

Balochistan Package

The government on Tuesday presented the Aghaaz-e-Huqook Balochistan to a joint sitting of Parliament on November 24. The landmark package contains several initiatives to address the problems of the Baloch people and bring them into mainstream.

Text of Balochistan Package Presented in Parliament

Following is the text of the Aghaaz-e-Huqook package presented by Senator Raza Rabbani.

Preamble

"Conscious, that the provinces have a sense of deprivation, in political and economic structures of the federation;

Recalling, that the provisions of the 1973 constitution in particular relating to the federation-province relationship have been circumvented;

Stating that the financial assistance given by the present federal government in terms of Rs 4.6 billion PSDP support, Rs 2.8 billion paid as arrears of royalty for Uch – pending since 1995, Rs 17.5 billion overdraft of Balochistan written off, realising that this is not a substitute to provincial autonomy;

Acknowledging, that the question of provincial autonomy needs to be revisited and the ownership of the provinces over their resources reasserted in the constitution;

Mindful, of the tumultuous history of the province of Balochistan in the affairs of the federation;

Placing on Record that the present federal government has withdrawn cases and released political workers and helped in identifying the places of detention and release of some of the missing persons;

Determined, to correct the wrongs of history, by conferring the political, economic and cultural rights of the provinces, so that the federation may blossom, and;

Recalling, the documents made from time to time, namely The Shaheed Mohtarma Benazir Bhutto Reconciliation Committee Papers, the interim reports of the Wasim Sajjad and Mushahid Hussain Sayed committees of the Parliamentary Committee on Balochistan, headed by Chaudhary Shujaat, proposals made by the Balochistan chief secretary and the proposals of Mian Raza Rabbani.

The following "proposals" are made:

A. Constitutional-related Matters

1. Constitutional Reform: In terms of the resolutions passed by parliament, the speaker has constituted a parliamentary committee. The said committee has commenced work of considering various amendments in the constitution, including on provincial autonomy, this should be immediately addressed;

2. Constitutional Reform: The quantum, form and scope of provincial autonomy will be determined by the Parliamentary Committee on Constitutional Reforms, which represents all shades of political opinion in parliament. The following provisions of the constitution on provincial autonomy are under consideration of the committee; (i) Deletion of the Concurrent List from the Fourth Schedule of the Constitution; (ii) Deletion of the Police Order, 2002 and The Balochistan Local Government Ordinance, 2001 from the Sixth Schedule of the Constitution; (iii) Effective implementation of Article 153 of the constitution, Council of Common Interests; (iv) Implementation of Article 160 of the constitution, NFC Award; (v) Implementation of articles 154, 155, 156, 157, 158 and 159 of the constitution.

3. Restructuring of the NFC Award criteria: In the past, the formula was based on population. This has been changed and other criteria such as inverse population ratio, backwardness, poverty and resource generation need to be taken into consideration.

B. Politically-related Matters

4. Release of Political Workers: The federal government in consultation with the provincial government should immediately release all political workers, except those charged under heinous crimes;

5. Political Dialogue: Immediate to the acceptance of all the proposals contained herein, initiation of a political dialogue with all major stakeholders in the political spectrum of the province, to bring them into the mainstream politics.

6. Return of Exiles: The political exiles who return to Pakistan will be facilitated. (Except those involved in acts of terrorism).

7. Provincial Assembly Resolutions: The unanimously passed resolutions of the assembly from 2002 until date, related to the province, be implemented within the legal framework of the constitution.

8. Local Government: The Balochistan Local Government Ordinance needs to be amended by the provincial government keeping in view the administrative needs of the province.

C. Administratively-related Matters

9. Operations by Federal Agencies: The federal government should immediately review the role of federal agencies in the province and stop all such operations that are not related to the pursuit of fighting terrorism;

10. Construction of Cantonments: The federal government should announce, that the presence of the army in Sui will be withdrawn and replaced by the FC in pursuit of peace in the present situation. Proposals should not be formulated for the construction of new cantonments except in frontier areas, wherever required;

11. Commission: A commission should be constituted in respect of the missing persons. The commission should be headed by sitting member of the superior judiciary from Balochistan, including the federal defence, interior ministers and the home minister of the province. The proceedings of such a commission shall be held in camera.

12. Missing Persons: The names of missing persons be identified and following actions be taken immediately, after verification, in any case, if they are found to be in custody. (i) Those persons against whom there are no charges be released. (ii) Those persons against whom there are charges be brought before a court of competent jurisdiction within seven days for trial (effective from the date of promulgation of commission). (iii) Such persons be allowed legal consul of their

choice, the government should assist them in this regard in accordance with law. (iv) Family members of such persons be informed accordingly and allowed visiting rights.

13. Judicial Inquiry: Judicial inquiry by the superior judiciary be ordered by the federal government to inquire into: -

a. Murder of Baloch political workers, Ghulam Muhammad, Lala Munir and Munir Ahmed.

b. Target killing in the province.

14. Nawab Akbar Bugti Shaheed: A fact-finding commission, headed by a retired judge of the Supreme or High Court be constituted, to determine the circumstances leading to the death of Nawab Akbar Bugti Shaheed.

15. New Army Cantonments: Construction of new cantonments in Sui and Kohlu be stopped for the time being. Army will be withdrawn from Sui after handing over the duties to FC. FC will also takeover the already constructed Cantonment at Sui.

16. Conversion Of "B" Areas Into "A" Areas: In view of the decision of the provincial government, the policy of conversion of "B" areas into "A" areas may be reviewed from time to time. Urban areas may have regular police.

17. The Role Of Civil Armed Forces:

(i) Frontier Corps; The role of the FC in law enforcement shall be under the chief minister of the province. The powers conferred under the Customs Act shall be withdrawn, (ii) Coast Guard; The CG should perform its primary duty of checking smuggling of arms and narcotics along the coast and the border. The check posts established beyond their territorial limits as prescribed under the law shall be dismantled. An exercise of delimitation of the border areas needs to be undertaken by the federal government, provincial government and the Frontier Corps to give effect to the aforesaid.

18. Check Posts: The various check posts established by the civil armed forces and other related agencies, other than border areas should be in accordance with the directions of the provincial government.

19. Judicial Inquiry: here should be a judicial enquiry by the superior judiciary into the allotment of land at Gwadar,

20. Flood Relief: Some monies are due on the federal government for the flood-affected people of Balochistan, these amounts should be released.

21. Education: Balochistan be given a special quota of scholarships by the Higher Education Commission so that students of the province can pursue studies leading up to local or foreign Masters and PhDs.

D. Economically-related Matters

22. Rationalisation Of The Royalty Formula:

(i) Rationalization of the royalty formula and the Gas Development Surcharge have been done, (ii) The concept of public-private ownership in the areas of a district granted for exploration should be followed. Where contracts are awarded, the said district should be given 15% of revenue to be received by the provincial government, (iii) Due representation should be given to the province on the boards of the PPL; OGDC and Sui Southern Gas, (iv) Distribution companies should be obligated under contract/law to provide on priority basis gas to the district where it is explored, (v)

In case of a successful find the federal government shall spend an amount equivalent to 10% of the net profits on development projects in the area. The ascertainment of profits shall be open to scrutiny by independent/third party auditors, (vi) The federal government has released the accrued Production Bonus to the districts producing oil and gas. This policy will be strictly implemented.

23. Mega Projects:

(i) All new mega projects to be initiated with the consent and approval of the provincial government. The share of the province in its profits/benefits to be assured in the contact/agreement, (ii) The concept of public-private ownership in such projects to be followed where ever possible, (iii) In Gwadar, there shall be a free economic zone and political activities in the said zone may be regulated by an appropriate law to be framed in consultation with all the stakeholders, (iv) In Gwadar, all or as far as possible, appointments in BS-1 to 16, should be from the local population, (v) In Gwadar, the local youth should be provided technical training and absorbed in GPA, GDA and Special Economic Zone, (vi) Preference should be given to the qualified local contractors while awarding contracts related to the port, (vii) Compensation and reallocation of all those fishermen, who are being displaced due to the Gwadar Port must be finalised immediately, (ix) The two jetties agreed to be constructed for the fishermen on the eastern and western bays be constructed, (x) A fisheries training centre as required to be established under the 9th Five Year Plan for Balochistan be constructed, (xi) A portion of the revenue collected by the Gwadar Port Authority be allocated for the development of the province, (xii) The chief minister shall be the ex-officio chairman of the Gwadar Development Authority and there shall be seven members from the province on the Board of Directors, (xiii) The provincial government of Balochistan will nominate a person duly qualified to be the Chairman of the Gwadar Development Authority.

24. SUI:

(i) There should be a special development package for the area. (ii) The armed forces should be systematically withdrawn from the area.

25. Employment Opportunities:

(a) The federal government will create, with immediate effect, five thousand additional jobs for the province, (b) (i) The quota for the province as prescribed in the rules/law for employment in government (specially foreign service), semi-government, autonomous/semi-autonomous, corporations and bodies must be strictly complied with. Deficiency if any, needs to be met in a proactive manner, (ii) The Overseas Employment Foundation needs to facilitate the recruitment of skilled or unskilled labour for employment aboard, (iii) The local people living along the coast who meet the criteria should be given jobs in the Coast Guards, (iv) The monitoring of the aforesaid shall be the responsibility of the Senate Standing Committee for Establishment.

26. Gas Development Surcharge: The federal government agrees to pay the arrears of Gas Development Surcharge from 1954 to 1991. This is a total amount of Rs 120 billion payable in 12 years.

27. Ownership in oil and gas companies: In organisations such as PPL, OGDCL and Sui Southern, the province will be able to purchase up to 20% of the right shares when offered in the open market.

28. Sandak Project: The federal government from its 30% shares in the project will immediately give 20% to the province. On completion of the project and when the foreign company withdraws, the project shall be owned exclusively by the province.

29. Uniform Price of Gas: There shall be a uniform price of gas throughout the country for the purpose of calculation of GDS.

30. Fishing Trawlers: Fishing trawlers should be restricted to the authorised limits of 33 kilometres from the coast. This will help promote the small fishermen.

31. Kohlu District: Special incentives should be given to the local tribes to facilitate exploration in the area, which continues to be closed due to security concerns.

32. Poverty Alleviation: In all poverty alleviation schemes, the allocation of the province should be proportional to the percentage of people living below the poverty line.

33. Profit Sharing In Existing Agreements:

(i) It is proposed that existing agreements on projects such as SANDAK, REKODIC and others where agreements have already been negotiated, the federal government may reconsider the agreements concerning the sharing of income, profits or royalty between the federal government and the provincial government.

34. Dera Bugti Internally Displaced Persons: The federal government for the rehabilitation and settlement of the IDPs shall provide a sum of Rs 1 billion.

35. Water Management: The federal government shall immediately undertake schemes, which include the construction of small dams throughout the province but particularly in the districts of Quetta, Pasheen, Qila Abdullah, Qila Saifullah, Zhob etc.

E. Monitoring Mechanism

36. Parliamentary Committee on National Security: It is proposed that the federal government, provincial government and other departments/agencies involved in the implementation of the proposals shall brief the Parliamentary Committee on National Security on the status of implementation on a monthly bases.

37. Parliament: The federal government and the provincial government shall every three months lay a report before both Houses of parliament, separately, on the state of implementation of the proposals. The two Houses shall separately allocate appropriate time for discussion on the said report.

38. The Standing Committee on Establishment Of The Senate Of Pakistan: The Standing Committee on Establishment of the Senate shall present a report every three months on Item No 25. The Senate chairman, after the report has been laid in the Senate, transmit the same to the speaker, National Assembly of Pakistan, for information of that House.

39. Certification: The federal minister for inter-provincial coordination shall at the end of each financial year certify to both the Houses of parliament separately, the amount of monies spent for the implementation of these proposals.

Key Points:

- Facilitation of political exiles' return to homeland (except those involved in terrorism)
- End to construction of cantonments
- Tracing missing citizens, facilitating their immediate release
- Provincial consent in launch of mega projects
- 10 percent of profits to be allocated for development of areas with natural resources

- Constitutional matters to be settled by Constitutional Reforms Committee
- Concurrent list be deleted from Forth Schedule of Constitution
- Restructuring of NFC Award criteria
- Judicial probe into Akbar Bugti, other Baloch leaders and target killings
- Fact-finding commission to investigate circumstances that led to Akbar Bugti's killing
- Release of all political workers except those charged with heinous crimes
- FC to replace Army at Sui
- Rs120 billion gas royalty
- Political dialogue with all stakeholders
- Provincial Assembly resolutions to be implemented
- The provincial government to amend local government ordinance
- End of all operation except actions against terrorism
- The policy of conversion of "B" areas into "A" areas to be reviewed from time to time
- The FC's law-enforcement role to be under the chief minister, powers conferred under the customs act to be withdrawn and the coastguard to perform its primary duty of checking arms and narcotics smuggling
- The Federal Government to immediately give 20 per cent from its 30 per cent shares in Saindak project to the province, which will exclusively own it on completion and after withdrawal of the foreign company
- Judicial probe into the allotment of land at Gwadar
- Special quota in HEC scholarships
- 5,000 additional jobs at the earliest
- Ownership in oil and gas companies
- Rs1 billion for Dera Bugti IDPs
- Parliament Committee on National Security to monitor package implementation
- Fishing trawlers to be restricted to 33km from the coast, to help small fishermen.

Responses

Baloch people will get much-needed solace: The Balochistan package is an important step towards addressing grievances of the Baloch people, ***Population Welfare Minister Dr Firdous Ashiq Awan*** said. She said the package aimed at providing much-needed solace to the Baloch people, adding several committees had been constituted in the past to address the longstanding issues of Balochistan.

Balochistan package a remarkable achievement: The Balochistan package is a remarkable achievement by all political forces of the country, ***Railways Minister Haji Ghulam Ahmad Bilour*** said, welcoming the package. He called the day a landmark in the history of the country where all political parties unanimously agreed on the Aghaz-e-Huqooq-e-Balochistan package.

Constitutional guarantee to be given to package: A constitutional guarantee should be given to the Balochistan package to ensure its implementation, ***MNA Aftab Ahmad Sherpao*** said. He said his party was not taken into confidence on the package, adding it was a positive sign that the government took some political parties on board before bringing the package to parliament.

Package a milestone towards provincial autonomy: The Balochistan package will prove a milestone towards provincial autonomy and remove the sense of deprivation in the province, ***ANP Senator Zahid Khan*** said. He said dialogue was the best option for resolving any issue, hoping Baloch leaders would accept the government's offer for talks for resolution of the province's issues.

Package right move to address Baloch concerns: The announcement of the Balochistan package is a historic step, which will help end the feeling of deprivation among the people of the province, ***Minister of State for Foreign Affairs Nawabzada Malik Ammad Khan*** said. He said the package was the right step towards addressing the issues of the Baloch people.

Package to help redress Baloch grievances: *Benazir Income Support Programme Chairperson Farzana Raja* hoped the Aghaz-e-Huqooq-e-Balochistan package will help address grievances of the people of Balochistan. She said the PPP government started working on the package as soon as it assumed office, with a view to provide relief to the Baloch people.

Package to provide relief to Baloch people: The Aghaz-e-Huqooq-e-Balochistan package will play a significant role in removing a general sense of deprivation among the people of the province, *Punjab Population Welfare Minister Neelam Jabbar Chaudhry* said. She said the package would provide relief to the people of the province in all spheres of life.

Package will yield encouraging results: An initiative has been taken to end the decades-old sense of deprivation among the Baloch people and the results would be encouraging, *Minister of State for Housing and Works Dr Ayatullah Durrani* said. He said the Baloch people would have an opportunity to play their roles in state affairs under the constitutional amendment.

Parliament to monitor implementation: Parliament will monitor the implementation and evaluation of the Balochistan package, *Parliamentary Affairs Minister Babar Awan* said. He said presentation of such a development, economic and administrative package was a landmark decision of the government, adding the package was in accordance with the aspirations of the Baloch people.

Unity imperative to resolve problems: Unity is the preferred way ahead for resolution of problems of the deprived masses, *National Assembly Speaker Dr Fehmida Mirza* said. "There is no reason the masses' problems will not be solved when all democratic forces unite," she said. "Today parliament proved itself as a real federal democratic institution," she added.

PML-Q Partially Welcomes Package: TPML-Q welcomed the Balochistan relief package the government presented in a joint sitting of parliament, but said it had not addressed all issues of the Baloch people. Former Punjab chief minister Chaudhry Pervaiz Elahi and Leader of the Opposition in the Senate Waseem Sajjad said the package should be presented in the Balochistan Assembly before parliamentary approval, to seek input of Baloch leaders. Elahi and Sajjad also suggested that the government should formulate a delegation consisting of all political parties to hold talks with Baloch nationalist parties. They said a delegation of the Pakistan Muslim League-Quaid would visit Balochistan soon to hold talks with the people of the province.

They said certain issues had not been addressed in the relief package while there were apprehensions about the implementation of what had been promised. Similarly, no mechanism had been provided to ensure transparency in expenditure of the funds pledged for the province, they added. They said the government reluctantly did not mention India for its alleged interference in the province. The PML-Q leaders said the demand of shifting the Gwadar Port Authority office from Karachi to Gwadar had also been ignored, while it also failed to constitute a policy to establish industrial zones in the province. Elahi said the government should increase job quota for unemployed youth of the province, adding loans for small-scale farmers should also be written off.

Responses from Baloch Lawmakers and Nationalists

Exiled Baloch leaders on November 24 rejected the Aghaz-e-Huqooq-e-Balochistan package on the grounds that it doesn't go far enough to meet their main problems.

Hyrbyair Marri, the London-based leader of the powerful Marri tribe, remains staunchly opposed to any compromise with the government. He called Aghaz-e-Huqooq-e-Balochistan

package a “mockery and a cruel joke” with the people of Balochistan and said it falls short of Baloch expectations and was only an exercise in buying more time. He said: “This package is misleading. It’s another trap set for us to convince us that the federation pines for us and wants the solution of our miseries. Marri said President Zardari and his government may have good sentiments but they were powerless and the real powers rest with the military establishment. “If Zardari is so powerful and omnipotent then why is he expecting the UNO to find killers of his wife Mohtarma Benazir Bhutto? Why doesn’t he have faith in the courts and institutions of his own country?”

Mir Suleman Dawood Khan, the current Khan of Kalat, said the government failed to take all stakeholders on board and didn’t consult those it didn’t like. “Baloch nationalist parties were not consulted and only allies of the current government were informed about it a few days ago.”

Noordin Mangal, who regularly speaks at the UN forum, said the package doesn’t address the real problems of the Baloch people.”

Late Akbar Bugti’s son and President of Jamhoori Watan Party (JWP) Talal Bugti charged that the package was prepared by the invisible forces and not by Prime Minister Syed Yousuf Raza Gilani’s team or a parliamentary committee. “The prime minister in his address to the parliament’s joint session said the FC would remain in Balochistan, which means, no change in the status-quo. If they are not serious, which I believe, we have the option to knock at the doors of the United Nations,” Talal warned.

Balochistan Nationalist Party leader Habib Jalib said the package did not reflect the will of the Baloch, as it had not given them a constitutional guarantee.

Balochistan National Party-Mengal (BNP-M) Vice-President Sajid Tareen, while talking to from Quetta, noted what had been announced in the package had never been the demand of Balochistan’s people. “Our stand remains unchanged that the federating units must be treated as per the 1940 Pakistan Resolution,” he said.

Senator Hasil Bizenjo said the package carries most of the old things and there is nothing new in it. “The Baloch people want practical steps, not announcements,” he added.

National Party (NP) Senator Dr Abdul Malik said the package would further increase hopelessness among the people of the province. “This new package will add to problems of the people of Balochistan,” he said.

NP Senators Hasil Bizenjo Bizenjo said the government had not addressed the military operation in the province and had not come up with “concrete steps” to resolve the crisis.

Jamiat Ulema-e-Islam-Fazl Senator Ismail Buledi said the real concerns of the Baloch had not been addressed in the package.

Senate Deputy Chairman Jan Muhammad Jamali welcomed the package, saying, “The crucial phase will come when constitutional reforms for the province will be announced.”

Baloch leader Sanaullah Baloch said the Baloch had lost their confidence in the federal government. He said the package should be action-oriented. JWP leader Shahzain Bugti said, “We don’t accept the package. The government has not consulted the real representatives of the Baloch.”

***The update is based on secondary data collection by 'The Researchers' from number of sources.**