for the crime of one” (Holden, 2019).

“The Political Agent was vested with judicial, legislative, and executive authority. The Local rulers' powers, jirga systems, and jaghirdar systems were not eliminated” (Ahmad, 2020). The political agent implemented colonial laws and considered himself a supreme authority. From 1947 to 1972, the state controlled the region via political agents. Now the region named as “Gilgit-Baltistan, formerly known as the Northern Areas, it was formed from a merger between Gilgit Agency, the Baltistan region and the princely states of Hunza and Nagar”. And “In 1972 Zulfiqar Ali Bhutto brought some reforms and eliminated the Frontier Crime Regulation and the local Rajgir systems and brought the region under the direct control of the federal” (Holden, 2019).

Later “in 1988, Pakistan’s then Prime Minister Benazir Bhutto established a new body, called the Northern Areas Council. In 1994 she introduced the Legal Framework Order (LFO), which turned the Northern Areas Council into the Northern Areas Legislative Council. The leader of the house of this body was the deputy chief executive, while the minister of Kashmir Affairs and Northern Areas served as chief executive. Then In 2006, General Musharraf visited the region and in 2007 the Northern Area Legislative Assembly (NALA) was created. On 8 September 2009, under Prime Minister Yousuf Gilani the name of Northern-Areas was replaced with Gilgit-Baltistan and the Gilgit-Baltistan Empowerment and

Self-Governance Order was adopted. By the same act the NALA was renamed the Gilgit-Baltistan Legislative Assembly (GBLA) and Gilgit-Baltistan Council (GBC). In February 2018, the Federal Government approved the Gilgit-Baltistan Order 2018, which replaced the Self-Governance Order 2009" (Holden, 2019). "In July 2018, GB Appellate Court restored GB Self-Governance Order 2009, but the Supreme court in Dec 2018 suspended it" ("Appellate Court Suspends GB Order 2018," 2018), and "the Supreme Court directed the incoming PTI government to establish a new legal framework in line with the court judgement, ensuring the protection of the people's constitutional rights. The new government drafted the 2019 order. The court's full bench set aside the 2018 governance order and directed the government to implement the new order" (Empowering Gilgit-Baltistan, 2024). So, "successive governments introduced reforms, but the genuine issues of transferring power to the locals are still unresolved" (Ahmad, 2020).

On the other hand, "The Government of AJK was established on 24th October 1947. Under the Rules of Business which were developed in order to run the administration of Azad Jammu and Kashmir, the executive as well as the legislative authority was vested in the President. The law of the land was enacted in 1948 which laid the foundation for running the judicial administration and even some laws of former State of Jammu and Kashmir remained in operation. In 1949, Pakistan's Ministry of Kashmir affairs was established initially to deal with matters related to the Kashmir dispute. This ministry was later renamed as the Ministry of Kashmir Affairs and Northern Areas (KANA) and it assumed administrative control over Gilgit Agency, including Baltistan. Currently, AJK is governed by the Interim Constitution Act of 1974.This Act was passed by the legislative assembly of AJK and vetted by the government of Pakistan. GB on the other hand is governed by the Gilgit-Baltistan

(Empowerment and Self- governance) Order 2009, which was issued by the President of Pakistan after a long process of informal consultation with local and national leaders. The people of Gilgit-Baltistan have been living in a constitutional void for over sixty years; they were neither given representation in the parliament, nor a chance to have their own local assembly. Whereas AJK has had an elaborate governance structure operating under an Interim Constitution which was enacted by the Legislative Assembly of AJK in 1974, GB has remained devoid of such arrangement. In August 2009, the Gilgit-Baltistan Empowerment and Self Governance Order 2009 was introduced" (Shahzad et el., 2016).

**3.2). Governing GB and AJK Under One Ministry.**

This chapter is dedicated to exploring the governance approach of the state of Pakistan towards GB and AJK under the Ministry of Kashmir Affairs and Gilgit-Baltistan. How the two regions under this ministry are being treated, and how the people of Gilgit-Baltistan feel about the governance or administrative policies of the state. This chapter will incorporate the narratives of the political figures and civil society members of Gilgit-Baltistan.

In political science, a ministry is defined as "a government department led by a minister, responsible for a particular policy area, line function, or branch of the public administration within the executive branch" (Heywood 2019). Therefore, ministries usually form the executive branch of the government and are charged with the responsibility of implementing laws, coordinating resources and offering services to the public. In the governance structure of Pakistan, AJK and GB are administrative divisions of the Ministry of Kashmir Affairs and Gilgit-Baltistan (MoKA&GB). Having AJK and GB under one ministry is quite problematic due to many reasons including political, historical, and constitutional disparity in states governance approach in both regions. Although AJK and GB are two politically controlled regions under Pakistan's federal system, the state's modes of management are quite

distinctive. AJK has its own constitution, an elected legislative assembly and executive branches including president and prime minister which gives it a considerable political autonomy (Shahzad et el., 2016). On the other hand, GB has been directly ruled from the federal through presidential orders such as the Gilgit-Baltistan Empowerment and Self Governance Order of 2009, Governance order 2018, 2019 etc., although it has some measure of administrative authority but not the same political empowerment as that afforded to AJK (Dawn, 2009).

The act of regulating these two areas together under a solitary ministry like Ministry of Kashmir affairs and Gilgit-Baltistan with different approaches and policies highlights the kind of management that State carries out for the regions that do not fit as per the needs of people. Adopting this dual management strategy in governing these two regions, the unequal governance policies where one region is quite much politically empowered, and the other is not raises concerns among the people who are treating low. Thus, AJK primarily operates based on its own legislative and administrative system, GB is still predominantly governed centrally and has fewer political rights (ARJK, 2014). Governing both regions under a single ministry, the issues of power-centralization are likely to alter the beliefs of the local populace concerning fairness in governance. AJK enjoys greater autonomy in decision making in comparison with GB which is lack of constitutional recognition leads to a perceived marginalization coupled with demands for more autonomy (Shahzad et el., 2016). Observing these kinds of discrepancies in governance structures makes me realize that there is rational for reforms that will address the history, and political dispensation of regions like GB to have a sound mechanism for fair and effective administration and governance model.

After the division of British India in 1947, both GB and AJK remained in constitutionally and politically an ambiguous area. Though both regions had similar political status and identity in

the context of being the disputed territories in the post partition era and having their political destiny linked with each due to the Kashmir issue but the governance approach and policies of the state in these regions in the federal system of Pakistan started to differ significantly treating them unequally, although both regions are under the administration of the Ministry of KA&GB, which has emerged as a concerned ministry to look over the matters in these territories.

**i). Centralized Control and Lack of Local Representation**

Under the Ministry of Kashmir Affairs and Gilgit-Baltistan, the state centrally controls Gilgit-Baltistan and Azad Jammu and Kashmir. Asking about political empowerment and federal control over these regions, an interviewee from GB highlighted,

"*The control exercised by the federal government over both regions is fully spread. Everything in AJK and GB is controlled by the Federal; Chief Secretary, IG Police, and other high officials come from the federal government. Internationally, AJK has a powerful voice, and AJK has a so-called constitution. There are differences in the terminologies of governing heads of the two regions but as far as essence of the situation in terms of political empowerment they are quite similar*" *(Basharat Ghazi).*

This shows how the federal government has overarching control of the peripheries leading to the political alienation of the peripheries.

In response to the question about what role the Ministry of KA&GB plays in the governance of these two regions, another interviewee notes,

"*Both regions are being treated unfairly under this ministry by the state. Two autonomous regions are being run under a single administrative control, have you seen anywhere else in Pakistan where a ministry controls a province or an autonomous region? Everywhere else,*

*there is a proper constitutional setup. However, these two strategically important regions have been kept under a single ministry. As a result, administrative wings seem strong here, while public representatives are not empowered. When you keep an area under administrative control for decades, the chances of opposition, sentiments, and movements against you are higher. Therefore, this setup, where GB and Kashmir are governed under one ministry, is creating distance from Pakistan instead of bringing these regions closer to the state. The long-term administrative control could have dangerous consequences, and it seems like both regions are being forcibly driven in a particular direction. The ongoing administrative control over these regions creates an environment ripe for dissent and resistance against the central authority" (Aziz Ali Dad).*

Though the idea of having two centralized bodies under the single ministerial affiliation may have been strategically thought well but raises concerns on political empowerment and political resources that are not equally divided. It should be noted that there isn't a uniform policy in governing these regions and they are running with varying degrees of autonomy and administrative management. As an interviewee mentioned,

*"The UN resolution mentions the Kashmir issue, but there is no mention of GB. There are contradictions in the Pakistani state approach, where a different narrative is presented on the international platform, while internally, there is a different approach. These contradictions lead to issues in the governance system. The problem with Pakistan is that it has kept two regions under one administrative setup. This arrangement has been made due to Pakistan's contradictory policies, and if these contradictions reach international forums, Pakistan's position will weaken on Kashmir cause. The state kept both regions under one ministry, and unlike AJK the administrative machinery in GB is very strong, which is why the powers of the bureaucracy are immense here. Our assembly has no authority. The administrative questions*

*are secondary; we should question the Mo KA&GB about why, after gaining independence, a region is still declared disputed and kept under an administrative wing" (Dad).*

Responding about the parliamentary and political progress in Gilgit-Baltistan, the interviewee further said,

*"Pakistan has been experimenting its policies here in different eras. There was nothing empowering in the 2009 empowerment order; it was empowerment in name only. Remember, every law that subjugates is extended here; no power that truly empowers the people is extended here. The prominent presidential orders in the name of self-governance are not new. Suppose the 2009 order, and if you look closely, it is a 'quasi-provincial setup' – not a complete province, but something in between. What do you mean by this? Either it should be a full province or not at all; what is this halfway measure? So, everything is made here, but not a proper empowered assembly" (Dad).*

Moreover, when asked about whether AJK set-up is more empowered than GB's set-up he responded,

*"Yes, AJK is more empowered because its leadership is stronger compared to ours. Our leaders are preoccupied with trivial matters, such as taking favors and making political appointments, and the role of federal parties is prominent in our region. Look at the narrative of these parties; there is no mention of GB's identity and rights. They are not their priority, whereas in Kashmir, people from all parties, whether PPP or the Muslim Conference, talk about Kashmiri identity, rights and recognition. Therefore, qualitatively, AJK's leadership is better than ours, and obviously, better leadership brings a better system.*
*However, how much more empowered it remains a researchable debate" (Dad).*

**ii). Unequal Treatment: GB Vs AJK**

There are also significant differences in how the state treats AJK and GB. An interviewee responded,

*"The state is absolutely treating us differently than AJK. This is because the Kashmir issue holds more importance for the state politically on global platforms, whereas GB does not. Strategically, GB might be important, but politically, AJK takes precedence. Moreover, the difference in treatment becomes clear when examining specific instances of resource allocation and development projects. For example, in the construction of the Diamer-Bhasha Dam, 95% of the land comes from GB's Diamer district, but the dam's station is in Khyber Pakhtunkhwa (KP). Consequently, KP initially received a larger share of the royalties. Only after protests from GB the share was adjusted to a 50-50 split. Meanwhile, AJK has received significant royalties from projects like the Neelum-Jhelum and Mangla dams, showcasing a clear disparity in the state's approach" (Dad).*

Moreover, elaborating the situational analysis of GB & Kashmir issue, a political figure from Baltistan, Ibrahim Sanai added while reacting on state's behavior,

*"GB is handed over to administrative control, whereas AJK is treated more like a state. Moreover, if you examine the Kashmir issue, Pakistan does not have a concrete stance; the Indian government has taken unilateral actions in 2019, while the government here has nothing done except installing a wall clock outside Serene Hotel in Islamabad. The solution is to bring these regions into the mainstream of Pakistan" (Ibrahim Sanai).*

**3.3). Governing GB and AJK: Historical Contexts and Prevailing Realities**

The presence of two distinct governance structures within the same ministry results from historical agreements and changing political circumstances. *An interviewee Haji Fida*

*Hussain Nashaad went on,*

*"After accession, we were placed under the control of a political agent, and the Karachi Agreement was signed to determine our governance. This agreement included representatives from AJK but not from GB, and it decided to merge GB and AJK. However, the setup for AJK and GB evolved differently, both have been governed very differently leading to the current dual governance arrangement" (Haji Fida Hussain Nashaad).*

This dual-governance structure is further compounded by Pakistan's stance. Najaf Ali, another interviewee responded,

*"Pakistan's Supreme Court and government always declare this region a disputed territory, so how could we claim ourselves as Pakistani?" (Najaf Ali).*

This perspective captures the slow oscillations and the continued ambiguity of GB's status and rights in the Pakistani federation. Thus, the administrative control of GB, as continues to be exercised by the Ministry of KA&GB, enshrines a colonial-like system of governance that hinders the capacity of the local population to be empowered.

One more factor that can be envisioned for AJK, which appears to be in a relatively better position in terms of its political as well as governance structure, is its leadership.
The interviewee named Shabbir Mayar responded,

*"Because of their leadership's political awareness, they have better political perks than us" (Shabbir Mayar).*
This political consciousness has helped AJK to articulate and assert its rights and privileges much more effectively which has led to a relatively improved governance structure than GB.

Shabbir Mayar further explains,

*"This state is for the feudal lords, military generals, bureaucrats, etc. The bureaucratic system here is not to serve the people, but to paralyze the local people. This is a post-colonial colonial system" (Mayar)***.**

This observation is a testimony to the fact that the people in GB are dissatisfied with the structure of governance, since they believe, the structure is meant to favor the elites rather than the inhabitants of the region.

AJK and GB, both are being administered by the Ministry of Kashmir Affairs and Gilgit-Baltistan (Mo KA & GB) by the federal government of Pakistan, but the governance structures greatly differ. This setting has brought about numerous paradoxes and frustrations for the people of the region, as the GB people feel that they are governed by Islamabad directly without considerable local self-governance and say for their rights in the state. Consequently, the administrative control of GB and AJK under one ministry points to an intrinsically unsustainable and paradoxical relationship. Due to its importance for the Kashmir issue, AJK has achieved a relatively stronger position of a slightly more autonomous and empowered region than GB, which is still subject to closer administrative centralization and far less political enfranchisement and emancipation. This has precipitated marginalization and demands for changes that would accord both regions needed autonomy that would entrench their distinctiveness, governance frameworks. According to the Interviewee Ibrahim Sanai, the best way to address the governance issues in GB is *"to integrate this region into mainstream Pakistan, make sure that it is governed fairly and democratically" (Sanai).*

## Chapter# 4 Prevailing Unequal Governance Approach of Pakistan and its impact on GB and its People.

### 4.1). Boder Governance and Permeability from GB and AJK.

#### i). Duality in Border Policies of State in AJK and GB

The policies regarding borders relative to AJ&K and GB within Pakistan show that there exists a certain paradox, which underscore an irregularity in terms of the management and pragmatic use of the territories. On one hand, the borders from the AJK side have been opened and operationalized many times after the partition in 1947. This has helped in enhancing contact and communication with the people across the borders and as a way of diplomacy in engaging the people of Kashmir on both sides of the Line of Control.

On the other hand, Ladakh-Baltistan border is permanently closed; it has not been in operation since partition at all. It clearly shows that there are different considerations for each of these regions; it is not simply a matter of the state's geopolitical and strategic calculations.

The opening of borders in AJK through the Srinagar-Muzaffarabad bus service and cross LoC trade routes has been a part of many initiatives known as Confidence Building Measures (CBMs) between India and Pakistan. These openings have served multiple purposes: they have promoted the interaction of the people and have enabled separated families to reunite, promoted trade and business, The operationalization of these borders has usually been associated with the process of peace talks and political talks between the two nations, which points to the fact that these borders were used to facilitate diplomatic means.

The level of flexibility, which was discovered in the border policies in AJK, can be explained by these borders are opened in accordance with the general stance of Pakistan in the Kashmir issue, underlining the fact of its disputed status, and the necessity of negotiations. Thus, these

border openings have not only had humanitarian and economic consequences, but they also had symbolic meaning in terms of strengthening the Pakistani stance on the issue of Kashmir.

However, the Ladakh/Baltistan border has never been operational since the time of partition. Crossings along this border dividing Baltistan region of Gilgit-Baltistan from Ladakh in India has remained shut. Surprisingly, there has been no effort to make this border open, which stands in sharp contrast to the relative freedom that has been experienced in AJK.

The border management policies in AJK and GB reflect the dual treatment and lack of fair policymaking of the federal government. Whereas AJK has somewhat independence and liberal attitude towards the border policy, GB remains relatively more controlled, and its borders with India secured; its status remains ambiguous at the national and international levels. This process not only cut off Baltistan from its historical and cultural links across the border but has also placed the region in a politically marginal position in the political structure of the state. Through the varying approaches in handling these borders one gets a feeling that Pakistani state has a dual tendency towards its geographical and strategic borders, while struggling with internal governance issues as well as external diplomatic responsibilities.

The dual strategies of border policies are significant in understanding the state's incoherent governance structure in the context of AJK and Gilgit-Baltistan. Though AJK has been empowered to play more assertive function in the context of the Kashmir dispute following considerable political empowerment and political integration, the same has not been the case with Gilgit-Baltistan, which remains isolated, its borders with India closed for forever, and its population cut off from their roots. This divergence in border policy is one of the many political and governance issues that Gilgit-Baltistan confronts as it seeks fair governance structure and policies in the federal political system of the state.

**ii). Cross-Border Movement Management/Policies**

The cross-border movement management and policies, in the case of Pakistan especially pertaining to AJK and GB are complex as they are a result of political strategies and sociopolitical elements. Though AJK has much empowered set-up as compared to GB and in the past, there have been cross border movements and interactions among the divided communities, the same has not been the case with Gilgit-Baltistan, its borders closed, and its population cut off from their roots. This section's purpose is to explain this dual approach in more detail relying on respondents' interviews and to reveal the endeavors that border management in GB is in question.

The interview responses suggest that there are these divergent policies in border management between AJK and GB, which are shaped both by domestic and regional and international factors. A respondent during an interview mentioned the disparity by saying,

*"Pakistan's borders, from Sindh, Punjab, and at other places are open everywhere. Even in Kashmir, there were proper meeting points in the past, where people would meet, and communication occurred. However, on the GB side, this has never been possible, nor will it be" (Aziz Ali Dad).*

This observation supports the proposition that AJK has been subjected to relatively more open cross border interactions, whereas GB stays barred from any openness particularly in Baltistan-Ladakh region.

Dad further elaborates this as,

*"a lack of collective demand and protest from the people of GB",* comparing it to the *"more vocal and united movements in AJK, such as the protests by the Jammu and Kashmir*

*Liberation Front (JKLF) in the 1990s. Unlike in AJK, where people marched in thousands demanding border openings, the absence of a unified voice in GB has allowed the state to continue restrictive policies without significant resistance" (Dad).*

It is additionally essential to know that GB's sectarian structure plays a substantial role in border management policies. An interviewee outlined some facts by saying,

*"Baltistan region has a 90% Shia population, and Kargil has an 80% Shia population. There is a fear that if the routes are opened and these people unite, it may pose a challenge to Pakistan's establishment in the future" (Basharat Ghazi)*.

This sentiment indicates that the state has not wanted to make Ladakh-Baltistan border operational due to the problems of sectarian cohesion and political organization against state objectives.

The respondent further argued about this by saying,

*"Sectarian component is the big factor behind the untrustworthy policy, implying that decisions are made on sectarian grounds rather than democratic principles in this state" (Ghazi).*

This view suggests that there exists a tactical policy of segregation to ensure that any collaboration or unity of Shia people across the borders would be a challenge to the state's monopoly in the region.

Other factors include the strategic and military aspects in the determination of the state's border management policies. A respondent says,

*"During my time we have raised the issue and talked with the authorities. The Government of Pakistan wanted to open the border from the Chorbat side because Pakistan had a slightly*

*stronger position on this side, while India was stronger on the Kargil side, so they did not want to open it from there. Later the opening process from Chorbat side also went in hibernation due to lack of unity among our political leaders, some people opposed the opening from Chorbat side and campaigned for Kharmang side, although we wanted both sides to get open, if not one at-least one should get open" (Ibrahim Sanai).*

The state's willingness to open from one side shows that the calculations about border opening are also based on the balance of power, military strengths and the geographic location of the regions. Adding more by him,

*"Internal disagreements and narrow-mindedness among local leaders regarding which routes to be opened, revealing the complexities and local politics involved in border management from this side" (Sanai).*

This implies challenges are not only in the external environment of geopolitical threats but internal fragmentation and lack of consensus among local leadership.

Even political and diplomatic efforts to open the Ladakh-Baltistan border have also been hampered by some extra events. In this context an interviewee highlight,

*"We put lot of efforts during the Musharraf era to bring the issue to the ministerial level and open the border from here, it was proceeding well but the initiative was halted following the deteriorating relationships between India and Pakistan after the Mumbai attack" (Fida Hussain Nashad).*

This is evident in how overall bilateral relations and international events determine changes to cross-border movement policies, reflecting that any progress on such matters is wholly dependent on the state of bilateral relations.

People even question and challenge the concept of borders in this region. In this context an interviewee offers a rather powerful insight by questioning the border itself. He says, *"This is not a border; borders exist between countries. Here, there is no country between us; this is an LOC, a bloody line that has separated us from our siblings" (Shabbir Mayar).*

This statement highlights the psychological and emotional consequences of the Line of Control (LOC) which splits families and communities in the region. It redefines borders from the parameter within which geopolitical powerplays lead to humanitarian and social problems as well leaving the divided people into in-depth sufferings.

The respondent further elaborated his role for the border communities by saying,

*"The advocacy from our side has given people political awareness about this pressing issue which has led the people in demanding the opening of the borders, the protests off and on we see in the border areas, now the people do not fear to raise their voices in the border regions, there has also presented resolutions in the our legislative assembly concerning the opening of borders from Baltistan region" (Mayar).*

This highlights how indigenous movements, and activism can empower the affected people and catches the concerned authority's attention for policy change.

Another respondent highlights the lack of trust for the state in this region and attributed the non-functionality of borders in this area by saying,

*"While borders like Chaman remain open despite high levels of terrorism, and the Kartarpur corridor was opened for Sikhs, the Ladakh-Baltistan border remains closed due to perceived lack of state benefit and trust in this region" (Najaf Ali).*

The interviewee further states, *"If this border opens, progress will come to this region, people will meet up, but the state never wants people of this region to progress; it wants to keep them entangled in electricity and wheat issues" (Ali).*

This viewpoint highlights that coupled with political motivations the economic perspectives also drive state policies of managing the borders. Moreover, the interviewee criticized the unfair and inconsistent approaches in state's policies about border practices.

He said*, "At borders where military personnel exchange gifts and prisoners like Abhinandan are returned with hospitality, yet bodies coming from Kargil to this region via the river are not even sent back" (Ali).*

This stance reflects the disparity in state's policies while governing and managing its border areas.

In conclusion, it can be argued that there prevails duality in state's governance approach in managing the borders from GB. The reasons for the closed border from Baltistan side are embedded in historical, strategic, sectarian, as well as political factors. The fact that the functionality of borders from AJK side in the past can be attributed with its diplomatic importance for the state and the openings were also affected by local resistance movements, while the closure of the Ladakh-Baltistan border is due to sectarian motives, militarystrategic considerations, and mistrust of the state on the local population. The mentioned facts highlight the prevalence of unequal border policies. But in the broader context it is imperative to establish a more open and participatory process that respects the interests and movements of the affected populations on humanitarian ground to meet their lost ones. The interviews delineate various factors that highlights why one region is underprivileged over others in the

state's governance approaches, shedding light on different layers that define cross-border movement policies in Pakistan.

### 4.2). Impacts of the Closed Ladakh-Baltistan Border on Divided Communities and Their Concerns

In the 1971 war with India, few villages from Chorbat valley of Baltistan went under the control of India. There occurred division of hundreds of families living in that region. A new control line was established. The border between the Indian-administered region of Ladakh and Pakistan-administered territory of Baltistan has been sealed since 1971 due to the India-Pakistan war and the impact of the division remains deeply ingrained in the lives of people. The border has been closed for five decades, and families and communities, located only a few kilometers away from each other, could neither communicate, reunite, nor preserve relationships based on kinship or culture for the rest of life. This chapter focuses on individual life stories of the border residents, their pains, aspirations, and the socio-cultural dynamics on the lives of the affected populace after the incident of 1971 war and the subsequent closure of the border.

#### i). The Pains of Separation

The physical barriers created by the closure of the Ladakh-Baltistan border have been a source of long-term sorrow to many families. This research depicts the narrative of fear, violence and desolation of the divided people from the Chorbat region of Baltistan who were forced to escape their homeland in 1971 due to the war.

One of them was *Api*[1] *Khadija*, an elderly woman from Chulunkha (now in India) in her 80s, who also faced the horrors of the 1971 war by escaping her homeland, shares her war experience of life of the 1971 war during the field visit.

She narrates that going through the process of forced migration, people face worst situation, especially women who had to give birth at the time when they were fleeing from danger. *Api Khadija's* story shows a strong affection to her native land of Turtuk Valley where her relatives and elder sister were left behind during the chaos of 1971 war. Due to the political enmity between the two countries, plus the rapid and extended period of deterioration of the relationship between India and Pakistan, *Api* could not visit her sister and relatives. She had a dying wish to visit and meet her sister before dying but it could not happen, and her sister left the world a few months earlier on the other side of the border. Though the two sisters communicated occasionally through letters, cassettes, and phone calls, but could never meet physically after the division of 1971. Her account paints a picture of an unfulfilled life of longing, regrets and unmet needs — *"Its more than 50 years since we were separated and to this date we are suffering in life. We are at just 3-4 Kilometers away from our natives' homes and relatives. We can see our village from the roof of house from this side, we can see our people, but we could never travel this small distance for five decades and living away from our families and relatives" (Api Khadija).*

[1] Api is a Balti word meaning grandmother and to show respect also use for all elderly women in general.

*Api's* request to open the border by bringing change in government policies which are supported by many members of her community as well, is deeply rooted in humanitarian grounds as they have a desperate wish to see their homeland and meet their lost ones before dying. She often dreams of reaching her sister within an hour if the border is open, as they are at just 3-4 kilometers away from each other, but the present realities entail traveling to Ladakh via Islamabad-Lahore to Delhi-Ladakh becomes a few thousand miles and this is difficult to cover for people in elderly age like of *Api* Khadija. This has created a feeling of loss and unfairness, and disappointment in her, which shows how such geopolitical events and decisions affect human lives and the amount of emotional and psychological stress affects every day human lives.

Another respondent, *Apo*[2] Azam Khan, compares economic stability with the prevailing emotional vacuum. Despite the fact that *Apo* Azam Khan and all his relatives on both sides of the border are now financially secured as evident in the ownership of vehicles and other assets he mentioned, he pointed out that despite people being financially secure money does not heal the severed family bonds. *"We in Pakistan or families and relatives in India do not find happiness in both"* he comments, informing the listeners and readers that materialistic pleasures are useless when people are separated, and human relations are broken.

It is also obvious from Apo's narrative of the numerous paperwork and other impediments to cross the border to visit their dear ones. This was because he could not leave for India from Islamabad mainly because the Indian Embassy could not issue a visa for him to visit his relatives. The struggle to obtain travel documents compounded by age and health complications has made another frustrating dimension in the lives of the divided populations.

[2] Apo is a Balti word meaning grandfather and to show respect also use for all elderly men in general.

Although he and his community have used all the available means and platforms to appeal to the government for the opening of the roads, Azam Khan has this feeling that all the endeavors have been in vain, and he cannot see the light of the day of meeting his beloved ones. With a heavy heart I mention that while writing this paper I heard the tragic news of Apo Azam's death after two weeks of conducting the interview, (RIEP). He was in his 80s and was struggling with his health. These are heart wrenching facts from this region. People are waiting for their loved ones till their death and passing away without being able to see their loved ones while living at a distance of just 3-4 kilometers. This is a severe kind of humanitarian crisis I believe would not prevail anywhere else except this region.

**ii). Lost Opportunities and Generational Trauma**

The closure of borders and restricting people to meet each other has heavily impacted on the lives of the people who were part of the dividing belt. Most of the affectees of the 1971 war who have migrated to this side have died without getting an opportunity to visit and see their homeland, family and friends, and those who are living are waiting to meet their loved ones. When listening to Apo Rozi Ali, another elderly man narrating his life story in a documentary recorded by Daily Ghanche, "he tells the heart-rending experience of his two sons, Ahmad and Ali who got separated from him due to the war and left in the other part of territory in India. His wife who kept on clinging to the hope of being reunited with their children never got to meet them again and she died. He continues, now I am left and waiting, and I do not know how many days are left for me, such grief is a generational trauma for such people, and they desire to see the border opened one day" (Daily Ghanche). The cry by *Apo* Rozi appeals to the stakeholders to open the road even once to let families embrace before they die. His

words are, ‘We all have to die, but if they open the road once and let us meet then there will be no regret to die,” (Daily Ghanche, 2022). He meant it deep of people’s heartbreak feeling left by the border closure.

### iii). The unbearable separation and longing for reunion

To many, as the case with Hanifa belongs to Chulunkha, the war and the subsequent freezing of the conflict has become an endless wait for them to return home.

Hanifa says, *“the distance to their villages via Chorbat is so short that it would take half an hour for them to reach their homes upon opening of the border. He raises questions over the differential process adopted on the borders management policies, asserting that while borders in Kashmir and other regions have been opened, Ladakh Baltistan border has remained closed from the beginning” (Hanifa).*

It seems that Hanifa along with other affected people of the community, though living the last part of their lives, still have hope that the border will open one day, and they will get a chance to reunite before dying.

### iv). The Pain of Lost Connections and the Burden of Memory

The testimony of Hawaldar Qadir also depicts the physical and psychological trauma of the plight of the victims that have been separated from their dear ones. Being posted in the military during 1971 war Qadir continued to be on the Pakistani side while his entire family was in India. The glimpse of the Shyok River, which starts from his village in the Indian Territory, evokes memories of his lost home and family. His story paints a rather intricate picture of the feelings of people who called those territories home, where even the waters of a river may turn into a metaphor of an amputated limb and become a symbol of loss and yearning.

There is even more tragic into Qadir's story; his wife tried hard to cross the border to meet him, when she could not cross the border, she jumped into the river from the other side. His relatives informed him about the incident. The river brought the body of his wife, he was able to secure the body and buried in this side in Skardu. After the 1971 war Qadir separated with his family. Though separated, Qadir's brother, who was in India, finally years later came to know about Qadir via a radio broadcast made in Skardu. The fact that they first came face to face in Makkah, a city far from their homes and countries, explains the illogical nature of a world in which two states go on denying families reunion for reasons that the families find inconceivable. "*These two states are not allowing us to meet,"* he sums up this common feeling of being between two oppressive political powers.

Thus, the stories of these divided people highlight the human suffering arising from the closed Ladakh-Baltistan border. There is psychological, emotional and cultural turmoil and upheaval in people's lives, where enforced separation reigns supremely. From the cases presented by the respondents, this study finds that there is a profound and sustained need to facilitate the divided communities to regain their cultural, family, and communal ties. They demonstrate that for the divided communities, the opening of the border is not just a political issue, but the social and human right of people to continue being who they are. The chapter raises the need to promote discourse and policies that focus on human relationships rather than states' political affairs. The psychological repercussions of unjust political actions cannot be ignored to understand the suffering of the affected communities and stress on having a humane approach towards borders especially the ones like Ladakh-Baltistan.

## Chapter# 5 Key Findings

### 5.1). State's Interests and the Barriers to GB in getting equal governance system like of AJK

There are several major challenges for Gilgit-Baltistan (GB) in its endeavor to achieve an equal governance structure or an empowered status like that of the Azad Jammu and Kashmir (AJK). These barriers are rooted in historical, political, social, and strategic aspects that shape the governance of GB in the state. The subsequent part of this study is based on the fieldwork interviews conducted and outlines the barriers and their effect on the pursuit of increased regional autonomy and governance in GB.

#### i). Absence of Constitutional Provisions and Political Structures

Regarding the constitutional cover and lack of political structure like AJK when asked, one of the respondents stressed on the historical background of GB and Pakistan. This was explained by an interviewee,

*"We have annexed ourselves with Pakistan without any terms and conditions, and Pakistan made us a subsidiary of the Kashmir issue. This has led to the exclusion of GB from discussions and debates over its political development and a lack of representation in Pakistan's policymaking bodies. Over time, this exclusion has weakened GB's political leadership and representation, resulting in a lack of an empowered political setup. This is very dangerous for us" (Aziz Ali Dad).*

The constitutional uncertainty hence leaves GB politically in a state of administratively deprived status, in contrast to the level of political self-governance enjoyed by AJK. This has led to a lack of proper governance; the local leaders virtually do not hold any authority and cannot speak volumes for the rights and development of the region.

**ii). Lack of Clarity on State Level Plan and State of Confusion**

The state has had no clear plans for GB, which is another challenge. An interviewee responded,

*"Pakistan's actual intentions for GB are unclear, and all these arrangements seem to indicate that Pakistan did not have any plan for GB. Pakistan's focus has always been on Kashmir" (Basharat Ghazi)* .

Due to the lack of direction or a plan for the development of GB the area has been left stagnant and placed the region in a state of disarray. This is a crucial factor because unlike AJK, which has a governance structure in its context, GB's status remains blurred which bars it from attaining the same level of autonomy or even political development. This has led to ad-hoc governance approaches, thus ensuring that GB does not have a stable political structure, nor institutional framework that may be required to solve the problems facing the region. The state has continued to focus its attention on the Kashmir dispute while ignoring the rights and aspirations of the people in GB hence perpetuating the political exclusion of the area.

**iii). Diplomatic Constraints and Narrative Control**

Another important constraint is the state's apprehension of losing its narrative on the Kashmir issue internationally. When asked why the state is reluctant to grant GB an equivalent setup or autonomy to that of AJK, an interviewee responded,

*"The state's problem is that it has made GB a part of Kashmir. Now, if they give GB a separate setup, their narrative on Kashmir will weaken at the international level" (Dad).*

The interviewee further expanded that the provision of a distinct governance framework to

GB would negate Pakistan's position that the region belongs to the disputed territory of Kashmir.

*"So, the Pakistani state is trapped within its own narrative, causing significant political, economic, and social harm to GB" (Dad).*

This narrative entrapment hinders Pakistan from engaging in discussions about governance reform processes in GB that may signify a change of position on the Kashmir issue. The state's diplomatic policy requires it to retain GB in its current state to avoid eroding its claims over the entire territory of Jammu and Kashmir.

In response to the question of whether an AJK-like governance could address GB's challenges, an interviewee pointed out,

*"AJK obviously has its problems, but they are different from those faces by GB. AJK's problems are different in nature; their protests are on a different level. Here in GB, lands are being captured by the state, and we don't see any organized movement or resistance" (Dad).*

In contrast to AJK where the people are politically in unity and capable of mobilizing mass movements, the political scenario in GB is highly diversified. One of the interviewees highlights,

*"Kashmiris are politically very powerful and united, while the people in GB are caught up in minor issues." (Sanai).*

The problem of political consolidation and political consciousness in GB as compared with AJK is a big hurdle in getting a comparable amount of autonomy. GB does not have a consolidated political platform whose main function is to campaign firmly for fundamental rights and good governance reforms. This difference in political mobilization reduces GB's chances of achieving fair governance structure or an AJK-like setup even further.

**iv). Disintegration of Leadership and Peoples of GB**

The policies, leadership, and population of GB are also the factors one must consider explaining the lack of progress towards autonomy. An interviewee responded,

*"The level of Kashmiri leadership and people is different from ours; they are politically aware and have strong leadership. We in GB are caught up in small issues and have a limited mindset" (Basharat Ghazi).*

The interviewee underlined that Kashmiris are capable of uniting under the flag of their identity, while the people of GB are split along the sectarian lines and are deprived of a distinct identity. The state has long used sectarian divides to stop the people of GB from uniting and this has been an issue for a long time.

Aziz Ali Dad says, *"Whenever people in GB try to raise their voices for provincial status, they are divided on religious grounds because this is the only area in Pakistan where non-Sunnis are in the majority"* (Dad).

This sectarian card is played tactically so that GB does not develop a coordinated political entity that would necessarily call for political, social, cultural, and economic parity. The state sustains sectarian dynamics which serves as an obstacle to any political integration that would bolster the prospects for the GB's demand of autonomy or self-governance.

**v). Lack of Trust and Sectarian Concerns**

The political relationship between GB and the federal government has often been characterized by suspicion and sectarian motives. An interviewee responded,

*"The relationship between GB and the federation has always been distorted for two reasons. First, there was a lack of trust due to the difficulty of access. Second, GB is a Shia-populated*

*region, and after the Khomeini revolution, the population's sympathies suddenly changed to Iran" (Ghazi)*.

This has led to a situation where Pakistan has been suspicious of Shia-dominated areas that could be pro-Iranian while rejecting to extend to GB the same level of autonomy as AJK. These sectarian fears of the state have widened the governance chasm, making it difficult for GB to get the autonomy it needs.

This sect-based mistrust has continuously resulted in the denial of political rights and has always remained averse to strengthening the people of GB. The move is in line with a general policy of subduing areas with large Shia populations in order to address perceived security concerns.

**vi). Strategic Manipulation by State Actors**

The state has also deliberately and proactively ensured that there is no centralized narration or coordination between the people of AJK and GB. An interviewee says,

*"The federation has not allowed communication between Kashmiris and the people of GB because if this happens, they will talk about an independent Kashmir" (Ghazi).*

The interviewee further stated that whenever the voices are raised in GB to unit with Kashmir for a unified setup, the sectarian division is incited in order to ensure that no unison can take place.

The methods of strategic manipulation and sowing divisions have been a favorite of both Pakistani and Indian state elites as means of preserving their influence within the region. An interviewee responded,

*"The military will never want a united pact between GB and AJK, nor will they allow a strong voice to emerge"* (Ghazi).

This deliberate act to prevent unity is a way of preventing any formation of a united front that would otherwise call for a change of the current divided system of governance and administration.

**5.2). Comparative Assessment of GB's Role for Improved Autonomy and Governance**

The state of affairs of GB and AJK is very dissimilar in terms of governance framework. An interviewee highlighted,

*"GB's political foundations have been weak, lacking substantial political movements. From 1978 to 2013, sectarian conflicts plagued the region. Unlike Kashmiris, who mobilized politically and internationally, GB remained devoid of significant political struggle for self-governance" (Ghazi).*

Moreover, he says, *"Kashmiris have a strategic advantage; they have direct access to international platforms such as the International Court of Justice and the UK House of Lords, so Pakistan gives them a semblance of governance to normal their sentiments. In contrast, GB has long been subjected to external control and limited political freedom. For instance, the Frontier Crimes Regulations (FCR) remained in effect until the 1970s, and the first democratic elections took place in 1994" (Ghazi).*

These conditions explain why GB has not been as effective in mobilization for its autonomy as AJK has.

### i). Roadmap for Enhanced Governance for GB

To achieve a comparable governance structure like AJK, GB must ensure that it synchronizes its fight for self-governance with that of AJK. An interviewee responded,

*"GB and AJK need to raise their voices together for better governance. Coordinated efforts will highlight the injustices being perpetrated by the establishment in both regions" (Ghazi).*

This would strengthen their voice as a group, working against the sectarian and regional barriers evidenced in GB that undermines unity. To clarify the issue, it is important to understand that cooperation with AJK does not mean that one has to surrender one's identity, but it is a strategic move to use the political weight in order to pressure the Pakistani state for recognition of equal rights.

**ii). Obstacles to Autonomy and Empowered Governance**

Several factors hinder GB from having a governance structure similar to that of AJK. One notable weakness is that the region is seething with sectarian and political differences. An interviewee responded,

*"GB is home to Shia, Sunni, Ismaili and Noorbakhshia communities, each with differing aspirations. Sunnis want to merge with areas like Kohistan and Chilas to form a new province, while Shias prefer maintaining a separate identity without any additions or deletions to create a smaller version of Iran".*

This dichotomous society, coupled with its strong religious influence, where clerics often overshadow political leaders, further complicates the political dynamics.

Another important aspect of the problem is the lack of participation of local stakeholders in critical agreements. An interviewee highlights,

*"The Karachi Agreement did not involve local GB representatives, and all signatories were Representatives of Pakistan and Kashmir. As a result, GB was arbitrarily linked with Kashmir without consideration of the local populace" (Fida Hussain Nashad).*

There is no trust from the Pakistani establishment, and divisions within GB also make it weaker in advocating for the empowered governance.

**iii). Lack of Political Leadership and the Need of Regional Governance Structures**

One common factor that occupies the central stage in the respondents' interactions is the absence of political direction in GB. An interviewee responded,

*"Our political figures are not honest, and there is a void in leadership here. Moreover, the absence of a capable and dedicated political leadership has hindered progress, with assembly members focusing more on political appointments than on addressing local issues or advocating for rights in federal forums" (Nashaad).*

It is therefore necessary to emphasize the need for appropriate local political movements and leadership. A respondent argued,

*"The distressing moment is we don't have an indigenous political party; we all are running behind the colorful flags of the federal parties. If we had our own party, we could decide in our favor" (Shabbir Mayar).*

Moreover, another respondent added, *"the lack of indigenous political representation has left GB's populace politically vulnerable and unable to leverage their voices effectively, unlike Kashmiris who have a history of political leaders and movements that have made them politically more aware and powerful" (Najaf Ali).*

**iv). Empowered Governance for GB and Kashmir Cause**

A common concern among the general public is how the grant of rights for GB might negatively affect the Kashmir struggle. An interviewee countered this idea by saying,

*"If giving away a territory, the size of GB to China did not affect the Kashmir cause, then why would granting rights to GB pose a problem?" (Fida Hussain Nashaad).*

The argument presented here is that extending rights to GB is one of justice and recognition of the rights of the people of this region rather than setting geopolitics which are relevant to the overall issue of Kashmir.

The socio-political treatment and governance of Gilgit-Baltistan remain contentious issues. The lack of constitutional status and representation within Pakistan has led to demands for equal treatment and autonomy in the state.

Thus, in conclusion, the obstacles for GB to achieve an equal governing system or an autonomy like that of AJK are complex and they rely on historical, political, diplomatic and sectarian factors. The state has continued to focus on the preservation of its narrative on the issue of Kashmir, along with a serious lack of political will and overall strategic interest, has led to a governance paradigm that effectively overlooks GB. These barriers would therefore need to be surmounted through gradually eliminating the entrenched politics of fragmentation, sectarianism, and strategic machinations that challenge GB's struggle for fair governance.

GB's effort to attain a similar governance structure as AJK is hindered by historical, sectarian, and politics. Cultivation of home-grown political leadership is necessary for the enhancement of self-rule and empowered set-up. Overcoming the internal divides and developing political consciousness can be a way to minimize the gap in governance and administration for GB. All the interviewees have mentioned that the way forward entails collective actions, political awareness and formation of grassroots political organizations with the capacity to represent GB genuinely on both domestic and international levels.

# Chapter#6

## 6.1). Conclusions

The analysis in the various chapters of this study presents a more nuanced and multi-faceted view of the governance processes, border management, and human implications on Gilgit-Baltistan (GB). At the heart of this analysis is the understanding of how governance, autonomy, and policy narratives fundamentally differ between AJK and GB in light of historical, political, sectarian, and strategic factors. Such facts have caused impacts on the social, political and human rights of the concerned communities and people in GB as observed from interviews and narratives during the research work.

The following presents the conclusion in a few headings.

### i). Governance Structures: A comparison between two regions

The fact that both GB and AJK come under a single ministry of the Pakistani government showcases a somewhat contradictory reality where AJK has a relatively more autonomous and empowered status in the governmental framework due to its significance in matters regarding the Kashmir dispute than GB. The rationale for a differential approach seems like strategic calculations, historical agreements, diplomatic imperatives and political circumstances within the state. This has created duality in the governance leaving the GB region devoid of political empowerment and fair governance structure. There is a need to give effective governance structures to GB that are democratic and effective in responding to the needs of the common people.

However, the challenges to the attainment of reforms are not just in one dimension. It can be attributed to historical, political, and sectarian contexts that are essential to understand the state's attitude to these areas. These challenges can only be overcome if the status of

Pakistan's diplomacy on the subject of Kashmir has to be tackled in such a way that has to fit its geopolitical concerns as well as the desires of the people of GB for democracy. Moreover, organically linking with indigenous political actors, and political activism, and unity among local population are crucial to move forward for GB for fair governing models and governance system.

### ii). Cross-Border Policies

The disparities in cross border management between AJK and GB in terms of conduct and policies also depict the general geopolitical approach of the state. However, although the borders with the AJK have been opened in the past in conformity with diplomatic and humanitarian wisdom, the border with Ladakh Baltistan remained closed reflecting the rigid stance of state, getting advantage of the sectarian concerns, politically divided and less active population of the region. The dual approach shows that the state's behavior towards its disputed territories is not crystallized in simple binaries. Specifically, the closure of the Ladakh-Baltistan border can be seen as expressing the state's fear of sectarian processes, military tactics, and suspicion of the local population.

From the narratives of the victims, as highlighted above, we get to realize the human expense of geopolitical moves. Issues related to psychological, emotional, and cultural implications of enforced separation due to war remain unaddressed for five decades and they need to be addressed viewing the humanitarian basis. The stories told by the divided communities show that people never lose hope of going back to their roots, families, and communities. For these communities, the opening of the Ladakh-Baltistan border is not so much a political statement but a question of human rights.

### iii). The Human Dimension: Choosing People Over Policies

The study underlines the need for discourse and shifts of policies which would focus on social human interactions rather than political strategy. The psychological trauma that people have to endure when they get affected by political measures is another factor to consider when evaluating political impact on society. While the differential approach in cross-border policies can be attributed historical, strategic, sectarian and political reasons, it is also indicative of the state's insensitivity and passive approach to address human rights and desires of the affected communities.

### iv). Moving Forward: Human Rights and Bridging the Governance Gap

The way forward is complex, which requires a comprehensive approach. On the one hand, there need to be constitutional changes, political enlightenment, and the emergence of local political actors who can genuinely participate in the national and international political processes in the interest of GB. There is a need for more explicit and comprehensive cross-border policies, which take into consideration the human and cultural value of the cross-border people. Developing a harmonized governance system and rational border policy which respects the people's democratic rights and also protects their human rights' concerns will involve coordinated efforts from the state, civil-society organizations and the international partners. It is through the narrowing of these gaps in governance and policies and establishing empowered political setup for both GB and AJK by embracing the need for acknowledgement while accommodating for their respective cultural and political differences and the infringement upon their right to self-determination.

## 6.2). Appendix

Major themes of interviews are as under:

- Why do there prevail two different governance set-ups, when the two regions fall under one administrative set-up (Mo KA&GB).
- First so-called self-governance order giving a province-like structure came in 2009, so What do you think why Gilgit-Baltistan did not experience such a political or parliamentary progress until 2009?
- Azad Jammu & Kashmir has its own political setup comprising a President, Prime Minister, Parliament and flag etc. But GB doesn't have any such system. What do you say on this?
- What are the hurdles for GB in getting an equal governance system like of AJK.
- GB and AJK despite being under one ministry, what are the state's interests behind keeping GB and AJK in separate governance/administrative setup?
- Follow-up. Do you think Kashmir setup for GB as well, is a solution to GB's issues?
- Borders from AJK side often get functional or at least have been crossable in the past, but the Ladakh-Baltistan border from Gilgit-Baltistan side has never been operationalized in history after partition. What do you say on the border governance/management policies of the state of Pakistan?
- What specific constitutional provisions or federal privileges do the people of Gilgit-Baltistan feel they are lacking compared to Azad Jammu & Kashmir?

**6.3). References**

Shahzad, M., Akram, S., & Hashmi, S. B. (2016). Azad Jammu and Kashmir and Gilgit Baltistan: Historical, constitutional & administrative development.

Ali, N. (2019). Delusional States: Feeling Rule and Development in Pakistan's Northern Frontier. Cambridge University Press.

Government of Pakistan, Ministry of Kashmir Affairs & Gilgit-Baltistan, *Yearbook 2020-21*. https://kana.gov.pk/SiteImage/Misc/files/Year%20Book%202020%202021nhgjghhjghjhghjgj.pdf

Fukuyama, F. (2013). *What Is Governance?* Governance, 26(3), 347-368. https://doi.org/10.1111/gove.12035

Young, I. M. (1990). *Justice and the Politics of Difference*. Princeton University Press.

Akhtar, S. (2011-2012). Expanding cross-LoC interactions: A conflict transformation approach to Kashmir. *Regional Studies*, *Vol. xxx* (1), 3-37. Institute of Regional Studies, Islamabad.

Sökefeld, M. (2015) Jammu and Kashmir – boundaries and movements, Contemporary South Asia, 23:3, 251-265, DOI: 10.1080/09584935.2015.1060948

Fraser, N. (1995). From redistribution to recognition? Dilemmas of justice in a 'post-socialist' age. New Left Review, 212, 68-93.

Grugel, J., & Bishop, M. L. (2014). Democratization: A Critical Introduction. Palgrave Macmillan.

Elazar, D. J. (1987). Exploring Federalism. University of Alabama Press.

Watts, R. L. (2008). Comparing Federal Systems (3rd ed.). McGill-Queen's University Press.

Perkmann, M., & Sum, N.-L. (Eds.). (2002). *Globalization, Regionalization and CrossBorder Regions*. Palgrave Macmillan.

Sökefeld, M. (2015). *At the Margins of Pakistan: Political relationships between GilgitBaltistan and Azad Jammu and Kashmir*. Department of Social and Cultural Anthropology, Ludwig-Maximilians-University Munich

https://www.academia.edu/29640078/At_the_Margins_of_Pakistan_Political_relationships_between_Gilgit_Baltistan_and_Azad_Jammu_and_Kashmir

Dad, A. (2021). Governance and Political Representation in Gilgit-Baltistan: A Historical Perspective. Asian Affairs, 52(3), 301-318.

Wani, M. I. (2020). Marginalization and Discontent in Gilgit-Baltistan: A Case for Greater Autonomy. Journal of South Asian Studies, 35(2), 195-212.

Ali, M., & Dad, A. (2016). China-Pakistan Economic Corridor (CPEC) and the Changing Dynamics in Gilgit-Baltistan. Journal of Political Science, 30(2), 99-115.

Dudley, M. J. (2019). *Systemic racism and inequality in the United States: The roots, realities, and outcomes*. Routledge.

Herscher, A. E. (2013). *Violence taking place: The architecture of the Kosovo conflict*. Stanford University Press.

Juss, S. (2016). *International human rights law*. Routledge.

Young, I. M. (2011). *Responsibility for justice*. Oxford University Press.

Samad, Y. (2011). Kashmir: Ethnic Conflict, International Dispute. In A. Schofield (Ed.), Kashmir in Conflict: India, Pakistan, and the Unending War (pp. 203-223). I.B. Tauris.

Keating, M. (2004). Plurinational Democracy: Stateless Nations in a Post-Sovereignty Era. Oxford University Press.

Pladan, K. (2013, September). Partition and economy of a border village - Turtuk. *Institute of Peace and Conflict Studies*.

de Certeau, M. (1984). *The practice of everyday life*. University of California Press.

Ahmad, S. (2020). *The Gilgit-Baltistan Conundrum: Dilemmas of Political Integration*. Institute of Historical and Social Research.

Snedden, C. (2012). *The Untold Story of the People of Azad Kashmir*. Hurst & Company.

Lamb, A. (1991). *Kashmir: A Disputed Legacy, 1846-1990*. Oxford University Press.

Roychowdhury, A. (2017, March 27). Gilgit-Baltistan: A Bumpy History. The Indian Express. https://indianexpress.com/article/research/pakistan-jammu-and-kashmir-britishparliament-gilgit-baltistan-the-bumpy-history-of-pakistans-northern-areas-45880.

Association for the Rights of the People of Jammu and Kashmir. (2014). *Azad Jammu and Kashmir and Gilgit-Baltistan: Proposal for enhanced autonomy and empowerment*.

Holden, L. (2019) Law, governance, and culture in Gilgit-Baltistan: introduction, South Asian History and Culture, 10:1, 1-13, DOI: 10.1080/19472498.2019.1576300 Appellate

Court Suspends GB Order 2018. (2018, June 21). *Dawn*.

https://www.dawn.com/news/1415071

Shigri, A. (2024, June 17). Empowering Gilgit-Baltistan. *Dawn*. https://www.dawn.com/news/1840437

Heywood, A. (2019). *Politics* (5th ed.). Macmillan International Higher Education.

Dawn. (2009). *Gilgit-Baltistan Empowerment and Self-Governance Order 2009*.

Daily Ghanche. (2022, January 3). *Emotional Story | Rozi Ali Pak & Goba Ali Ind || 1971 War || Divided Family | Pakistan India Border* [Video]. YouTube. https://youtu.be/_hINMkIQgU?si=ojx2fvMm4-ZJnXJm