

PROBLEMS IN STREAMLINING THE GEMSTONE SECTOR OF GILGIT-BALTISTAN: PERSPECTIVES OF GOVERNMENT OFFICIALS

Arshad Khan Bangash*

Associate Professor, Department of Sociology, Bacha Khan University Charsadda. Email:
arshad.dwhh@gmail.com

Syed Owais

Assistant Professor, Department of Sociology, University of Peshawar. Email:
owais@uop.edu.pk

ABSTRACT

This paper analyses the perceptions of staff members of the Mines and Mineral Department of Gilgit-Baltistan using qualitative methodology. The paper relies on stakeholder workshops and five qualitative interviews conducted with the staff members of the Mines and Minerals Department of GB. The data reveals that artisanal and small-scale miners (ASMs) oppose mine leasing which creates hurdles for them in getting explosives and obtaining compensation in case of injuries and casualties. In some parts of GB, check posts are available for collection of collecting transit duties, but no mechanism is found to detect gemstones moving out of GB, their actual price, and subsequent transit duty fee. The department lacks enough human resources which is why it cannot extend full assistance to the mining sector in the region. Although, some improvements have been made in the form of training provisions and testing facilities still ASMs do not benefit from these opportunities. In addition to differences in perspectives between ASM and staff members of the mines and minerals department, the locals also dispute with each other on mining sites and possession. To resolve these disputes at the doorstep, a District Supervisory Committee headed by the Deputy Commissioner and comprising of locals and government officials is established in each district of GB. Yet these do not offer a viable solution. The concerned department also does not have any data about injuries and casualties in mines as neither data is shared by the miner nor they are registered with the department. That is why the government is unable to extend its support and compensation. Lastly, the direct intervention of external agents, and private sector and non-governmental organizations' involvement in the illegal trading of gemstones is also blamed for the backwardness of the gems industry.

Key Words: Gemstones, Artisanal Small-Scale Miners, Disputes resolution, District Supervisory Committee, and Gilgit-Baltistan

INTRODUCTION

Pakistan is fortunate in terms of gemstone resources as Gilgit-Baltistan (GB) alone produces more than 30 types of gemstones. The country produces 30 per cent of the world's gemstones. But its share in the world market is only 0.03 per cent which is very low in comparison to its production capacity (Hussain, 2018). The prevailing differences between the market economy and gems production are multi-faced and several factors either directly or indirectly play their role in widening the gap between production and economy. Current knowledge suggests that such differences are the outcome of various issues confronted by all stakeholders including the Mines and Minerals Department of GB (hereinafter, the department). Artisanal and small-scale miners (ASMs) contribute 20 to 30 million globally with 80 per cent coloured gemstone production in more than 80 countries (Barreto, et.al, 2018; Villegas, Weinberg, Levin and Hund, 2012). However, GB's ASMs face many issues.

* Corresponding Author

GB is an autonomous self-governing political entity under the control of the Pakistani administration. Likely, geographical remoteness, mountainous environment, inefficient resources and severe weather conditions contribute to the region's continuing socioeconomic backwardness (Hussain, et. al., 2018). State administrative control, the political affiliation of the region, and local endorsement of normative order are shaded within the proxy yarn. The local communities rule the region and as a state proxy, it had a very complex political association with Pakistan. The customary regulatory system operates through the principles of collective responsibility which mostly aims to utilize natural resources in a sustainable manner (Lahiri-Dutt and Brown, 2017). The region bore a light footprint of colonial administration due to different hurdles posed by hilly terrain to communication and transport, delivery of goods and services and provision of security and administration. That is why GB is considered one of the least-governed areas in the world. Mezzera and Aftab (2009) believe that, historically, the state has been less able and to an extent less willing to deliver basic services to rugged, remote and thin-populated areas and as a result, the region remained the poorest and most marginal part of the country.

Beg (2016) suggested that the core differentiating feature between customary laws and statutory provisions is the focus on equity, in another way; both worked much of the same way. Haines (2012) suggested that apart from the role of terrain towards the ungovernability of Gilgit-Baltistan, the complex socio-political history and diversity of ethnic communities created internal borders leading to imbalance and hierarchies within the state. Similarly, it is not only the terrain but border location and recent marginalization history that need to be considered (Gul, 2010). Hunza communities of Gilgit-Baltistan hold out their marginalization by engaging legal and political means at local, national and international levels as subaltern cosmopolitan legality (Hong, 2012). Due to the absence of a powerful horizontal network organized around shared interests and issues, these communities to a greater extent feel that they are being left by the government to fend for themselves with little assistance from the federal government in the provision of basic services such as hospitals, roads and utilities (Mezzera, and Aftab, 2009). It should be not surprising to see that no department is responsible at the government level for ASMs' welfare (Saleem, 2004).

Bachh (2003) draw the attention of the scholarly communities towards the private sector, who recognized that in most cases geological exploration is not involved. To secure a quick return on investment, stakeholders of the private sector go for unplanned mining that shortens the life of untapped resource deposits and in turn, the full potential of the available deposits could not be fully utilized. Likely, the absence of technically qualified staff looking into mining affairs led towards wrong mining sometimes resulting in monetary and human losses. Similarly, infrastructural advancements like roads and electricity are missing in most mineral-rich areas. Gulzar et al. (2010) suggested that Pakistan has an informal sector termed as the hidden economy in coexistence with the formal economy including both types of legal and illegal activities. A significantly higher number of people are attached to the informal sector of the economy (Idris, 2008), it contributes 37 per cent to the country's GNP besides the facts to estimate the actual value-added contribution of the sector.

Further, a political narrative in the analysis of resource governance as presented in Butz and Cook (2016) portrays that the local resource users are destructive of the environment and are less responsible. According to International Alert (2015) report, in Pakistan mining sector is henpecked by the public sector mainly from China through federal and regional development corporations. In turn, due to exploitation, its contribution to GDP is only 1 per cent. Informal artisanal mining is mostly carried out beyond authorities' powers by loose associations and individuals without acknowledging almost any writ of the state. No wonder, there is neither environmental control nor supervision of occupational safety (Lahiri-Dutt and Brown, 2017). In consonance with these, gemstone mining at high altitudes can be understood in the same mode. The state looks at gems wealth as an opportunity and through expanding the mining industry economic growth can be pursued (Muhammad, 2008), but that cannot happen without the allocation of appropriate resources to the concerned department.

The existing infrastructure does not fulfil the local requirements and the state role in this respect is performed by the local as reported by Lahiri-Dutt and Brown (2017); according to them (Lahiri-Dutt and Brown, 2017), the locally established welfare funds in some parts of GB and 1 per cent of mining revenue goes to these established welfare funds which are utilized for bridges and roads repair,

healthcare and educational expenses. Besides the lack of physical infrastructural development, the locals also oppose the institutional amendment and development time and again that restrict the activities of the Mines and Mineral Department in GB. For instance, the residents protested over the award of mining contracts to foreign companies and with a demand for ownership over the local resources, they blocked Karakorum highway for 5th consecutive day. According to a Dawn Newspaper report dated January 9, 2023, massive protests were held across GB over the past several days and the locals showed severe reservations regarding the state taking over land that belongs to the people.

Neither the local miners and investors nor the department can invest enough in the gemstones sector. According to Bachh (2003), heavy finances are needed for the valuation and development of mineral deposits. Mostly, either an individual or party with less financial resources obtained a lease but they are unable to secure heavy investment for mine development and mineral exploration. Sometimes miners fail to import mineral-extracting technology due to high transportation costs. Regarding the specific and speculative nature of gems mining, authorities acknowledge small investment requirements and the use of relatively light equipment. Other considerations that can make gemstones as a profitable enterprise for the government include the richness of ore, prevention of pilferage from the mines and re-marketability of the stones (Bokhari, 2000).

Given the high altitude and rocky terrain of GB, its ASM community heavily rely on the use of explosives. However, the role of government concerning the provision of explosives is tough enough after the last wave of terrorism in the country, for which most often law and order situations are blamed. But the existing body of knowledge suggested that it could not be established that the marketing and sale of rough gemstones are associated with drug smuggling and terrorism financing as portrayed in the mainstream media (Khan 2014). Further, neither at the local nor the government level fixed mechanism of price exists and, in this respect, the role of state intervention is very weak. To cover this aspect of the issue Bachh (2003) estimates that in comparison to uncut stone fetches, cut gemstones have ten times higher prices while in Pakistan value addition of the product stands as a barrier in this respect. Barreto et. al. (2018) concluded the complex trading dynamics of the gemstone by stating that such complexity is the outcome of the simple way of value determination without training and a lack of no international daily fixed prices. State control over supply and demand control mechanisms plays an important role in the uplift of the gemstones sector. But in Pakistan, neither supply and demand control mechanism nor a price and quality control system for mineral mining is found that in turn drops the prices followed by political unrest that blocks investment in the mining sector (Bachh, 2003).

Finally, the role of value addition of gemstones cannot be avoided ranging from mining, cutting, polishing and trading. In this respect, Barreto et. al. (2018) concluded that valuation required special skills, practices, and tools resulting in a knowledge differential between the gems miners and traders. Besides the above, gems buyers are limited in number but the complex nature of the market enables traders with many commercial powers, especially in an informal market where secret transactions are made. Furthermore, it is also suggested that advancement in miners' skills is required to avoid their debate bondage, resulting due to wrong appraisal of gemstones, sale of unsuitable equipment and obscure financing agreements (Barreto et. al., 2018).

METHODOLOGY

This research article is based on the data collected as part of a project funded by the Higher Education Commission (HEC) of Pakistan. The project, factors inhibiting beneficiation of gemstones in Pakistan: a mixed-methods value chain analysis of mining and trade in the gemstone industry of Khyber Pakhtunkhwa and Gilgit-Baltistan, collected both qualitative and quantitative data by adopting an exploratory sequential – also termed a “three-phased mixed methods – design followed by a development phase of translating qualitative findings into an approach or tool that is tested quantitatively” (Creswell and Plano Clark, 2018: 84). The researchers began with qualitative data collection. Before constructing the tool for data collection, the researchers conducted two stakeholder workshops, one each in Khyber Pakhtunkhwa and Gilgit-Baltistan provinces. The workshop participants included miners, staff members from the Mines and Mineral Departments of KP and GB, lapidarist, and traders from both provinces and the Namak Mandi gemstones market in Peshawar. The

workshops were used as means to elicit participants' views and perspectives on the overall scenario of gemstone mining, cutting, polishing and trading in the country.

The dearth of data and empirical reports regarding the working conditions, operations, and processes involved in the mining, processing, cutting, polishing, and sale of gemstones warranted the initiation of the project. Further, the absence of information about subjective explanations regarding different aspects of all involved stakeholders in both provinces another way around justifies the research project. That is why, the adoption of mixed methods research (MMR) and using of exploratory sequential design seemed highly appropriate and viable options for firstly documenting the subjective, lived, and experiential accounts of research participants, and building on a thematic analysis of interviews with them, the researchers developed questionnaires for generating quantitative data. During the workshops, stakeholders were engaged in group-based participatory activities and dialogues to document their first-hand knowledge. Subsequently, a thematic analysis of the workshops' procedural report was used as a ground for the development of an interview guide for conducting semi-structured interviews (SSIs) with five staff members of the Mines and Minerals Department of GB. The staff members' views were crossed examined with the perception of four Lessees of mines and five artisanal and small-scale miners (ASM), It is worth mentioning that this counterfactual data was collected to determine the validity of the views and opinions of the staff members. However, the thematic analysis presented below solely draws on the views of the staff members as the inclusion of lessees and ASMs views would have made the reported findings exceptionally lengthier.

DATA ANALYSIS

The local people are reluctant to lease gemstone mines which in turn result in a very less number of lease application despite that the newly implemented state policy is relaxed enough with the provision of sub-leasing and partnerships followed by charging a very minimum leasing fee. But still, it is very difficult to convince miners for leasing because people generally perceive the registration process negatively. That is why the locals are hesitant towards mine registration and leasing. This could further compel them to pay additional amounts when caught taking gemstones out of GB. According to a government official:

“The people in GB are not legalizing their mining business. I will give you an example of a miner who is not legalizing their mine-related businesses. Recently, a person was caught by police for taking gemstones out of GB. He would willingly give PKR. 20,000.0 to the police for letting him. However, if he legalizes his business, it would cost him only PKR. 5000.0. So, the gemstone dealers are ready to give extra money to the police but would not legalize the business. For the last three years, he is visiting courts to acquit from the case. So, it cost him a lot. Registration in the mineral department is very easy. But people portray it very differently. You come and ask for the information. Anyone can get a legal lease agreement for 129,000 PKR only for five years with a two-year extension option”.

Interestingly, the locals are willing and lease minerals, but when it comes to gemstone leases, they always resist with, reportedly, “illogical reasons”; although much relaxation is provided to miners in government rules. In comparison to the past, in the current policy, they only have to pay PKR. 50,000.0 for five years without any other hidden charges. Further, these rules also have provisions for partnership and subletting. Nonetheless:

“Gemstone leasing tendency is low as compared to other minerals due to miners' attitudes and irrational justifications. If they are not becoming legal miners, then they must have valid justification. They must have been legal miners because, now, there is too much relaxation in the government rules. Previously, a lease would be awarded for 30 years for which they had to pay fees and many other charges, but now they have to pay PKR. 50,000.0 for five years and then they are free to do what they want to do. After getting a lease even they have the option of subletting with permission from the department” (Government official)

Mining in GB is dependent on explosives which miners obtain illegally under the pretext of constructing houses or paving the way for agricultural fields. That is why often miners confront different issues while obtaining the required number of explosives for blasting inside mines to cutting hard surfaces. The process of obtaining explosives is getting difficult day by day which can be secured very

easily from the government if miners lease the mines. The government is trying to further restrict the use of illegal explosives for the betterment of the gemstone sector. In this regard, a participant disclosed:

“These days miners have problems in obtaining explosives. In case you need explosives, you can get them easily from the government if you are a registered leaser. All the mountains in GB have mining tunnels and we are shocked that how a common man can get so much explosive. We consider those as legal who are registered with the mining department and these lease-holders can get the explosive from government offices. Maybe in the coming days, the government restrict the use of illegal explosives. The government may change anything in the rules which is not good for miners.”

The department is unable to assist the miners concerning explosives provision. But, the concept of using advanced technologies in mining does not exist in GB either. Getting explosives is limited to few places and there are no specifically allocated offices for explosives issuance in each district even from the existing offices only 5 kilogram (kg) of explosives are issued on a daily basis. A staff member complained regarding this in the following manner:

“We get so many applications for explosive issuance and we forward those to the relevant departments, but they also have some rules to issue explosives. You know giving extra explosives is very dangerous and in gemstone mining, only 5 Kg of explosives is authorized. We advise them to use the latest technology as used in Khyber Pakhtunkhwa as the latest technology does not require the use of explosives. Also, if technological change occurs, miners would not have to play tricks for getting explosives. Currently, they pretend that they need explosives for farms and lands.”

The matter of the issuance of explosives is complicated in GB; it is the sole responsibility of the Deputy Commissioner's (DC) office to authorize the issuance of explosives. That is, the department has nothing to do with it. That is why, the department frequently advises on the use of the latest technology in the mining sector. However, till now it has failed to restrict or altogether ban the use of explosives. The problem continues to persist because of three interrelated reasons: firstly, the department has an acute shortage of staff members; secondly, there is no standardized and regular coordination between DC's office and the department to check and verify the use of “illegal” explosives; thirdly, gemstone mines are very often too distant and at considerably higher altitude. As a result, the district administration cannot adequately monitor the supply-demand system of explosives provision. As per an interviewees' remarks:

“The use of explosives is a problem in the whole of Pakistan, but in GB it is more complicated. The mineral department does not issue it, but DC [Deputy Commissioner] has the authority and a miner [can] get 5 Kg of explosives at a time. We prefer industrial, mechanical and technological innovations to discourage explosives. But regarding gems, this technology is useless so there is permission of using an explosive. The DC's office should have knowledge of the use of explosives and it should have the responsibility to ban it. If the explosive is provided to illegal miners, then it means that illegal mining is supposed to be legal but we do not know whether they provide explosives or not. But if a mine is functional then we understand that they [miners] are provided with the explosives.”

In GB, check posts for collection of transit duties duly monitor and verify transit duties, but no formal mechanism for exclusively checking gemstones could be documented. As mentioned above, the geographically distant locations of mines and a lack of required human resources further restrict the physical verification and monitoring of gemstone transportation in the area. It is mandatory for a gemstone carrier to pay transit duty, but the department neither has the appropriate equipment nor adequate human resources to either catch the unlawful transportation of gemstones or to identify the physical attributes and type of a gemstone for determining its market price and corresponding transit duty. In case of illegal trade, the department could initiate legal proceedings against the concerned persons but, again, limited human resources almost cripples this aspect of its mandate. As reported by a participant as follows:

“The area [of GB] is spread over more than 72,000.0 km and with the help of existing manpower, it is not possible to cover each of its parts [i.e., districts, tehsils etc.,]. The department has some Mining Supervisors, and they keep an eye on transit duties, but they

cannot carry out body searches. [Similarly,] All have to pay mandatory transit duty, but unfortunately, we do not have the proper equipment to identify the nature, and type of gems for fixing the amount of transit duty. Once we catch someone in illegal trade, then we register the first information report (FIR) and hand over the involved person to the district administration. But we are short of human resources which is why illegal gemstone business continues in the area.”

To overcome the shortage of human resources and non-availability of equipment some improvements have been made in training community members for value addition. Yet, the department lags not only behind international standards, but is also behind the department in other parts of the country (e.g., Khyber Pakhtunkhwa). Till now the owners and producers of the gemstones have not benefited from the existing infrastructure. Likewise, mostly irrelevant individuals benefited from the arranged training as illegal miners neither share their names with the department nor have they registered themselves with it. That is why mostly they sell rough gems without any proper cutting and polishing. In turn, they receive very minimal amount for the precious stones. According to an official,

“We also face many problems like miners such as human resources and equipment available in other parts of the country to relevant government departments. Every six months we conduct training workshops about cutting and polishing. The miners are required to nominate the people interested in it. We want to stop rough stones from going out of GB. We want to cut and polish it before they are sold out. It will create value addition for miners. But the issue is that they do not want to register with the [Mines and Minerals] department.”

Sometimes the relevant department is not taken into a loop which not only create a problem for the department but many deserving people also suffer in term of the allocated funds by the government and other funding agencies. The backwardness of the miners further decreases the value of the product and they never receive the actual price of their product due to their ignorance about the international market. The Chinese direct intervention in the gemstone trade further devalues precious stones which needs to be stopped jointly by the department and other relevant stakeholders. The business should be routed through the proper channel via shopkeepers in Gilgit in contrast to having a business directly with the Chinese. In this regard, a participant added:

“Different funds are allocated to this [gemstone] sector without the knowledge of the department, but all are wasted. Because the concerned people do not get the information or the opportunity to participate. Nowadays Chinese are coming to GB and directly going to the mine site and meeting miners who [i.e., the local miners] even do not know the market values of the stones they are extracting. So, the Chinese purchased it in pennies from the miners. We need to stop them from doing this direct business with them. This is possible only if we work together. We need to set up a chain of command. The miner does not have knowledge of the market value of gemstones. The local traders should buy it from them, give it to the shopkeeper sitting in Gilgit and they should send it further for value addition. In contrast, the Chinese directly buy it from them and take it out of Pakistan.”

No data about injuries and casualties are available with the department simply because in GB small-scale artisanal mining (ASM) is commonly practised without documentation and registration. Further, safety issues are common as miners use outdated technologies and explosives. The government cannot extend them any support because the miners are not registered with the department. It is precisely for this reason that in case of an injury – minor or fatal – the department never extends ASMs compensation; compensation is only available for registered miners and lease owners. It is not surprising to find a government official commenting thus:

“Neither do we have any ideas about the number of injuries and causalities nor it is shared by miners as they are not registered with us. There may be some cases because a huge quantity of explosives is used in mines but we have no idea. In case of injuries and causalities, compensation is only given to registered leaseholders and miners.”

The communal interest in litigation further shortens the hands of concerned officials of the department. When they want to implement departmental policies, the local community members challenge those in courts:

“The community went into litigation for very petty things and are always ready for filing a case in the court against the department” (departmental official).

The community is not only opposed to state policies concerning gemstone mining leases, but they also have disputes on mine sites and possession. It is the core responsibility of the DC’s office to resolve community issues. For this purpose, at the district level, the structure of the District Supervisory Committee exists, having members from different departments and local people. In this way, the department facilitates dispute resolution regarding the mining sites. But still, the rate of disputes among the locals is neither good for their business nor the department, as a participant concluded:

“District Supervisory Committees are established in each district to resolve local disputes with the assistance of the DC’s office. But the number of disputes and issues is very high which is neither good for the local business nor for the department as it takes much of our time.”

Lastly, some Non-governmental organizations (NGOs) and private organizations are blamed for the illegal trading of gemstones. Although the department is aware of such illegal trade, it cannot stop it due to legal restrictions. According to an interviewee:

“We received some information about the involvement of NGOs and private organizations in illegal trade, but we cannot stop them due to legal restrictions.”

CONCLUSION

Artisanal small-scale miners oppose leasing their gemstone mines despite the fact that the amended state policy is relaxed in terms of lease fee, duration, sub-letting and partnership. Rather than subscribing to formally lease a mine, the miners pay the additional amount to law enforcement agencies when they are caught taking gems out of GB without transit duty. People’s resistance towards mine leases further expands local difficulties in securing explosives for mining. To overcome this issue, miners try to obtain the required number of explosives through illegal means in the name of constructing a house or creating space for agricultural fields. In some places, check posts with minimal human resources and technology are established for transit duties collection but no formal mechanism for checking gemstones is found in the area. Miners work in mines without proper water, roads and electricity and it is also the sole responsibility of miners to fulfil such requirements without any assistance from the state authorities. Some improvements are made at the departmental level in terms of testing and training provision but the real owners and producers of the gems have no benefit from the available opportunities as they are not registered with the department. The direct intervention of external agents in the gemstone sector without the notice of the line department further devalues the product. The department has no idea about the actual number of injuries and casualties and this could be the outcome that artisanal and small-scale mining is carried out without formal leasing in the region. As a result, no compensation is available for miners in case of injuries and casualties. The locals are not hesitant to register a writ in the court of justice whenever the department intends to implement its policies. The locals also have disputes on mines sites and possession and resolve their issues at the doorstep, District Supervisory Committee exists having representation from local and government departments. In some cases, private and non-governmental organizations are also blamed for the illegal trading of gemstones in the GB region.

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