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PROVINCIAL STATUS TO GILGIT BALTISTAN – HAS THE TIME COME?

By

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On 16 May 2020, Pakistan's President Arif Alvi promulgated the “**Gilgit Baltistan Election and Caretaker Amendment Order 2020**” that enables forming of a caretaker government as also conduct elections to the Gilgit Baltistan Assembly.

This promulgation comes after the Pakistan Supreme Court had on 30 April 2020 allowed the Pakistan federal Government to amend the Gilgit Baltistan Order of 2018.

The attempt here is to trace the steps taken since 2009 towards ‘self rule’ in GB and understand Pakistan's compulsions to hold back according provincial status to the region.

A suitable start point would be the promulgation of the Gilgit Baltistan Empowerment and Self-Governance Order 2009 (GBESGO 2009)

The GBESGO 2009

On August 29, 2009, the Gilgit Baltistan Empowerment and Self-Governance Order 2009, was passed by the Pakistan Cabinet and later signed and promulgated as law by the President of Pakistan.

The major provisions of the Order are:-

- Grant of self-rule to the people of Gilgit– Baltistan, by creating, an elected Gilgit Baltistan Legislative Assembly and Gilgit Baltistan Council. Gilgit Baltistan thus gained de facto province-like status without constitutionally becoming part of Pakistan.
- Gilgit Baltistan Legislative Assembly to be a 33-seat unicameral legislative body. Of the 33 seats, 24 are filled by direct elections. In addition, the reserves 3 seats for technocrats and 6 seats for women.
- A Speaker and a Deputy Speaker to be elected by the Assembly from amongst its members. After the election of the Speaker and the Deputy Speaker, the Assembly cannot transact any other business unless it elects the Chief Minister.
- The Chief Minister is elected in a special session, summoned by the Governor on a day specified by the President. The Chief Minister obtains vote of confidence from the Assembly within 60 days of assuming office.
- The Legislative Assembly has powers to make laws on selected 61 subjects.(Council, in contrast, had the powers to legislate on 52 subjects including mining, tourism and water resources).
- A Gilgit Baltistan Consolidated Fund set up and the annual budget to be presented to the Assembly and voted upon as per practice in other Provinces (of Pakistan).

The Protests of 2016 and the CPEC Factor

Hundreds of protesters took to the streets across Gilgit-Baltistan region against human rights abuses and crackdown by the Pakistani security forces. Angry protesters said these young men were imprisoned for demanding political rights and asking the Pakistani Army to leave the soil of Gilgit.

An important reason for the discontent among the people of Gilgit against Pakistan is the growing presence of China. The CPEC, signed in 2013 passes through Gilgit and is widely seen as a project that benefits China and Punjabi traders with little gain to the region. There were also growing apprehensions due to an increasing number of Chinese workers and soldiers becoming visible. Angry protesters took to the streets in Gilgit town, Astore, Diamer and Hunza with some even raising “anti-Pakistan” slogans.

The ‘Anti Tax’ Movement of Nov-Dec 2017

The Gilgit Baltistan Council Income Tax (Adaptation) Act 2012, had been passed by the GB Council in 2012 that **authorised the adaptation of Pakistan’s Income Tax Ordinance, 2001 to all of Gilgit Baltistan**. Large scale protests had broken out throughout the region against the new tax regimen and saw a ten day ‘Shutter down’ in all districts of Gilgit Baltistan. The agitation subsided after notification by the Department of Inland Revenue Gilgit-Baltistan directing tax agents to withhold collecting tax until amendments have been made in the Income Adaptation Act, 2012 by Gilgit-Baltistan Council.

The protests were on the principle that there should be **‘No imposition of Taxes until GB is a constitutional part of Pakistan’**. In subsequent developments, the GB Council decided that instead of bringing a new taxation Act, the existing Gilgit Baltistan Council Income Tax (Adaptation) Act, 2012 shall be amended by incorporating the desired changes in consultation with all the stakeholders.

The Sartaj Aziz Committee

A nine-member constitutional committee headed by Sartaj Aziz, the then adviser to the PM on foreign affairs, was formed on Oct 29, 2015, to recommend steps to bring political and constitutional reforms in GB. The mandate of the Committee included:

- Review of the current constitutional and administrative arrangements in Gilgit Baltistan and analyse any shortcomings in relation to aspirations of the people;
- After studying the historic record and relevant treaties, examine whether the existing eternal boundaries of the territories that constitute Gilgit Baltistan overlap with territories that formed part of the state Jammu and Kashmir and if so, make recommendations for corrective measures; recommend constitutional and administrative reforms for

GB, keeping in view the implications of these recommendations vis-a-vis the UN resolutions on Kashmir.

The Committee, which submitted its Report to the Pakistan Federal Government on 10 March 2017 which inter alia recommended:-

- **A de-facto integration of GB with Pakistan but not a de-jure change since that will affect Pakistan's principle position on Kashmir.** It recommended delegating further legislative, administrative and financial powers to GB to enhance the people's sense of participation and to improve service delivery.
- **The GB Legislative Assembly be brought on a par with other the provincial assemblies, with all legislative subjects, other than those enumerated in article 142 of the Constitution of Pakistan and its fourth schedule be devolved from the GB Council to the GB Legislative Assembly.**
- **The GB government may be given representation in constitutional bodies like NEC, ECNEC, the NFC, and IRSA as an observer.**
- One or more SEZs be set up in GB under CPEC to provide larger employment opportunities for GB people.
- People of Gilgit Baltistan be given special representation in the parliament.

On July 3, 2017, the Sartaj Aziz Committee was reconstituted to include the Ministers of Finance, Law and Kashmir Affairs. The Committee thereafter submitted a Supplementary Report on 26 September 2017 making some further recommendations, importantly:

- Provision of funds through an agreed formula to cover the revenue deficit in GB budget.
- Transfer of development funds directly to Gilgit Baltistan Government rather than through the Ministry of Kashmir Affairs.
- Shifting of budget of Gilgit Baltistan Supreme Appellate Court and Chief Court to Gilgit Baltistan Council.

- The Ministry of Kashmir Affairs to consult the Government of Gilgit Baltistan. before extending any federal government notification to Gilgit Baltistan.
- Gilgit Baltistan to be accorded 'Observer' status in the Executive Committee of the National Economic Council (ECNEC), the National Economic Council (NEC), the Indus River System Authority (IRSA) and the Council of Common Interests (formed under 1973 Constitution and presently consists of the Prime Minister of Pakistan and all four provincial Chief Ministers. The CCI is mandated under the Constitution to meet at least once in 90 days). **The suggestion to give representation to Gilgit Baltistan in the National Assembly and Senate was not accepted.**

Annulment of the Gilgit Baltistan Council

In Feb 2018, Pakistan's Prime Minister Shahid Khaqan Abbasi announced the decision to annul the Gilgit-Baltistan Legislative Council (established under GB (Empowerment and Self Governance) Order in 2009 and headed by the Prime Minister of Pakistan and had the mandate to legislate in 52 subjects). While some hailed the decision as 'historic' others thought it as a ploy to shift the Council's powers to the Ministry of Kashmir Affairs and Gilgit Baltistan.

This was followed by the GBESGO 2009 was replaced by the 'Gilgit Baltistan Order 2018.

The Gilgit Baltistan Order, 2018

The Gilgit Baltistan Order of May 2018 seeks to bring Gilgit Baltistan region on as per par with other provinces by devolution of greater authority and financial powers, empower the Gilgit Baltistan Assembly with the same legislative powers as other provinces of Pakistan including powers under the Schedule-IV of Pakistan's Constitution.

Under the new law, the Prime Minister has obtained imperial powers over Gilgit-Baltistan; he is not answerable to the region's courts, he can annul any law passed by the Gilgit-Baltistan Assembly, and he will enjoy complete immunity for his actions in the region.

Several powers hitherto dealt by the Gilgit Baltistan Council would henceforth be dealt by the Gilgit Baltistan Assembly have been included in a List of subjects that both the Prime Minister of Pakistan as also the GB Assembly can pass orders / legislate with the proviso

that Orders of the Prime Minister would require to be considered and passed by the GB Assembly and approved by the GB Governor. These include the subjects of minerals, hydropower and tourism.

Insofar as residents of the region are concerned, hitherto they had been guaranteed only 17 basic rights and that too was limited only to within Gilgit Baltistan. In terms of the Order, they are now empowered to those rights anywhere in Pakistan and have access to all apex courts of Pakistan.

The Chief Court was renamed as High Court.

A provincial Service Commission and a provincial Auditor General were to be appointed.

However, members from the Gilgit Baltistan region remained only non-voting, invited members in all constitutional bodies like National Economic Council (NEC), Economic Coordination Committee (ECC), Council of Common Interest (CCI), National Finance Commission (NFC), and Indus River System Authority (IRSA).

The Gilgit Baltistan Assembly

Gilgit Baltistan Assembly previously known as Gilgit Baltistan Legislative Assembly (GBLA) comprised of thirty-three seats. It is a unicameral body, with twenty-four members are directly elected by the adult franchise. Six women are elected on reserved seats and three professionals and technocrats are elected on the pattern of reserved seats in Pakistan. Six members are elected from Skardu, four from Diamer, three from Hunza Nagar, three from Gilgit, three from Ghanche, three from Ghizer and two from Astor.

Orders Suspended and Restored

On 21 June 2018, the Supreme Appellate Court of Gilgit Baltistan suspended the operation of the GB Order 2018. However, on 08 Aug 2018 these were restored by the Supreme Court of Pakistan with the directive that “...it was the Government’s responsibility to ensure that the people of GB are treated the same manner as the citizens of any other part of the country”.

Pakistan PM Imran Khan thereafter set up a high-level reforms Committee to evaluate the legal status of Gilgit-Baltistan, as per instructions given by the country’s Supreme Court. The Committee recommended to

change the status of Gilgit-Baltistan to an interim province and for the people of the region to be given due rights. These recommendations had been accepted in principle by Prime Minister Imran Khan who directed they be placed for approval before the Federal Cabinet.

Pakistan Supreme Court Order of 17 January 2019

A set of petitions before the Supreme Court of Pakistan challenging the Government of Gilgit-Baltistan Order 2018, Gilgit-Baltistan Empowerment and Self Governance Order 2009 and demanding that Gilgit Baltistan be declared a part of Pakistan instead of being administered through presidential orders.

It is on these Petitions that on 17 Jan 2019, Pakistan's Supreme Court ordered the federal government to promulgate a new law to grant more rights to the people of Gilgit- Baltistan within a fortnight. In a significant pronouncement, the Apex Court stressed upon the need for governance to be 'within a constitutional framework' and proclaimed its jurisdiction and power extended to Gilgit-Baltistan.

Chief Justice Mian Saqib Nisar was however careful to mention that the international status of Kashmir, of which Gilgit-Baltistan is a part remains "disputed" but went on to state that *"until the UN promised plebiscite records the Kashmiri aspiration, it is incumbent on the governments of both India and Pakistan to ensure that the people of the region enjoy maximum rights for areas within their respective control"*.

The 'disputed' nature of the region was also emphasised by the Pakistan Federal Government Attorney General who made a submission that *"it is not feasible to declare the region a separate province as it remains part of the broader Kashmir dispute between India and Pakistan"*.

In effect, the Order of the Pakistan High Court is based on two principles. First, since Gilgit Baltistan is administered by Pakistan, ipso facto, the writ of the Pakistan Supreme Court automatically applies to the region. Second, even if "no constitutional changes could be initiated to incorporate GB into Pakistan as it formed part of the Kashmir 'dispute', fundamental rights still needed to be extended to the region" with a caution that "any institutional mechanism to ensure greater rights to the people of GB should not violate the provisions of the UN resolutions on the Kashmir 'dispute'".

The Order restored the controversial Gilgit Baltistan Order of 2018 (that had been suspended by the GB Supreme Appellate Court) and which abolished the Gilgit Baltistan Council and gave legislative monopoly to the

Prime Minister. The Court's Order obliterated any doubts in regard to Pakistan's control on Gilgit Baltistan and deftly balanced between maintaining the status of the region as a 'disputed' territory yet identifying the people of the region as "citizens of Pakistan for all intents and purposes". It also asked the President of Pakistan to promulgate the order on the advice of the federal government within a fortnight.

The following three extracts from the Order are relevant.

"No amendment shall be made to the Order as so promulgated except in terms of the procedure provided in Article 124 of the same, nor shall it be repealed or substituted, without the instrument amending, repealing or substituting (as the case may be) the same being placed before this Court by the Federation through an application that will be treated as a petition under Article 184(3) of the Constitution".

"Nothing in this judgement shall be construed to limit the jurisdiction conferred on this Court by the Proposed Order itself".

"If the Order so promulgated is repealed or substituted by an Act of Parliament the validity thereof, if challenged, shall be examined on the touchstone of the Constitution."

Response of the Pakistan Federal Government

The Order of the Pakistan Supreme Court made it incumbent for the Federal Government to table a suitable Bill in parliament to introduce the desired reforms in the region. The Federal Government of Pakistan sought time from the Supreme Court to implement its 17 Jan 2019 Order on grounds that the matter required consideration by the national Security Committee. In May 2019, the Federal Government sought more time for consideration and action from the Apex Court.

Meanwhile, in August 2019, the Indian Parliament abrogated Articles 35A and 370 of its Constitution and reorganised the landmass of its erstwhile State of J&K into two Union Territories would undoubtedly have required deliberate rethink on the part of Pakistan a factor that not be without bearing on both, Pakistan's polity and its judiciary.

Position of the Pakistan Federal Government

In his submissions before the Supreme Court, Pakistan's Attorney General stated that the government had to look and analyse the regional situation of the area before implementing the Apex Court's 17 Jan 2019 verdict which

asked for the rights of the citizens of Gilgit Baltistan. Under the judgement, the federal government is required to enact the Gilgit-Baltistan Governance Reforms 2019 by tabling a Bill before the Parliament of Pakistan for bringing required amendments.

In the absence of GB Governance Reforms 2019, the Government of Gilgit-Baltistan Order 2018 continues to be in force.

However, this Order of 2018 order lacks provisions that provide mechanism for installation of a caretaker government after the expiry of the GB Legislative Assembly, a provision that is however in the 2019 Supreme Court order through Section 56(5) of the Reforms.

Therefore, through the Presidential Order, the Federal Government will incorporate section 56(5) in the 2018 order and adopt Election Act 2017 to conduct next general elections in the territory.

Varying Positions of the GB Government and Bar Associations

The Advocate General Gilgit-Baltistan who appeared before the court had supported the plea of the federal government and by submitting that the Government of Gilgit Baltistan have no objection to the plea of the federal government.

In contrast, Salman Akram Raja advocate, who represented the GB Chief Court Bar Association and GB Bar Council, opposed the federal government's application saying that it was "*seeking amendment in the law which had not been enacted*".

The Supreme Court of Pakistan Order of 30 April 2020

On 30 April 2020, the Pakistan Supreme Court passed a short order that **allowed the Pakistan federal government to amend the Government of Gilgit-Baltistan Order 2018 to conduct the general elections as well as setting up a caretaker government during the interregnum period.**

A seven-member bench of the Court headed by Chief Justice **accepted the plea of the federal government, seeking to amend the Government of Gilgit-Baltistan Order 2018 to conduct the upcoming general elections by adopting the Elections Act 2017 as well as setting up a caretaker government during the interregnum period.**

An 'Interim' Order

On a query from the Court in regard to the Election Commission being able to hold fresh elections in Gilgit-Baltistan, the Attorney General had confirmed that the Election Commission already exists in the region. *(Pertinent to mention that that the five-year term of the present GB government is due to expire in the last week of June this year and the next general elections will be held within 60 days).*

The Federal Government, in their pleadings before the Apex Court, had pleaded that “while different options for meeting the desires of the GB people were being examined by the government and discussed with the stakeholders but it required deliberations at greater length”.

The court after accepting the government plea observed that procedure for holding fresh elections will be mentioned in the detailed judgment. The Chief Justice observed that the GB Order 2018 is still implemented hence whatever suggestion is made in the detailed judgment, the president will issue Election Order.

While passing the short order, the Chief Justice Gulzar Ahmed stated that *“After hearing the parties we allowed the federal government’s application with consensus, the reasons of which will be recorded later”* and that the Court would take up other pending petitions about the status of GB, like a contempt of court case against the federal government, after the Eid holidays.

A Legal Bind Resolved

The imperative for such an ‘interim’ enabling Order flows from the fact that the five-year term of the incumbent government of GB is due to expire in the last week of June whereas next general elections in the region will become due within 60 days after the expiry of the GB Legislative Assembly.

In the absence of GB Governance Reforms 2019, the Government of Gilgit-Baltistan Order 2018 remained in force. However, the GB 2018 Order lacks provisions that provide mechanism for installation of a caretaker government after the expiry of the GB Legislative Assembly. That mechanism is available in the 2019 Supreme Court order through Section 56(5) of the reforms.

The way out of the bind was for the Federal Government to promulgate a Presidential order that incorporates section 56(5) in the 2018 Order and adopt Election Act 2017 to conduct next general elections in the territory.

Criticism and Dissent

Voices of criticism and dissent against the Orders of the Pakistan Apex Court were raised. Some of these, which voice major issues of discord are as quoted below:

Senge H. Sering, President, Institute for Gilgit Baltistan Studies stated:

"The Supreme Court of Pakistan has made an illegal ruling in the context of occupied Gilgit Baltistan since it is not a constitutional part of the country. Pakistan is an occupier and must withdraw from Mirpur, Muzaffarabad, Gilgit, and Baltistan."

"The United Nations had asked Pakistan to establish local authority in Gilgit in 1947. UN asked Pakistan to refrain from a material change in the occupied territory. The presence of Pakistan's troops in Gilgit Baltistan constitutes material change".

"No referendum on political future Gilgit Baltistan can be valid until all Pakistani nationals leave".

Sajjad Raja, Chairman of The National Equality Party JKGBL

"No Pakistani court has the power to allow the central government to interfere in the internal affairs of Gilgit Baltistan".

"Gilgit Baltistan has a Legislative Assembly and a government, and the people of Gilgit Baltistan have the sole right to decide when and how they should hold elections and form an interim government. No government or court of Pakistan has the constitutional and legal right to take any decision in the affairs of Gilgit Baltistan."

"The Pakistani Supreme Court should have issued instructions to the Pakistani government not to interfere in areas that are not constitutionally part of Pakistan. But as the Pakistani courts are not independent, so no justice or fair constitutional or legal decisions can be expected from these Pakistani courts."

"Gilgit Baltistan is a part of the state of Jammu and Kashmir and is a disputed region. The areas of Gilgit Baltistan are not a constitutional part of Pakistan and the jurisdiction of the courts of Pakistan is not constitutionally applicable to Gilgit Baltistan."

“All the Acts and Orders issued by the Government of Pakistan including Gilgit Baltistan Order 2018, 2019 and Election Act 2017 are unconstitutional and illegal. Neither the President of Pakistan nor any other institution has the constitutional authority to make administrative and constitutional decisions for Gilgit Baltistan.”

"When the courts of Pakistan have legally declared that Gilgit Baltistan is not part of Pakistan, it is illegal and unconstitutional for the federal government of Pakistan to take the administrative and constitutional matters of Gilgit Baltistan back to the Pakistani Supreme Court. And it is a malicious act."

“The fact is that under the guise of present Supreme Court decision, the Pakistani government wants to directly intervene into Gilgit Baltistan to establish a puppet government of its own in Gilgit Baltistan which is completely under the control of the federal government of Pakistan. "The aim is to take all decisions at will by crushing the voices of the people from within Gilgit Baltistan.”

Amjad Ayub Mirza (POK Journalist)

"Pakistan Supreme Court under the pressure from Pakistan Army has ordered the Imran Khan-led federal government to conduct elections in G-B. This is because they want to get rid of Pakistan Muslim League (Nawaz) government & replace it with the PTI government to have control over Gilgit Baltistan”.

India’s Position and Concerns

India ‘demarched’ senior Pakistan diplomat and lodged a strong protest to Pakistan against Supreme Court of Pakistan order on the so-called "Gilgit-Baltistan”. The MEA statement mentions that *“It was clearly conveyed that the entire Union Territories of Jammu & Kashmir and Ladakh, including the areas of Gilgit and Baltistan, are an integral part of India by virtue of its fully legal and irrevocable accession. The Government of Pakistan or its judiciary has no locus standi on territories illegally and forcibly occupied by it. India completely rejects such actions and continued attempts to bring material changes in Pakistan occupied areas of the Indian territory of Jammu & Kashmir. Instead, Pakistan should immediately vacate all areas under its illegal occupation. It was further conveyed that such actions can neither hide the illegal occupation of parts of Union Territories of Jammu & Kashmir and Ladakh by Pakistan nor the grave human rights violations, exploitation and denial of freedom to the people residing in Pakistan occupied territories for the past seven decades”.*

Even after issue of the Gilgit Baltistan Order 2018, India had issues a strong protest as mentioned in the MEA Media Release at that time:

“....the entire state of Jammu and Kashmir which also includes the so-called ‘Gilgit-Baltistan’ areas is an integral part of India by virtue of its accession in 1947. Any action to alter the status of any part of the territory under forcible and illegal occupation of Pakistan has no legal basis whatsoever, and is completely unacceptable. Instead of seeking to alter the status of the occupied territories, Pakistan should immediately vacate all areas under its illegal occupation”. It was further conveyed that “such actions can neither hide the illegal occupation of part of the state of Jammu and Kashmir by Pakistan nor the grave human rights violations, exploitation and denial of freedom to the people residing in Pakistan occupied territories for the past seven decades”.

Pertinently, on 28 November 2018, just a day before Pakistan’s Federal Cabinet was scheduled to consider the issue of provincial status to GB, India’s COAS had made sharp observations regarding Gilgit Baltistan. In his words:

“Pakistan was changing the demography of Pakistan-occupied Kashmir (PoK) and Gilgit-Baltistan, and seeking to take over the people” and that “People from Gilgit-Baltistan are also now being taken over gradually. So, to say that there is an identity between our side of Kashmiri and the other side, then identity thing has gradually been eroded very cleverly by Pakistanis. That is an issue we have to look at”. He also emphasised that "Pakistan has very cleverly changed the complete demography of so-called Pakistan-occupied Kashmir, Gilgit-Baltistan. So, one is not very sure as to who is an actual Kashmiri, whom we're addressing these issues to..." and that "Every time something happens on our side (J&K), we must always address it to say that it is also going to have a radical effect on the other side (PoK). The issue is, on the other side, the complete demography has changed...”

A Significant Concurrent Step

As reported widely in the media, the Indian Meteorological Department commenced referring to its meteorological sub-division of Jammu and Kashmir as “Jammu & Kashmir, Ladakh, Gilgit-Baltistan and Muzaffarabad”.

Post the abrogation in August 2019 of Articles 35A and 370 of the Indian Constitution and Jammu and Kashmir and Ladakh being declared to be Union Territories, the political maps of the two states (that together

comprised the erstwhile J&K State were redrawn. Whereas POK has been included into the Union Territory of Jammu and Kashmir, Gilgit Baltistan region form part of the Union Territory of Ladakh.

Expectedly, there was strong reaction for the Pakistan Government to the Indian move to include Gilgit Baltistan in Indian TV weather bulletin. The Pakistan Foreign Office statement mentioned that “No illegal and unilateral steps by India can change the ‘disputed’ status of Jammu and Kashmir, recognised as such by the international community including the United Nations.” This response reemphasises that all Pakistani actions are predicated on the preservation of the sanctity of their perceived case before the United Nations.

Pakistan’s Expected further Course and Options

The developments in this ‘case’ reveal the following:

- Notwithstanding the platitudes, there is no real urgency as such on the part of the Pakistan Supreme Court to speedily settle this case and provide ‘a place in the glorious Pakistani sun’ to the people of GB.
- The Order is more of a ‘fix it’ to enable the process of elections to the Legislative Assembly of GB to be proceeded with.
- The repeated deferment of hearings and time being granted to the Federal Government is reflective of the Apex Court deferring to the requirements of the Government rather than to the anguish of the petitioners.

The final judgement on this case is yet to be pronounced. When done, it can only be expected to lend the requisite judicial support to whatever the Pakistan federal government would decide the administrative apparatus that should prevail in GB. How much of substantive power can and should be delegated to the Assembly and its people and balance the same with the powers that should be retained, and strongly so, with the Federal Government – a compulsion driven by two factors.

The China factor

Gilgit Baltistan being the jugular artery of the CPEC needs no emphasis. China’s stakes in the safety and security of the Karakoram Highway are very high. Recent history of protests and public display of anger by locals have not helped in assuaging Chinese concerns. An elected GB Assembly with a majority of members inimical to the corridor and bestowed with

powers to sanction and maintain oversight over CPEC projects or other Chinese infra projects in the region would be a nightmare. One can well imagine the assurances the Pakistan federal Government would have provided to the Chinese prior to the Agreement between China Power and the Frontier Works Agency to jointly construct the Diamer Basha dam.

The bottom line here is that China would want all aspects relating to its projects, CPEC or otherwise to be under the 'single window' ambit of the Pakistan Federal Government.

The India Factor

Pakistan has so far been assiduous in ensuring that no action on its part adversely affects its case before the United Nations. This has also been the 'fig leaf' cover for the ploy to retain this 'special status' that de facto gave it a free rule over the area and deprived the regions people of legal rights and status as citizens of Pakistan.

India's own actions on 05 Aug 2019 to abrogate Article 370 of its Constitution and reorganise the erstwhile J&K State into two Union Territories would undoubtedly set Pakistan to rethink its position and look to either follow suit to grant provincial status to the region, assuage concerns of its people or to use the 'force of the law' through an appropriate judgement of the Supreme Court.

The short question here is whether Pakistan would let go its 'UN compliant' stance and go the India way to integrate the Gilgit Baltistan region into mainland Pakistan. The judgement would be a clear indicator.

Is there an Indian threat due to its recent actions and initiatives that could underlie this decision?

Unlikely. India would need to take many more further steps, some aggressive, to generate any fear factor to influence decisions.

Judicial support to achieve a 'desired' end state?

Realism would be to expect the final judgement in this case to establish a power and supporting administrative structures in the Gilgit Baltistan Government and bestow such privileges and rights to the people of the region that would address Chinese concerns and serve the ends of the Pakistani state.

The best case for the people of GB would be for a full-fledged provincial status with representation in the National Assembly of Pakistan

and a Provincial Government with powers akin to the other four provinces outside the 'clutches' of the Ministry of AJK and GB.

The keenly awaited judgement would be an indicator to whether the road to provincial status is opening up or would there be another contorted 'mid-way' solution with no substantive improvement to the present 'second class' status of the people of the GB Region.

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