

An Analytical Study Of China-Pakistan Economic Corridor From Legal And Politico-Economic Perspectives: Issues And Recommendations

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Abstract

This research project is an endeavor to evaluate China-Pakistan Economic Corridor (CPEC) critically from legal and politico-economic perspectives. CPEC encounters numerous legal and politico-economic issues at the domestic, regional and international levels. At the national level, CPEC has raised politico-economic issues between provincialism and federalism. Moreover, some legal aspects of the Constitution and national law of Pakistan are in conflict with the corresponding domains of the International Law. Therefore, the focal point of the current work is to delve into various basic legal aspects of CPEC. Nevertheless, the study applies mixed method approach wherein questionnaires and interviews will be distributed and conducted from the legal, political and economic experts, respectively. Quantitative data, collected through questionnaires, will be analyzed through Statistical Package for Social Sciences (SPSS) whereas qualitative data, received through open ended interviews, will be textually analyzed. The significance of the study lies in the fact that it will not only explore the issues under study, but also suggest recommendations for appropriately addressing and/or eradicating the same issues so that people's apprehensions and grievances are finished at the provincial and national levels, and legal and politico-economic hurdles are eliminated for timely completion of CPEC as a very large and direly needed plan.

Keywords: CPEC, Pakistan, China, Legal Framework, Politico-economic

I. Introduction

The CPEC is a huge plan between China and Pakistan being launched for strengthening bilateral ties and trade. The project is worth \$ 62 billion according to a report of 2017. It is a collection of so many major projects related to spreading a network of roads, railway lines, etc. Initially, there was lack of mutual consensus and unity among the provinces and administrative units of Pakistan over CPEC, but later on, the same project was launched despite provincial political disparities and discrepancies. Provincial discrimination was noted in assigning and launching CPEC's projects in provinces. Notably, Punjab province was preferred more to KP and Balochistan. In addition to this, there are some legal and politico-economic issues raised by CPEC. Somewhat unfair distribution of projects of CPEC has caused distress and dissatisfaction among the people of deprived provinces and administrative units of the country. As mentioned earlier, the current research project endeavors to explore the legal and politico-economic problems/hurdles raised by CPEC. It further tries to suggest some practical and solid suggestions for addressing and/or solving the mentioned problems so that a national and unified consensus is developed for easing the way of CPEC's timely completion, leading to a prosperous socio-economic and political era between the two nations.

The study applies a mixed method approach wherein SPSS will be applied for analysis of data collected through fully structured questionnaires. However, data collected through open-ended interviews will be analyzed textually through textual analysis as a research method. As mentioned before, the designed questionnaires will be distributed among legal and politico-economic experts from the provinces and administrative units of Pakistan. Also, mentioned earlier that a sample size of 180 experts (30 each from each province and administrative unit) will

be randomly selected. An attempt will be made to collect the relevant and required data from the experts in such a manner that each part of the country is represented well.

The scholars have designed two main research questions, and accordingly have made two research objectives. One of the key objectives is to discover the legal and politico-economic problems raised by CPEC. These problems will be further explored in light of the relevant legal and constitutional documents and the experts' opinions and views on the problems. There may be differences in their opinions, however, their views and suggestions will be critically and realistically assessed. Second objective is concerned with the solution of the problems. In this regard, the scholars will suggest solid recommendations made through their research knowledge and experts' views.

1.2 Objectives of the Study

This study is planned to examine the think about of China-Pakistan Economic Corridor from legal and politico-economic perspectives. The key emphasis of the research isn't only assessing the appropriateness of present lawful framework but also to diminish politico-economic complexities raised by CPEC. Therefore, the prime objectives of the study are:

1. To investigate the appropriateness and efficacy of International and National Laws on China-Pakistan Economic Corridor, and to analyze the political intricacy and provincial discrimination over economic preferences raised by CPEC;

To give guiding principles and recommendations on how to use present laws, politico-economic responses/understanding in an appropriate way to eliminate the legal and politico-economic hurdles raised by CPEC for timely completion of this Mega Project.

1.3 Research Questions

As the research project attempts to explore two dimensions of CPEC, i.e. legal, politico-economic hurdles and suggesting recommendations, therefore, the scholars have designed two research questions which are:

Q. 1 What are the legal and politico-economic problems/hurdles, raised by CPEC at the provincial, national and international levels?

Q. 2 What recommendations can be suggested in light of the current research project for addressing and/or eliminating the legal and politico-economic problems/hurdles encountered by CPEC?

1.4 Significance of the Study

The current research project will pinpoint the legal and politico-economic problems/hurdles raised by CPEC. As CPEC is a nationally and internationally recognized mega project related to economic and industrial bonds between China and Pakistan, it is also a gateway to Afghanistan, Iran, central Asian and gulf countries for bilateral and mutual trade ties. Before the successful completion of CPEC, mutual and agreeable consensus among the people and political parties of the provinces and administrative units of Pakistan is mandatory and a dire need of the day. Mutual consensus can be built by highlighting their apprehensions and problems. So, our research project will be a genuine pursuit of discovering the mentioned legal and politico-economic problems/hurdles raised by CPEC. It will also try to suggest recommendations for solving those problems. Once the problems are addressed and solved, then timely and successful completion of CPEC is deadly sure. When CPEC proves to be a booming project for socio-economic development of the countries, people of the countries will prosper socio-economically and educationally. Travel and ties will be easier,

and there would be advancement and happiness in plural fields of the participating countries.

2. Literature Review

The China-Pakistan Economic Corridor has got notable attention in terms of legal and politico-economic issues. The CPEC has diverted the attention towards itself both at the domestic and global stage. This research project has selected a mixed method approach wherein both quantitative and qualitative data will be collected. A constructive mechanism will be established to understand the China-Pakistan Economic Corridor from legal and politico-economic perspectives. Numerous scholarly research studies have been conducted in support of CPEC in the field of law, political economic studies. The study also gives an excellent point for the researchers beginning to carry out research in an innovative and emergent area called an analytical study of CPEC from legal and politico-economic perspectives by the two eminent scholars to design, summarize, compare and evaluate the legal and politico-economic dimensions of the current authentic research in the specific field. The literature reviewed in this research proposal by no means is the critical and conclusive views of the scholars conducting this study.

Qureshi (2015) has provided a detailed description on CPEC agreement between China and Pakistan from a legal and policy viewpoint. The article explains the consequences of the application of both National Law of Pakistan and International Law to CPEC. He has discussed various basic legal queries raised by CPEC, for instance, the legal status of CPEC both at the national and international levels. Our point of view regarding this article is that the author did not mention the legal status of the disputed areas like Jammu and Kashmir at the national and international levels as one of the routes of this mega project, and how we will suggest recommendations for incorporating the

international law into the national law of Pakistan in terms of the disputed area like Jammu and Kashmir.

Saima Parveen and Jehanzeb Khalil (2015) have examined various vital queries alike what is the geo-strategic significance of CPEC. What are the challenges to Pakistan and China in terms of development of CPEC? International players have been planning and designing schemes to declare Balochistan as an independent small state. In other words, their plan is to declare Balochistan as an occupied territory. The authors have not mentioned the current and/or future status of Balochistan. So here is a research gap that they have left, and that is our point of view as what will be the (legal) status of Balochistan as well as CPEC under international law in coming future? What will be our suggested recommendations about this province in terms of CPEC and futuristic apprehensions and problems?

3. Methodology

Subject of the Study

The current research project attempts to explore legal and politico-economic problems related to CPEC, and experts in judicial, political and economic fields are the ones who can provide the desired information to the researchers. Judges, lawyers, politicians and economists in provinces and administrative units of Pakistan will be contacted for their interviews and filling of the designed questionnaire. Although study of legal national and international documents can cover some aspects of the research project, yet the experts' interviews and filled questionnaires will meet the remaining dimensions of the project.

Sample Size and Sampling Technique

To avoid bias, the scholars will select a sample size of 180 legal, political and economic experts from the four provinces and two administrative

units of Pakistan so that each large part of Pakistan is equally represented. A group of 30 legal, political and economic experts will be randomly selected from each province and administrative unit. Hence, simple random sampling technique will be used for selecting the desired sample size.

Instruments for Data Collection

As aforementioned, Pakistani and international relevant legal documents will be studied for collecting information about the legal discrepancies related to CPEC. However, fully structured questionnaire will be skillfully and tactfully designed to collect quantitative data from the legal, political and economic experts. Moreover, open-ended interviews will also be conducted for gaining the required qualitative data from the mentioned experts. Open-ended interviews have been found very useful in profoundly engaging the interviewees in critical and creative discussion that leads to discovering the wanted data.

Data Analysis Procedures

As earlier mentioned in the 'abstract' that the current research project applies a mixed method approach wherein both quantitative and qualitative data will be collected, therefore, SPSS will be used for the analysis of quantitative data collected through questionnaires from the experts. SPSS is computer-generated software that accurately analyzes quantitative data. On the other hand, textual analysis will be used as a research method for analysis of qualitative data collected through open-ended interviews. Textual analysis is an established and recognized method used for data analysis in social sciences. It sheds light on the semantic, pragmatic and socio-cultural and political layers of meaning of the texts of interviews (Belsey, 2005).

References

1. Qureshi, H. A. (2015). China/Pakistan Economic Corridor: A Critical National and International Law Policy Based Perspectives. *Chinese Journal of International Law*: 777-799.
2. Belsey, C. Textual Analysis as a Research Method. In Jabriel Griffin's (Ed.) *Research Methods for English Studies* (2005). Cambridge: Cambridge University Press.
3. Parveen, S., Khalil, J. (2015). Gawadar-Kashghar Economic Corridor: Challenges and Imperatives for Pakistan and China. *Journal of Political Studies*, 22(2): 351-366.
4. Dr. Hussain, I. (2017). CPEC and Pakistani Economy: An Appraisal. Center of Excellence for CPEC, Islamabad, 1-40.
5. China Pakistan Economic Corridor (CPEC), official website <http://www.cpec.gov.pk/>
6. Mahar, Asiya. (2015, April 24) Why Chian's "One Belt, One Road" Initiative matter for Asia. Azernews. www.azernews.az/analysis/80980.html.
7. Sial, Safdar. (2014). The China-Pakistan Economic Corridor: An Assessment of Potential Threats and Constraints. *Conflict and Peace Studies*, Vol.6, No.2, p. 24.
8. Staff report. (2015, 31 July). CPEC to benefit entire region, say analysts. *The Dawn*.