

GUEST EDITORIAL

The challenges to the mega infrastructure of China-Pakistan Economic Corridor in Pakistan

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ABSTRACT

This article provides an argument for amending the China-Pakistan Economic Corridor (CPEC) in the 1973 Constitution of Pakistan. That will ensure accountability, reduce criticism of corruption, and secure Chinese investment in Pakistan. The study's main question is why CPEC does not have constitutional protection in Pakistan, which is more investment than Pakistan's annual budget. CPEC should reduce the sense of deprivation and inequality within Pakistan and ensure its transparency in various aspects. The CPEC Amendment can establish parliamentary oversight and reduce the deprivations of the provinces by electing members on a National Economic Council (NEC) formula and a regional basis. Furthermore, it can provide some basic constitutional framework for upcoming governments regarding heavy investment in infrastructure. The constitutional provisions of the flagship project can serve as an example for BRI member countries.

KEYWORDS

CPEC; infrastructure; sustainable development; secure investment; policy; Pakistan

1. Introduction

This article argues that the China-Pakistan Economic Corridor investment must be constitutionally secure to ensure sustainability, transparency, and accountability. CPEC's second name is "the Gateway of Prosperity" and is a 15-years programme geographically stretched from Kashghar to Gawadar over 2700 km of land. Divided into three phases: short term (2015–2020), medium (2021–2025), and long term (2026–2030), it has engaged 16 ministries of Pakistan out of 40 central ministries and departments, implementing 22 progressing, 27 freshly identified, and eight forthcoming projects, excluding the completed one within Pakistan (M. J. Khan, 2020, pp. 233–238).

This magnificent project spent a significant portion of its investment in infrastructure, transportation, energy, water, and cultural exchanges. The project involves several transformative public, private, national, and international stakeholders who will impact the lives of millions (Jusupbekova and Pak, 2017, p. 7). The purpose of this study is to provide a rationale for the establishing of a constitutional

ARTICLE INFO

Received: 19 May 2023

Accepted: 15 June 2023

Available online: 17 August 2023

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CITATION

Feng Z, Ali M (2023). The challenges to the mega infrastructure of China-Pakistan Economic Corridor in Pakistan. *Journal of Infrastructure, Policy and Development* 7(2): 2144. doi: 10.24294/jipd.v7i2.2144

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ministry under a new amendment in the 1973 Constitution of Pakistan. Since 2015, it has had no legal protection, and every incumbent government runs it according to its priorities. This ad hoc-based approach of federal governments to CPEC made it politically vulnerable and posed some serious questions about its sustainability, transparency, and accountability.

The nature of work and delivery affects both China and Pakistan relations. Therefore, there is a dire need to take constitution-based institutional development from Consortium's suggestions for such a vast infrastructure. It is not a short-term project but a lifelong initiative, which is why it needs a solid foundation and responsible setup, which is only impossible with a constitutional amendment. After such a massive investment in Pakistan, China has the right to pursue its constitutional guarantee and can convince policymakers to bring these initiatives (which are, according to some sources, more than 36 projects) under the legal framework. The conditions for a bailout from IMF for \$6 billion is to ensure transparency of loans from the China-funded CPEC, which was required by the newly elected government of Imran Khan back in 2018 (Boni and Adeney, 2020, p. 442), justifies China's demand for more constitutional guarantees and transparency from Pakistan because such a considerable amount of \$62 billion is higher than Pakistan's annual budget which is \$40–48 billion per annum.

In Pakistani and international literature coverage of the project, along with other problems, centre province's uneven relations, corruption, transparency, and accountability in Pakistan are highlighted as a threat to the existence of CPEC. Majority of the problems are identified by different studies like India's Global Challenge Growth and Leadership in the 21st Century by Wagner (2019), and the China-Pakistan Economic Corridor Strategic Rationales, External Perspectives, and Challenges to Effective Implementation by Maini (2016). The China-Pakistan Economic Corridor of the Belt and Road Initiative Concept, Context and Assessment was written by Wolf (2020). The current gap in non-constitutional protection has been identified in this research while conducting a short survey of the literature (M. Ali, 2022; Ibrar, Kakepoto, et al., 2022; Zhong et al., 2022), except Boni and Adeney (2020) who emphasized on federalism and its dealing of CPEC. However, neither Ibrar, who is a prolific writer of CPEC (Ibrar, Mi, Rafiq, and Ali, 2019; Ibrar, Mi, Rafiq, and Karn, 2016; Ibrar, Saleem, et al., 2023), nor E. Hussain (2019a, 2019b) identified CPEC's constitutional amendment.

This paper is an original research contribution in the field of constitutional protection of CPEC. It is the first of its nature, highlighting the relevant articles of the constitution of Pakistan of 1973 for the "CPEC Amendment" incorporation. The novelty of the work is the reinterpretation of Article 156, according to CPEC by the institutional theory. It formed the structure of the Ministry of CPEC and its provincial structure. This paper also gives reasons why the amendment advised not elsewhere, like in Article 152 or others. This article equally distributes the economic benefits of CPEC among regions based on the NEC formula.

Bringing CPEC Authority under the ministry may bring the process of CPECA in conformity with the constitution. It may create an institutional environment necessary for an organization's long survival with legitimacy (Puffer and McCarthy, 2015). Due to its dealing with few hands since 2018, CPEC lost its worth in the commoner's eyes. CPEC Ministry can be isomorphic of the other 34 ministries of the Federal Government as institutionalized by China and America. These institutional changes may have effects that are particular to individual organizations rather than affecting all

similarly (Puffer and McCarthy, 2015). If CPEC gets its constitutional backup, it may have its norms, social structure, policies, and hierarchy as an institution. This may shape the provinces' actions and thinking to appear as a more legitimate, sustained, and native initiative.

2. Background

Since its inception, Pakistan has faced many crises and is still struggling to overcome them. Pakistan remained a colony of the British Empire and inherited administrative rankings from them. That is why most of the problems are inherit from the colonial mentality. However, the argument that most current problems are rooted in unfavorable colonial heritage is losing its basis for justifying backwardness and political instability (Wolf, 2020, p. 2). In Pakistan's history, the impossible becomes possible, as former President General (late) Pervez Musharraf has often said to paint a picture of his superiority and invincibility, "Army uniforms are part of his skin (Baqir, 2011)", and to convey the message of denial to the nation that was against its rule in uniform. And then the same, Pervez Musharraf, under public pressure, takes off his army uniform and agrees to become a civilian president. Zulfikar Ali Bhutto once said, "his chair is not going anywhere", and then his general tore down his chair. Such incidents took place with Benazir Bhutto and Nawaz Sharif at the hands of their favorite presidents.

Similarly, three dictators, General Ayub Khan, General Zia-ul-Haq, and General Musharraf, sought friendly relations with the United States. Even General Yahya Khan waited for U.S. naval assistance but lost East Pakistan. When his last days came, the United States changed its stance in favor of democracy and went against the dictators (Waraich, 2020). These are just a few examples of the uncertainty of Pakistan's politics.

There are other examples of the Pakistani government's miscalculation of the 1970s constitutional framework of not integrating the districts of the former Federally Administered Tribal Areas (FATA) into Khyber Pakhtunkhwa. Since independence, Pakistani authorities have failed to address the issue of the tribal areas in a proper legal and constitutional manner, especially during the 1973 Constitution. The people of this region have been deprived of their fundamental human rights since independence until 2018. They were not given access to any Court of Appeal in Pakistan and were governed under the strict colonial law of Frontier Crimes Regulation (FCR) of 1901. Therefore, this region proved to be a safe haven for lawbreakers.

Similarly, the state's political institutions must be more vital to function within an actual constitutional order if there is no constitutional support for any decision. The institutional framework has improved slightly since the 2010 18th Amendment. Prior to the 18th Amendment, the publication of any commission reports, joint investigative reports, and other such sacred documents were always in question. However, the 2018 Model Town and Uzair Baloch JIT, Baldia Factory, and Nisar Murai JIT reports were made public. In addition, there was no clear law in the Constitution of Pakistan to extend the tenure of the Chief of Army Staff, but the intervention of the Supreme Court in this matter made it constitutional. Although the amendment came in January 2020, it came into force on 27 November 2019 (National Assembly of Pakistan, 2020b).

Similarly, the 1973 Constitution did not provide for establishing military courts, but the Army Public School (APS) incident (16 December 2014) provided a basis for such courts. For this

purpose, the Constitution of 1973 has been amended under the 21st Amendment Act. On that day, Prime Minister Nawaz Sharif said that “It will be fruitful in overcoming the loss of 60 years and combating unrest.” Opposition leader at the time expressed concern, saying, “We have never been in favor of military tribunals, but today the security situation in the country and the protection of the people is the party’s top priority.” He described the amendment as one of the “bitter pills” for Pakistan’s security (Dawn.com, 2015). There is no precedent for filing a case against dictators in Pakistan, but in the case of Musharraf (who said that this uniform was his skin), he not only went through a court trial but was also sentenced to death which was overturned by Lahore High Court Chief Justice Mazahir Ali Naqvi. However, it is a fact that Justice Waqar set a precedent that no one is above the law, as this is the first time in the history of Pakistan that an Army Chief has been declared a perpetrator of serious treason under Article 6 of the Constitution (Saifi, 2020).

3. Need for constitutional amendment

Since 2014, CPEC has not been dealt with a uniform legal or administrative setup, and every incumbent government operated it according to their wishes because it does not have parliamentary authorization (Abb et al., 2021). This hodgepodge approach made it politically vulnerable and administratively complex. China incorporated Belt and Road Initiative (BRI) in the Constitution of the Communist Party of China (Xinhua, 2017a) to give it legitimization (CSIS, 2018). The United States passed “The Silk Road Strategy Act of 1999” (US Congress, 1999), India passed “Act East Policy” in 1990 (Barua, 2020), American Parliament in 2018 passed another act for the same purpose, “Better Utilization of Investment Leading Development Act” (Urban, 2018), which are some of the instances that Pakistan can follow by making it more constitutionally, and provide it legal protection acceptable to all provinces and ethnicities, contrary to that Pakistan only taken CPECA to the Parliament, which has been abrogated by PMLN coalition government of 2022. For suggesting an institutional way-out for CPEC with a bureaucratic support, this study has taken some help from the institutional theory, to provide a logical and theoretical framework for the establishment of a ministry. Otherwise, the project’s failure will be the partner countries’ responsibility. They must improve their legal, regulatory, and policy frameworks to ensure their benefits and avoid dealing with political and economic elites (Golley and Ingle, 2018, p. 59). Some studies anticipated the reasons for the failure of BRI in the mismatch of policies of legal systems, regulatory bodies, the quality of governance, and the corruption scandals in Pakistan (Benard, 2020, p. 66).

Similarly, CPEC needs a legal framework. Because it is not a small project or investment, this is a large-scale megaproject with massive infrastructure and transportation investments. It is a highly complex venture that costs over \$62 billion and may take several years to complete. This venture involves multiple transformational public, private, national, and international stakeholders who impact millions of people (Jusupbekova and Pak, 2017, p. 7).

After independence, Pakistan failed to extend the Constitution of Pakistan to the tribal areas (Ex-FATA) till 2018, which produced deprivation in the area’s inhabitants while providing safe havens to the lawbreakers. In the past, the area was governed by an inhumane law of Frontier Crime Regulation (study detailed report by HRCF (2005)) since 1901. Scholars believe that if the constitution had extended to the area immediately after independence, the Government of

Pakistan would not bother taking more than seven military operations (Z. A. Khan, 2011). Before Pakistan's independence, the British took over 67 military operations from 1857 to 1900 to mainstream the area's inhabitants but did not extend the prevailing laws, so the British failed to control the area. The Army Public School (APS) incident on 16 December 2014 is a reaction to countless military operations (Qureshi et al., 2016). This heinous incident also became the cause of the establishment of military courts through the 21st Amendment, which was the need of the hour. However, the government and opposition called it a bitter pill (Dawn.com, 2015), but again, they did not mainstream the area (Ex-FATA) till 2018. Due to the tremendous political pressure and administrative necessities, the region was constitutionally protected in 2018 under the 25th Amendment. However, it was too late, and what happened was irreversible, and the consequences irreparable. According to ex-Prime Minister Imran Khan, 72,000 people and 67.926 billion dollars (2001–2011) direct and indirect costs incurred to the country of Pakistan (Abbasi, 2014) until 31 December 2021, and the mentioned areas are still facing terrorist attacks (Dawn.com, 2021), which is the forfeiture of delayed constitutional reforms.

4. Institutional loopholes: A case study of NDMA

Back in 2020, the National Disaster Management Authority (NDMA) of Pakistan has been reminded of her performance and deficiencies in legal procedures for combating COVID-19 by Supreme Court judge Justice Gulzar in the hearing of *Suo Moto*, “The report submitted by NDMA lacks some particulars. It does not provide details of the import of machinery undertaken by M/s Al-Hafeez Crystoplast (Pvt.) Ltd. for the manufacture of N-95 Masks in Pakistan. Copy of L.C. and other important documents have not been filed. The airway bill shows that the value of the machinery has not been declared. It is not clear whether this company imported the machinery and if it was so, whether it paid any taxes and duties on the machinery, and to whom these N-95 Masks were supplied. If NDMA was the purchaser of N-95 Masks produced by this company, then NDMA could not have been the facilitator of this company for the import of machinery (Supreme Court of Pakistan, 2020b, pp. 2–3)”. Commenting on the decision, Dawn newspaper's writer Haseeb Bhatti mentioned his analysis in these words “Chief Justice asked, is there any check and balance on NDMA's expenditures, do not know how NDMA is working and spending billions of rupees on unspecified things; while commenting on partners of the company, Chief Justice said, do not know about the partners of the company. Still, such kindness shown by the government is unmatched in the past, and the owner earned it without stepping outside the home (Bhatti, 2020)”.

CPEC Authority: The suggestion for the establishment of CPEC Authority was given by Army to the PML-N government in 2013–2014 but was sidelined by the government of the PML-N. During PTI's government (2018–2022), CPEC Authority was established through an ordinance while the Parliament was present though, it was not in session, which is evidence of not following constitutional procedures. It gives an impression of centralization although 18th Amendment brought decentralization. In the Senate of Pakistan, the then opposition member (in 2023, the government member) Sheri Rehman said that “the current government (PTI) is becoming an ordinance factory in bypassing parliamentary procedures.” She is justified in her stance because, after enumeration, it found that from 13 August 2018 to 13 August 2020, roundabout 32 ordinances have been passed by Imran Khan's government (National Assembly of Pakistan, 2021). With a ratio of 1.33 per month out of 24 months of progress, one Kul BushanYadev ordinance is classified. It

was not available on the National Assembly's website till 22 July 2020, as opined by one Pakistani journalist and defense analyst that "in the presence of Parliament, the promulgation of ordinance is a negation of much-trumpeted democracy (Butt, 2020)". The same concern is also expressed by one of the Pakistan People's Party (PPP) leaders, "The purpose of PTI government was not to run government through the Assembly. They use the National Assembly (N.A.) symbolically because they drive power elsewhere, so PTI considered N.A. meaningless (Kairah, 2020)".

There are enough hues and cries in international media, in the research community, and related books that CPEC may fall prey to corruption. Because they have CPEC Authority's ordinance, Article 12 immunity as evidence, in which it is written, "except as expressly provided in this ordinance, no suit prosecution or other proceedings shall lie against authority, the chairperson, chief executive officer, executive director, any member, officer, member of staff, other employees, expert, consultant or advisor of the authority in respect of anything done or intended to be done in good faith under this ordinance, the rules or regulations (National Assembly of Pakistan, 2019a, pp. 7–8)". In the words of Noble Prize laureate Rigoberta Menchu, it restricted the oversight "Without strong watchdog institutions, impunity becomes the very foundation upon which systems of corruption are built. However, if impunity is not demolished, all efforts to ring an end to corruption are in vain (Butt, 2020)".

PTI government was defensive about Article 12 by saying that "Section 12 protected the staff of authority in carrying out their assigned responsibilities without any hindrance (J. Shahid, 2020)". In Pakistan, the National Assembly unanimously opposed and rejected the idea of establishing CPEC Authority, dubbing it a foreign conspiracy and a threat to making CPEC controversial. The committee further said, "The creation of this authority would produce troubles and barriers in group effort among different departments. This ordinance would form bureaucratic obstacles and boundaries that would slow down and freeze CPEC. The national assembly committee said that the issue of creating this authority should be openly and comprehensively discussed in the Parliament (Mehdi, 2019)". This rejection happened in the lower house and the upper house (Senate) of the Parliament of Pakistan, where the Senate's Special Committee on the China-Pakistan Economic Corridor opposed the ordinance of authority. "It is necessary to take approval from the Parliament; otherwise, it would not accept any document", the committee said. Instead, the committee recommended a monitoring authority for CPEC projects (The News International, 2019).

The ex-Planning Minister may have realized his mistakes because he now opposes CPEC Authority and seems to ministerial coordination. He unleashed his criticism in these words, "The PTI government could not answer the questions on the CPEC Authority's establishment." The PML-N government had materialized \$28.5 billion without establishing any authority; CPEC is an inter-ministerial project which includes 14–15 ministries. If these ministries have to do their job, then it will be a duplication of CPEC Authority. 15 ministries for CPEC can be made successful through a team approach. The tug-of-war will start within all the ministries if the authority is established as witnessed in the last six months (from December 2019 to June 2020). CPEC Authority has not been able to do any significant work since its inception. Ahsan Iqbal said that Pakistan's civil administration and public sector have worked in CPEC. Why does the then PTI government still wants to remove it from the public domain? Authority establishment can slow the process instead of fostering even slower. There will be complications, energy projects in Punjab were completed quickly, on which Shahbaz Sharif was named Punjab Speed before the

establishment of CPECA. Ahsan Iqbal said that if the government does not have the ability, it does not mean that it should destroy the civil administration. Tehsildars or assistant commissioners were enough to deal with locusts, but they deployed senior army officers there (Jang, 2020c).

However, he forgot that his own party's Prime Minister, Shahid Khaqan Abbasi, also tried to hold CPEC out of the reach of the Planning Ministry and kept it in his 11-members cabinet committee for oversight. This approach is entirely in contradiction to the Planning and Development Ministry, by saying that its role is entirely irrelevant. However, this ministry was centrifugal in CPEC's decision-making previously, even playing the role of secretariat (Shabaz Rana, 2017). Ironically, when PTI was in opposition in 2016 at the center and had the only government in Khyber Pakhtunkhwa, they were talking about bringing CPEC to the Parliament and under the ambit of constitutional authorities. Aggrieved by the federal government's behavior, the then Chief Minister of Khyber Pakhtunkhwa once said, "We have lost trust in the federal government, and now they need to bring the issue to the Parliament and the Council of Common Interest (CCI); they will decide the future of CPEC because the Prime Minister is not replying to his letter about CPEC and demands to bring the issue to Parliament and CCI (Yousafzai, 2016)."

Another irony is that there is a centre established in the name of "Centre of Excellence: China Pakistan Economic Corridor", which offers research on

- Job growth and human resource development
- Urban development in Pakistan under CPEC
- Financing and financial sector integration under CPEC
- Regional connectivity under CPEC
- CPEC trade and industry cooperation and
- Socio-economic impacts of CPEC.

However, there is no thematic research on combating corruption, ensuring transparency, securing Chinese investment, and other legal issues. On their official website, if one goes to the publication section and clicks on published articles, one may find 40 articles written on different themes (COE/CPEC, 2020). However, there is no single article on combating corruption or on any other legal issues expected to arise. The Centre should have mentioned somewhere that any government has considered their suggestion or recommendations. The Centre also mentioned in its vision statement, that "Centre of Excellence CPEC aims to become the leading policy guiding centre on CPEC." However, in its mandate statement it says, "to research five thematic areas", negating its call for proposal under the title "CPEC Competitive Policy Research Grant – 2017/18" on those above-mentioned six thematic areas (COE/CPEC, 2017). The question arises whether accountability and transparency are not involved in policy-making in the programme along with other legal issues. In 2018, the Centre of Excellence came under harsh criticism in print media, claiming that this Centre had been established with a cost of Rs1.2 billion for five years plan but did not provide policy guidance to the \$62 billion project. Moreover, it was one of the responsibilities of the institute to offer Master's degrees in Chinese economy and Cultural Studies (The Frontier Post, 2018). Again, two more years have passed, but still, there is no record on its website of how many people have graduated from the Centre of excellence till 29 June 2020.

5. Discursive approach to CPEC by Pakistan

In previous governments of PPP and PMLN, there is no uniform approach to handling CPEC. First, it was under the control of the Planning and Development Ministry, but PML-N Prime Minister Shahid Khaqan Abbasi took it from their hands and assigned it to his eleven members' cabinet committees. Along with that, they made a joint cooperation committee, and Ahsan Iqbal was notified to be its co-chairman having additional charge of the Planning and Development Ministry (Shahbaz Rana, 2017); the presentation of parliamentary committees, whose dealing was expected to be carried out with 16 other ministries, seems to be very rare in any document. The Chinese concern of no coordination is logical because too many bureaucratic and management tires slowed it down. Similarly, the PML-N government tried to sideline the establishment from such security-related projects, which also widened the civil-military cleavage. The PML-N government's inconsistent statements about the West route and pro-Punjab behavior gave birth to hatred against PML-N's policies in smaller provinces.

The Mr. Khan-led government was considered another threat to CPEC's swift completion because, on the one hand, he and his party members were strong critics of the project; on the other hand, he was in dire need of a bailout package from IMF, which was conditional to CPEC's documentations revelation to IMF. The previous government of PTI also went in a zigzag manner and gave it initially in the hands of the Planning and Development Ministry like her predecessor.

The committee at National Assembly and the committee at the Senate for CPEC were established within one year and bypassed all the previous arrangements. The PML-N government has refused the establishment of CPECA, and even these (Parliamentary) committees recorded their concerns against CPECA. The discursive approach continued and established the CPEC Authority, which was opposed by the then opposition parties and the U.S. government and by the government-established committees at the National Assembly and Senate during 2018–2022. Both governments of PPP and PML-N, along with PTI, did not try hard to bring it to the Parliament and provide a constitutional cover as did China and the U.S. Both the parties (PMLN and PTI) seem the same also on the exclusion of the CPEC-Excellence Centre's contribution and accountability to the Parliament. Since the establishment of the CPEC-Centre, both governments (PMLN and PTI) did not ask about their contribution to policy-making or mention any government policy recommendations.

6. Solution of securing mega project

CPEC Amendment in the 1973 Constitution

The Amendment does not mean ignoring the security issues of CPEC and its related institutions. In Pakistani Politics, the Army, the Parliament and the Government are potent institutions which synchronization can push Pakistan towards progress and prosperity, the ex-Prime Minister Mr. Khan fully understands this myth (A. M. Hussain, 2018). However, Khan ignored it, so he lost his government due to no-confidence on 9 April 2022.

Under Article 156 of the Constitution of Pakistan of 1973, which has five sub-articles, and three subsections, under Sub-article 1, as a, b, and c, the National Economic Council is established. There is enough logic and background under Sub-article 2 to establish CPEC Ministry. This article of the

Constitution of 1973 says that “The National Economic Council shall review the overall economic condition of the country and shall, for advising the Federal Government and the Provincial Governments, formulate plans in respect of financial, commercial, social and economic policies; and in formulating such plans it shall, amongst other factors, ensure balanced development and regional equity and shall also be guided by the Principles of Policy set-out in Chapter 2 of Part-II (National Assembly of Pakistan, 2012, pp. 80–81)”. CPEC can be mentioned under Article 2 of NEC, so here, the Government of Pakistan needs to incorporate another Article 3 and name it CPEC Ministry with a full-fledged minister for CPEC with a Junior Minister for Inter Ministries Coordination Council 16 (IMCC), and both have their cabinets’ portfolios. With subsections a): composition. i) Member: Chairman or Vice-Chairman of National Development and Reform Council China. ii) One member must be Minister for Inter Province Coordination. iii) Member: Chairman of CPEC Security Authority. Furthermore, CPEC Security Authority must be answerable to the Parliament like other civil institutions; as Asim Saleem Bajwa said, it is a civil institution. iv) Member: CEO of CPEC Centre for Excellence. v) One member from ex-CPEC Governors (runners) from Planning and Development Ministry and two members from the opposition one from the Senate and National Assembly selected by opposition leaders of both the houses. vi) Member: Junior Minister for Inter Ministries Coordination Council 16 (IMCC), whose cabinet will be 16 ministries secretaries. b): Secretariat, in insurance of Sub-article 2 and renumber the successive sub-articles with minor changes like in Sub-articles 4 and 5 about the biannual summoning meeting, should be replaced with a quarterly meeting. This CPEC-NEC, as a policy-making, execution, and oversight constitutional entity, should be accountable to the Parliament and the judiciary and can be asked for clarifications. An Institutional Framework for CPEC is available on its official website. It starts from the Joint Cooperation Committee (JCC) and nine working groups (CPEC Secretariat, 2016) but needs constitutional support and a proper minister or ministry. It’s not mentioned in the institutional framework and even in CPEC Authority Act of 2019 and 2020 that to whom all this setup is answerable and accountable.

CPEC Ministry Amendment can be incorporated in Article 152 of the 1973 Constitution after the 18th Amendment in the Council of Common Interests (CCI), but that is only limited to the formulation and regulation of Federal Legislation in part II and exercise an oversight (National Assembly of Pakistan, 2012, p. 79). Similarly, the CPEC Ministry Amendment will ease the establishment of provincial and zonal offices based on the devolution of power. According to Article 154, CCI did not have financial, economic, or social policy formulation powers. On the other hand, under Article 2, NEC had to advise the Centre and Provinces and the economic powers required to complete and run the CPEC project successfully. Some media reports were circulating some news that PTI is bringing constitutional amendment for CPEC upon the Chinese government’s request. After consulting the Deputy Chairman of Planning Commission and CPEC Authority, the draft was expected to be put to the Parliament. CEO of CPEC Authority, Zakrya Ali Shah, confirmed that the Chinese government felt that the coordination of projects could have been better. According to them, these projects also had monitoring issues, after which the CPEC Authority was established (A. Khan, 2020). However, these reports have no proof from the Chinese counterparts in any news or tweets that they wanted an amendment to the constitution.

It is also Pakistani rhetoric that the CPEC Authority has been established with the consent of the Chinese government’s request because the Chinese are pursuing their ambassador to enhance

the role of parliament. In one of the meetings with the speaker of the National Assembly of Pakistan, Asad Qaiser, the Chinese ambassador to Pakistan, Mr. Yao Jing, mentioned the role of parliament: “For enhancing interaction and cooperation between Parliamentary Friendship Groups and Commerce & Agriculture Committees of both the Parliaments, the parliamentary interaction could strengthen the bonds of brotherhood and cooperation (24newshd, 2020).” Opposition parties and CPEC committees within the Parliament of Pakistan were not prepared to pass this amendment bill because its objectives are the same as mentioned by the CPEC Authority ordinance, like establishment of CPEC Authority Act instead of ministry is another violation of rules of business of 1973 Constitution. Like PML-N government, PTI also intended to exclude the Planning and Development Ministry, and hand it over directly to the Prime Minister or Cabinet divisions (A. Khan, 2020).

Ex-Senator Farhatullah Babar published an article on 17 July 2020. He believes in the unavailability of content or drafts anywhere on websites, and he claims that members of the Parliament need to be made aware of its contents. He revealed that this clandestine amendment intends to place the authority’s head above the Minister for Planning and Development and equal to the Vice Chairman of the National Development and Reforms Commission of China in a Joint Cooperative Committee (JCC), which means replacing the Minister with Chairman. Although under business rules, CPEC Authority will work under the Planning and Development Ministry (Babar, 2020). The proposed amendment abolished the two executive directors’ (civil) posts and empowered the Chairman of the Authority to investigate authority office bearers without any reference made by NAB. If the public office bearer does not observe cooperation, the Chairman can order an investigation by himself (Babar, 2020). In the amendment bill, the CEO is again at the discretion of the Prime Minister for the appointment, duration, and further extension is in the hands of the PM, along with that Civil Bureaucracy has been ousted to lead this authority. According to Shah, all suggested amendments to the new bill are recommended by CPEC Authority to empower the institution.

One of Marxism’s brightest features is seeking knowledge through experience, a compact truth, as done by primitive men; first they experienced and then learned things (Ghosh, 1960). Mao Zedong names this “seeking truth from facts”. Pakistan needs to experiment with bringing CPEC under the constitution; let us see its results; if it does not deliver, at least satirists must have a counter logic of abandonment that it was brought under the Parliament but did not work. The Deng Xiaoping Theory of “walking while feeling the feet” can also work, but the then management frame omits civil administration, although CPEC covers more than sixteen ministries. Doing it through an amendment approach will also bring all national and provincial leaders to a better understanding of the initiative and will lessen their grievances. This amendment may unite the Centre-Province leadership, which is more realistic about fragile democracies. Providing constitutional safety will not only result in the distribution of roles and responsibilities but will also provide guidelines for future political governments; there will be no suspicious behaviors, as observed in the case of Imran Khan’s behavior towards CPEC in the pre-Prime Ministership era (E. Hussain, 2019b).

The 18th Amendment is a shining example of the protection of the provinces in which the provinces agreed to participate under the formula. However, the PTI government is laying the groundwork for reversing the 18th Amendment. From 2013 to 2018, the previous PML-N government completed its term following the amendments made by the PPP government in

2010. Despite political differences, no one spoke of repealing the 18th Amendment. But the PTI government (ministers, MNAs, MPAs, senators, and even former Prime Minister Imran Khan) began to dislike the powers of the Chief Ministers after the 18th Amendment like dictators. Senator Barrister Muhammad Ali Saif moved a resolution in the Senate against NFC shares which was on the agenda of the PTI government and was tabled in the Parliament during the budget speech. He claims that the NFC's resource allocation formula needs to be more workable, which has been rejected by most of the available opposition parties in the Senate. The 18th Amendment strived to decrease the apprehensions and deprivation of provinces. As mentioned in Article 12 subsections (g) of the 18th Amendment, "the shares of the provinces in all federal services, including autonomous bodies and corporations established by, or under the control of the Federal Government, shall be secured and any omission in the allocation of the shares of the provinces in the past shall be rectified (Mughal, 2020)". This logic gives this study point of persuasion that once CPEC is incorporated into the constitution, then it will not be secured from other parties' likes and dislikes but will also be straightforward and secure under the custody of the Supreme Court of Pakistan.

CPEC, in its current approach, gives an impression of centralization, particularly during its first phase and during the establishment of CPEC Authority, was another sign of centralization. The list and history of Interprovincial and Centre-Province grievances are long, which to some extent, has been minimized by the 18th Amendment (Boni and Adeney, 2020, p. 446). Nevertheless, the PTI government's behavior towards the 18th Amendment and CPEC widened the gaps again, enunciated by the previous government of PLM-N. The unclear constitutional framework about CPEC and PLM-N's secrecy raised the eyebrows of the opposition parties within Pakistan but also gave a wrong impression to the international community. Like today, if every initiative is mentioned on the CPEC official website, why not the government of PMLN made it public. However, it is true that their (PML-N, PTI) implicit intention would come to the surface (Boni and Adeney, 2020, p. 449).

7. Establishment willingness involvement

Pakistan People's Party Parliamentarian (PPPP), during its government from 2008 to 2013, planned to bring the area of Gilgit-Baltistan (G.B.) into constitutional custody while making it the fifth province of Pakistan. However, Pakistan's then Establishment (military plus civil bureaucracy) did not favor this proposal (Safi, 2020), although GB is very important for CPEC. After seven years, the same Establishment, in 2020, tried hard to make G.B. constitutionally secure. However, the opposition parties at that time did not allow it and made hurdles while boycotting sessions of the National Assembly. In addition, India found an opportunity to mobilize inside G.B. fully and did not allow its constitutional protection because of the CPEC passage (Dawn, 2020a). India has protested Pakistani Establishment-backed maneuvers for its constitutional status by claiming that due to CPEC, Pakistan is after its constitutional cover (Bhatia, 2020). In reaction to that, India developed a counter plan of keeping some vacant seats at Lok Saba allocated to G.B. and Azad Kashmir by claiming these areas as rightful regions of India. Back in 2008, there was no CPEC, and the then situation was favorable for the constitutional protection of G.B. However, now in Pakistan, any move related to G.B. would be labeled, as China's backed move, because the trio has tense relations, particularly after Laddakh incident on 16 June 2020. Their inconsistent statements, establishment, and political leadership are on different pages about CPEC. However, Establishment showed interest in CPEC, but PLMN responded slowly (Small, 2020). The Pakistan Democratic Movement (PDM)-

led government can move the CPEC Amendment, because the current Establishment is political now (M. Ali, 2022).

8. National Accountability Bureau (NAB)'s recent history and its credibility

As there are 9 Joint Cooperation Groups (JCG) for multiple purposes under CPEC, a joint investigation and conflict resolution group under the constitutional protection is perpetuated, as established under the Chairmanship of NAB's Qamar Zaman Chaudhry. They may develop SOPs, and the aggrieving parties' dissatisfaction can take up the issue in front of higher courts, and other tribunals must be constitutionally secure. During the two previous governments, it was assumed that CPEC would be under the observation of the National Accountability Bureau (NAB) and other state agencies. For this purpose, NAB and Beijing signed agreements in 2017 to ensure its transparency. "Both the countries agreed to oversee CPEC jointly," said the then Chairman NAB Qamar Zaman Chaudhry; he further revealed that the underdeveloped SOPs suggested that a "Combined Investigation Team (CIT) will jointly work with NAB for improving the quality of inquiry and investigation and to ensure that no one can influence the proceeding in CPEC proceedings (ANI, 2017)".

This would not be fair to deal with such mega-infrastructure and investment under politically stigmatized institutions like NAB and FIA, which are criticized for political favoritism in the Supreme Court and in the Parliament of Pakistan (Dawn, 2020b). Despite signing Memorandum of Understanding (MoUs) with the NAB, members of the then PTI government acknowledged the NAB's fears on live talk shows, saying the bureaucracy was not cooperating with them. When Imran Khan was on a visit to China, he was about to talk about the financial crisis, but he also spoke about the NAB's anti-corruption watchdogs and the NAB's fears over bureaucracy (PTI, 2019). Even the Supreme Court of Pakistan remarked that "NAB is not functioning, cases are being registered, decisions are not being made, cases have been pending for twenty years, this is what is to happen, so why not close NAB and accountability courts (Jang, 2020b)". Earlier, the Islamabad High Court (IHC) also reminded the NAB of its limitations, saying its powers were against fundamental rights. The IHC's decision of 8 March 2020 stated that "The power of arrest under the Ordinance of 1999 cannot be exercised in an indiscriminate, reckless or wanton manner, because there are conflicting fundamental rights guaranteed under the Constitution which cannot be ignored (Asad, 2020)". In the decision of Saad Rafiq and Salman Rafiq, the political engineering allegation of NAB was unearthed by the Supreme Court's decision. It was mentioned that NAB is used for political loyalties, as mentioned by Justice Maqbool Baqar. He wrote that "The present case is a classic example of the trampling of fundamental rights, unlawful deprivation of freedom, liberty and the complete disregard for human dignity as guaranteed by the Constitution (Iqbal, 2020)". It was alleged that in the Paragon city project, ex-Minister for Railway Saad Rafiq has illegally got wealth, to which Supreme Court replied in 87 pages decision that "NAB has not been able to show any illegality in the aforesaid transactions and or that the petitioners have dishonestly and unlawfully enriched themselves by way of the same (Baqar, 2020, p. 57)".

This is a clear picture of ordinance-based institutions in Pakistan when their existence is not grounded in parliament, and as per Supreme Court's recent remarks, any time they can be stopped from their functions. Since its establishment in 1999, even though this institution has been active

for three decades, it is an undeniable fact that corruption hasn't been eradicated from the country, but its fear has spread and steadily increased among investors and government entities. This is clear from the PTI government's use of NAB as a tool to pressure their political opponents to change their political allegiances and loyalties from day one. This biased approach led to the negligence of its objectives. That is why the judiciary had to take notice of the matter itself. Nevertheless, at least now, the government should follow the court's instructions without delay to pave the way for achieving the fundamental objectives of the NAB (Jang, 2020b). Anti-corruption moves of NAB did not become successful in earning fame for transparency, as 75% of Chinese were satisfied with anti-corruption efforts in 2012, which raised to 92.9% by the end of 2016 because Xi Jinping caught both "Tigers" and "Flies". These anti-corruption movements earned China's fame nationally and internationally (Xinhua, 2017b).

NAB was established through an ordinance in 1999 to end corruption, but unfortunately, due to the uneven political grounds, it did not pass the procedure of the Parliament. Still, it is a bone of contention among political-cum-civil servants. Furthermore, every successive government is bringing amendments to this ordinance according to their wishes, as was done by PML-N government in 2017, and then was called the "NAB Amendment Ordinance 2017". The government of PTI amended NAB Ordinance 2019 in which they incorporated subsection (e) under section 10 "... for the time being in force, any person arrested under the provisions of this Ordinance for any offense involving any amount above fifty million rupees shall be entitled to 'C' class or equivalent only in prison irrespective of the stage of inquiry, investigation or trial (National Assembly of Pakistan, 2019b)". Within two months, it was challenged in the Supreme Court of Pakistan, claiming it was against Article 25A subsection 1 of the 1973 Constitution of Pakistan, which says, "All citizens are equal before law and are entitled to equal protection of law (National Assembly of Pakistan, 2012, p. 15).

Similarly, Article 25 of the Constitution of Pakistan can be quoted if someone intends to challenge the CPEC Authority, where immunity has been bestowed upon the mentioned staff under Article 12 of the Ordinance (National Assembly of Pakistan, 2019a, p. 8). According to that Ordinance, the power of "making rules, making regulations, and removal of difficulty under Articles 20, 21, and 23", respectively, have been given to the Prime Minister, famous for U-Turns. He connected Japan with Germany geographically and said COVID-19 is Flu like Donald Trump. He also called the world terrorist Usama Bin Laden a Martyr in one of his budget speeches (Gearty, 2020). The person has then been observed as the weak Prime Minister, who could not stand by his pre-election claims. Instead of being ashamed of his U-turns, he defends them boldly (Siddiui, 2019). The same U-Turns he had taken about CPEC many times were identified by a Senior Research fellow at Strategic Studies at Islamabad, Dr. Ahmad Rashid Malik, "Imran Khan has taken different stands on CPEC, and there are U-turns and changing ideologies of the PTI on the CPEC (Malik, 2017)".

The Chinese government seems very willing to bring CPEC under the umbrella of the Parliament. In contrast, PTI-led government of Pakistan was more comfortable issuing ordinances and making cases against political opponents under the Asset Recovery Units (ARU), NAB, Anti Narcotic Force (ANF), and FIA. The ARU is envisioned as an illegal unit, and it is argued that this unit also has no constitutional and parliamentary backup, despite the PTI government's defense, some lawyers went to challenge its legality in the supreme court (Saeed, 2020).

These are some instances from some institutions that bypassed the set procedures, giving enough background to establish the logic that CPEC must be brought under the banner of the constitution. If we analyze the Annual Pakistani Budget from 2018, we may find that the total budget in USD for FY 2019–2020 was \$48 billion and \$400 million, and for FY 2020–2021, it is \$44 billion and \$40 million (Rs.7294.9 billion) (Kamran, 2020). Contrary to this, total amount allotted to CPEC by China is \$67 billion, which is more than the annual budget of Pakistan. It is beyond comprehension that the whole Parliament, along with 40 central ministries' divisions and department, and thousands of officers are busy making budget economical. On the other hand, only the authority of a few persons would make such a colossal budget workable needs to be more logical.

The budget for 2020–2021 was 11% lower than the size of the budget estimated for 2019–2020. We are interested in knowing the budget allocation for CPEC, it is also debatable; however, economic expert Dr. Kasier Bengali commented on budget 2020–2021 on CPEC portion that “due to the influence of the West, there is no mention of CPEC in budget 2020–2021”; speaking to a webinar, he further said that economic managers are trying to appease the IMF and other international lenders by not mentioning CPEC in budget (The Newspaper's Staff Reporter, 2020). The reason for Pakistan's secrecy is clear that Pakistan has not held CPEC accountable to any court or the Parliament whose details were sought by international funding agencies for lending to Pakistan. Contrary to this logic, the PTI government though did not reserve a budget for capacity building or any other soft component of CPEC but has allotted Rs.179 billion as a makeup money as they put forward Rs.830 billion for Financial Year 2020–2021. But the intended projects are Peshawar-Karachi Motorway; Abdul Hakeem-Lahore Section, Sukkur-Multan Section, Burhan-Hakla, Sialkot-Lahore, Burhan-Havelian Expressway, Thakot to Havelian 120-KM (Construction) (Phase-I), M-8 Gwadar, Turbat, Khuzdar in Balochistan and Kamber, N-50 (Zhob-Mughal Kot 81 km), D.I.Khan-Mughal Kot 50 km, M-4 Construction of Faisalabad Khanewal Expressway (184 km), Zhob-Kuchlak Road, Construction of Eastbay way Expressway (Gwadar), Construction of Break Waters (Gwadar), Fresh Water Treatment and Supply (Gwader), Jaglot-Skardu Road, etc. (National Assembly of Pakistan, 2020a, p. 42).

The above sub-projects estimations under CPEC from Pakistan's side are over-ambitious because only ML-1 from Karachi to Peshawar, which is the biggest project under CPEC, requires \$7.2 billion (in November 2019, Chinese Ambassador Yao Jing mentioned its worth of \$9 billion with an expectancy of change in the second stage (The Newspaper's Staff Reporter, 2019), but the PTI government allocated just \$36 million which shows the seriousness of the government, and its planning. With this rate (0.36% per year), this project component would be completed in 2220. And if this amount was \$9 billion, then it would take 250 years to be completed compared with the current ratio of \$36 million. At the same time, according to the agreements of CPEC, all infrastructure projects must conclude by 2030, which seems uncertain during the then PTI government (Aamir, 2020). On one side, CPEC's signature component (ML-1) was engulfed by low allocations, while on the other side was fighting with red-tapism and political antagonism between PTI, PMLN, and PPP. Due to that, federal government (PTI) filed a reference in the Supreme Court of Pakistan in 2018 (HRC No.13316-p of 2018) about railways of Sindh bottlenecks, which was another hindrance in the way of swift completion. Through this reference, another issue aroused that till 9 July 2020, the ML-1's PC-1 has not been approved by the Executive Committee of the National Economic Council (ECNEC) (Supreme Court of Pakistan, 2020a). Through media reports,

it was revealed that the meeting of ECNEC did not mention ML-1 in its PC-1 approval and approval of \$36 million, held on 16 July 2020, and approved four other projects of Rs.289 billion (Dunya, 2020), delayed the process for more than 90 days. Ahsan Iqbal once said to a news reporter that the previous government of PML-N in 2013 took the consent of the National Finance Commission's Executive Committee, where provincial ministers for finance were available (I. A. Khan, 2019).

9. PTI pre-election rhetoric about CPEC investment

PTI's Chairman started raising doubts about CPEC's different aspects and projects in 2014. Despite the then-Chinese Ambassador Sun Weidong twice meeting with him back in 2016 did not remove his concerns and continued criticism in these words, "Instead of provinces, China needs to handle CPEC through federal government", while his set-in disturbed the scheduled visit of President Xi Jinping in September 2014, due to which his visit was delayed for more than six months and reached on 20 April 2015. The PTI was trumpeting in these words, "It is a loan and not an investment, which is very expensive (Malik, 2017)." Based on his party politics and previous interpretation of the CPEC project, it was challenging to anticipate that he could complete this flagship project within his five years (he completed 3 years and 7 months, because he was ousted by the Pakistan Democratic Movement's vote of no-confidence from power on 9 April 2022). Because he regaled his fans but did not deliver according to set indicators, his narrative stayed the same, even though he came into government in August 2018; however, he publicly said about the revival of CPEC agreements. Because he felt something under the carpet, one of his Commerce Ministers, Abdul Razaq Dawood, went further and suggested the suspension of CPEC (Wani, 2020). The PTI initiated allegations of corruption and embezzlement in CPEC while sitting on the opposition benches Senator Nauman Wazir (PTI) claimed that Rs.137 billion had been embezzled in one of the CPEC projects, "The Sukkur-Multan Motorway Project", due to which the Senate Committee for Communication and National Highway Authority called on for all the detailed documentation, including contracts. No party member has yet denied his allegations, even on that day. Chairman Highways (NHA) Jawad Rafiq Malik promised to provide all the project details to the Senate Committee. The Senator also demanded that Chinese government should pay back the mentioned amount to Pakistan (Junaidi, 2018) if these allegations are true. Minister for Railways Shiekh Rasheed Ahmad also accused CPEC of corruption and demanded an investigation into power projects. The series of allegations of corruption caught media attention once again when the then Federal Minister for Communication and Postal Services Murad Saeed lashed out at the previous government of PML-N, saying that they were involved in "Sakkur-Multan Motorway Project" corruption by allocating tenders to their favorite companies (Kuramani, 2019). The charges have been considered by ex-Minister for Planning and Development, Ahsan Iqbal, as making CPEC controversial. Still their removal from power, the PTI seemed silent about these allegations. Then to remove these allegations, the Chinese company forwarded "China State Construction Engineering Corporation Limited" rejecting the corruption charges made by Murad Saeed and expressing deep sorrow over the corruption allegations of Rs.70 billion (I. A. Khan, 2019).

As PTI's head is famous for U-Turns and un-seriousness, in the same way, the party's official documents are hasty and do not match with each other. Here is an analysis of the then two papers developed by the same government in June 2020, which need to be more consistent, clear about CPEC. One was "Annual Plan (A.P.) 2020–21", and the other was "Public Sector Development

Programme (PSDP) 2020–21”. The latter is realistic and workable due to its allocations, while the former exaggerates some projects of CPEC. The latter mentions that works on “Sukkur-Multan” and “Lahore-Abdul Hakeem” has been completed and even inaugurated (M. J. Khan, 2020, p. 173).

On the contrary, the earlier document shows that the same project has been allotted an amount of Rs.1500 million. Moreover, Rs.15,221 million has been throw-forward for the work ahead (Government of Pakistan, 2020, p. 11). This allocation means less volume of an amount which will take more than ten years for its completion, and according to the mentioned document, this project has got approval from the Executive Committee of the National Economic Council (ECNEC) on 3 July 2014. The same is the case with the Thakot-Havelian project of 2015, and the list goes on for such inconsistent reporting.

10. Conclusion

The above-mentioned internal reports indicate that the CPEC scheme could be a victim of corruption, abuse of power, and violations of national laws. The CPEC was amended in the 1973 Constitution of Pakistan and the CPEC Authority was subordinated to it. Establishing a ministry seems more reasonable and credible. In addition, it extends to all investigative authorities in Pakistan, as has been done recently after the integration of FATA under the 25th Amendment to ensure accountability and transparency. The legal framework will reduce internal grievances and foreign and domestic criticism of its accountability and transparency. Today, the situation of the National Assembly of Pakistan is more conducive to passing such laws (CPEC Amendment). CPEC was initiated during PPPP, expedited in PLM-N’s period, and authorized in the PTI term. The present government is a coalition of more than 11 parties called PDM government, which can pass it from parliament. As the 19th Amendment in the Constitution established the supremacy of Parliament over high court appointments, in the same way, the extension of the Army Chief’s approval from Parliament sustained the supremacy of Parliament and the Constitution. The only way for Parliament to have power over CPEC would be to establish parliamentary oversight and divide responsibilities among provinces and exceptional staff, under the constitutional amendment.

It is not appropriate for progressive democracies to be intolerant to aggressive criticism of plans and government measures, as in democracies, the media is given freedom and is considered the fourth pillar of the state. The Privacy Act does not guarantee that the law will not be violated. Parliamentary oversight of financial affairs is the most effective way to prevent corruption in government institutions, which is common in all democracies worldwide. The Auditor-General of Pakistan once recommended that audits must be implemented without hesitation (Jang, 2020a). Hamad Azhar admitted that the “then government requires to take more steps for it.”

Suppose the National Assembly establishes no transparency and oversight, it will create doubts and chaos, as there are instances of past Khyber Pakhtunkhwa and Centre rift during 2013–2018, and there are also grave concerns of Balochistan. Ex-Prime Minister Imran Khan acknowledged these grievances when he made his first visit to Balochistan, where he expressed that “it is in his knowledge that Balochistan has concerns, which the current government intends to revisit and remove people’s concerns and give them their just portion in CPEC (S. Shahid, 2018). Political parties and trade unions were not on the same page with the then PML-N government. Saleem Safi Once said in one of his interviews that PML-N government is responsible for making CPEC

investment a political issue. At the same time, its inclination toward Punjab Province fuels the fire of unfair treatment of lesser provinces (Boni and Adeney, 2020, p. 445) by national and international organizations. Like United States Institute of Peace reported that “the announcement of the first batch of CPEC projects immediately triggered an acrimonious internal political debate, the country’s smaller provinces alleging that the focus of the corridor has been diverted to Punjab, the largest and most prosperous province, at the expense of the rest of the country (Rafiq, 2017, p. 5)”. Such kind of internal flaws can lead to the deterioration of social, political, and economic conditions (Wolf, 2020, p. vi). The apprehension of smaller provinces has a history of unequal distribution of national wealth, as was observed in Pakistan Muslim League-N’s leading federal government from 2013 to 2018 towards CPEC. Since then, it (PML-N) has been opaque and inconsistent in its public statements on CPEC (Rafiq, 2017, p. 31). It was pointed out by Imran Khan, back in 2013, that CPEC was kept in the dark. Unfortunately, he created a new debate at that time while mentioning the “Original route and his party made it more controversial by naming it the China-Punjab Economic Corridor, which created insecurity among smaller provinces against Punjab. Despite being in opposition, they also contributed to making this mega project controversial by boycotting from second APC, which was convened for national consensus development on CPEC on 28 May 2015 (Malik, 2017). In this context, the call for strike and procession of Pervez Khattak is a glaring example; even they threatened the Central Government that Provincial Government would not let Central Government project succeed until their just demands are not fulfilled. He said that “I warn if the Federal Government does not address the reservations of K.P. about the (CPEC) project, then we will take an extreme step. Furthermore, the Central Government will see what we will do (Z. Ali, 2016)”.

As a result of two cases, the Supreme Court of Pakistan once rejected Imran’s unconstitutional and extra-cabinet approval for an extension of the Army Chief’s tenure and suggested some constitutional amendments to the Parliament. Secondly, in the PTI Times audit, the Auditor General of Pakistan pointed out the violation of rules and advised the government to seek the approval of the Parliament for the expenditure. This shows that constitutional incompetence and social injustice can be challenged. A legal framework must go hand in hand with the federal government’s initiatives. The government has yet to bridge the gap of constitutional accountability created by successive governments since the inception of CPEC, which will move towards the current governments.

CPEC is a \$62 billion investment; its legal, administrative, political, and economic management is individually in the hands of ministries. There is no central minister or ministry for CPEC. The detailed legal analysis of Pakistan related to CPEC demands that for fair, transparent, and sustainable investment, it is necessary to accommodate CPEC in the constitution of Pakistan. On one side, it will be relatively far from political antagonism. On the other hand, it will have its secretariat, which will work, even if the political government is not in office. There will be proper management and oversight, and everything will be transparent and accountable to the Parliament and the Supreme Court of Pakistan.

Conflict of interest

The authors declare no conflict of interest.

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