**The future status of Gilgit-Baltista**

**[Sartaj Aziz](https://nation.com.pk/Columnist/sartaj-aziz)**

November 03, 2020

In May 1999, the Supreme Court of Pakistan delivered a landmark judgement which declared that “the people of Northern Areas were citizens of Pakistan for all intents and purposes and could therefore invoke constitutionally guaranteed fundamental rights.” It accordingly directed the government to take proper administrative and legislative steps to ensure that the people of Northern Areas enjoyed these rights under the Constitution.

No follow-up action was taken on this judgement during the Musharraf rule, from 1999 to 2008, but in 2009, the PPP government introduced a comprehensive package of reforms through the “GB Empowerment and Self-Governing Order 2009”. This order changed the name of Northern Areas to Gilgit Baltistan (GB) and provided for a 33-member legislative assembly with an elected chief minister. It also brought the administrative structure of GB closer to that in other provinces.

[UN concerned over possible war crimes in Karabakh](https://nation.com.pk/03-Nov-2020/un-concerned-over-possible-war-crimes-in-karabakh)

However, the people of GB continued to press their demand for further constitutional and democratic rights. On August 17, 2015, the GB Assembly passed a resolution demanding that “GB should be given the status of a province of Pakistan.”

In October 2015, Prime Minister Nawaz Sharif set up a committee under my chairmanship to “(i) review the current constitutional and administrative status of GB and analyse any shortcomings. (ii) examine if the existing boundaries of GB overlap with the territories that formed part of the pre-independence state of Jammu and Kashmir. (iii) Recommend constitutional and administrative reforms keeping in view the UN resolutions on Kashmir.

This GB committee included Mr Ashtar Ausaf Ali, attorney general, Khwaja Zaheer Ahmad SAPM, Mr Hafiz Hafeez ur Rehman CM GB, the Foreign Secretary Aizaz Ahmad Chaudry, Secretary KA and GB Mr Abid Saeed, Mr Tahir Hussain CS GB, and Major General Shamshad Mirza DGMO. Dr M Faisal DG South Asia acted as secretary of the committee.

[Pompeo’s Asia visit has strong anti-China undertone](https://nation.com.pk/03-Nov-2020/pompeo-s-asia-visit-has-strong-anti-china-undertone)

After thorough study of historical archives, the committee submitted a 93-page report to the Prime Minister on March 17, 2017 containing the following main recommendations.

a) In order to fulfil the aspirations of the people, the next logical step to implement the Supreme Court decision will be to give Gilgit-Baltistan provisionally the special status of a province, pending final settlement of the Jammu & Kashmir dispute. This step will be a positive response to the formal request from the people of GB as expressed in a unanimous resolution adopted in the GB Legislative Assembly on August 17, 2015.

b) This arrangement can be formalised by giving representation to Gilgit-Baltistan in the National Assembly and Senate, through constitutional amendments in Articles 51 and 59 respectively, rather than amendments to Article 1.

c) Since representation in the National Assembly will be based on last official census, Gilgit-Baltistan will be entitled to three special seats, one for each of the three Divisions i.e. Gilgit, Baltistan and Diamer. One additional woman seat can also be added, to be elected by the Gilgit-Baltistan Assembly. This Order can be issued by the President under Article 258. Provision for these seats can be made by adding the following amendment to Article 51(4) of the Constitution, “and four seats to Gilgit-Baltistan to be filled from such date and in such manner as the President may by order specify, so granted as part of reforms to address aspirations of people of Gilgit-Baltistan, pending the final resolution of Jammu & Kashmir dispute as per the UN Security Council Resolutions without any prejudice to Pakistan’s principled stance.”

[Trump team says Democrats 'panicking' ahead of election](https://nation.com.pk/03-Nov-2020/trump-team-says-democrats-panicking-ahead-of-election)

d) Similarly, three special seats can be created for GB in the Senate, one for each Division through appropriate amendment in Article 59.

e) To bring the GB Assembly at par with other Provincial Assemblies, all legislative subjects, other than those enumerated in Article 142 of the Constitution and its Fourth Schedule may be assigned to the Gilgit-Baltistan Assembly and the Council, in the prescribed manner, with corresponding executive powers.

f) Gilgit-Baltistan Government may be given representation in all constitutional bodies like NEC, NFC and IRSA by extending special invitations, similar to those extended to AJK.

g) Simultaneously, a robust local government system should be set up in Gilgit-Baltistan as early as possible to provide all services at the grassroots level.

After taking over as Prime Minister, in August 2017, Mr Shahid Khaqan Abbasi chaired several meetings to consider these recommendations. This process culminated in a new “Government of Gilgit Baltistan Order 2018”, which was promulgated in May 2018. Under this Order the powers of the GB Assembly were brought at par with other provinces by adding several additional subjects in the third schedule, representation was given to GB in all statutory bodies like NEC, NFC and IRSA. Civil Service reforms were also approved to give representation to GB in all relevant federal bodies, apart from a substantial increase in the allocation of development funds for GB, along with powers to approve development projects similar to those available to other provinces.

[At least 1 killed, 15 wounded in Vienna attack](https://nation.com.pk/03-Nov-2020/at-least-1-killed-15-wounded-in-vienna-attack)

Since the term of the PML-N government was to expire on 31st May 2018, it was not possible to implement the last remaining requirement namely amendments in articles 51 and 59 of the Constitution to give representation to the people of GB in the Parliament of Pakistan, thus, giving GB provisionally the special status of a province. All other recommendations of the GB committee were implemented through GB Order 2018.

In making these recommendations, the GB committee, as required in its TOR number (iii) , had paid special attention to the implications of the UN resolutions on Kashmir. That is why it had recommended amendments in article 51 and 59 to give special seats to GB in Pakistan Parliament but not in article 1 which describes the composition of the federation.

Unfortunately, in the next two years this important subject did not receive the attention it deserved. In the face of several negative developments, no one with adequate knowledge of the reform process was given the responsibility to keep it on track. In July 2018, the GB Appellate Court set aside the GB Order 2018 and restored the GB self-governance Order 2009. But this judgement was suspended by the Supreme Court on 3rd December 2018. The Apex Court also ordered the Federal Government “to propose a fresh draft order for the governance of GB on the basis of the recommendation of the Sartaj Aziz committee”. A new draft “GB Governance Reform Order 2019” was accordingly submitted to the Supreme Court which approved it on 17th January and asked the Federal Government to take further action expeditiously. In a subsequent meeting of all stakeholders on 16th February 2019, it was agreed that the GB Reform Order 2019 would have to be enacted through an act of parliament. A committee under the Minister of KA and GB was set up for this purpose. However, no progress on the work of this committee has been reported so far. Meanwhile the development allocation for GB in 2019-20 was reduced by one third and the process initiated by the PML-N government to give representation to GB in federal statutory bodies was also suspended.

[Egyptian PM in Baghdad to boost bilateral ties](https://nation.com.pk/02-Nov-2020/egyptian-pm-in-baghdad-to-boost-bilateral-ties)

In September 2020, as the time for GB elections approached, someone in the government suddenly realised that a formal announcement to give provisional status of a province to GB could be of considerable advantage to the ruling party in these elections. In desperation, they requested the Army Chief to convene a meeting of party leaders and persuade them to cooperate in this task. At this meeting with the Army Chief, both the main opposition parties expressed their support for granting provisional status of a province to GB but it was also emphasised that the required legislative and other steps for this purpose should be taken after the GB elections, scheduled for November 15, 2020.

I hope in the coming weeks, the government will undertake the required preparatory work including draft legislation so that the Parliament can debate and approve the required constitutional amendments to give the people of GB due representation in the parliament of Pakistan, soon after GB elections in November 2020.