



FAYAZ HUSSAIN MASTOI\*

## A CRITICAL ANALYSIS OF THE CPEC AND HUMAN RIGHTS IN THE CONTEXT OF UNITED NATIONS OBLIGATIONS\*\*

**Abstract [En]:** This article presents an analysis of the China–Pakistan Economic Corridor (CPEC) based on the international human rights law, focusing on the obligations imposed by the ICCPR, ICESCR, and the UN Guiding Principles on Business and Human Rights. CPEC is frequently described as an exemplary model of strategic infrastructure and economic connectivity. The execution of CPEC has, however, raised significant apprehensions about displacement, environmental destruction, access to justice, and transparency. This article focuses on the inadequacies in CPEC’s governance, particularly the lack of effective mechanisms and grievance redress, in accordance with the jurisprudence from the ICJ, ECtHR, IACtHR, and UN treaty bodies. The article ends with suggestions for ensuring that CPEC follows the UN’s standards for human rights. To protect the rights of vulnerable communities in the project-affected areas, the measures include institutional reforms, procedural protections, and inclusive development.

**Keywords:** CPEC, International Human Rights Law, Access to Justice, Development-Induced Displacement.

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\* PhD student in Public, Comparative and International Law – Sapienza University of Rome.

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## 1. Introduction

In 2015, the China–Pakistan Economic Corridor (CPEC) emerged as one of the most extensive transnational infrastructure frameworks in South Asia, a component of China’s Belt and Road Initiative (BRI)<sup>1</sup>. CPEC emerged with the primary objective of establishing a connection between Western China and the Arabian Sea through Pakistan’s Gwadar Port, providing strategic access to maritime routes and promoting economic development in Pakistan’s underdeveloped regions<sup>2</sup>, with allocation of more than USD 60 billion for the development of highway construction, port infrastructure, energy generation projects, and the foundation of Special Economic Zones (SEZs)<sup>3</sup>. However, a complex matrix of governance deficiencies and allegations of human rights violations lies beneath this developmental narrative. The planning, execution, and consequences of CPEC projects — particularly within conflict-prone areas such as Balochistan and Gilgit-Baltistan<sup>4</sup>—have been the subject of extensive scrutiny from the non-governmental organisations (NGOs), the Human Rights Commission of Pakistan (HRCP) and academic research. These documented concerns encompass, *inter alia*, the systematic exclusion of ethnic and indigenous minorities from processes of consultation and benefit-sharing, the refusal to access environmental information, the suppression of community participation, and forcible evictions without adequate compensation<sup>5</sup>. In this context, CPEC has become a key focus for analysing the disputes between state-driven economic development models and international human rights obligations<sup>6</sup>. The purpose of this study is to examine the impact of CPEC on human rights within the framework of the United Nations system. Furthermore, to evaluate comparison based on the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the United Nations Guidance on Business and Human Rights (UNGPs), and the Sustainable Development Goals (SDGs) of the 2030 Agenda.

Pakistan, as the host country, and China, as a foreign investor, are obligated to adhere to the legal and ethical framework outlined in the above-mentioned instrument<sup>7</sup>. Furthermore, a critical evaluation of the significance of UN treaty bodies and specific procedures in addressing human rights issues arising from foreign investment and large-scale construction projects will be conducted. In addition, the undermining of procedural rights, like access to information and involvement in public affairs, in relation to the CPEC is of particular significance in the context of the liability of states for violations of established human rights norms behind the agenda of development.

<sup>1</sup> J. MARDELL, *The BRI in Pakistan: China’s Flagship Economic Corridor*, in *Mercator Institute for China Studies*, 2020.

<sup>2</sup> GOVERNMENT OF PAKISTAN, *CPEC Long Term Plan for China-Pakistan Economic Corridor (2017-2030)*, in *Ministry of Planning Development Reform*, 2017, 1-36 ss.

<sup>3</sup> A. SMALL, *The China-Pakistan Axis: Asia’s New Geopolitics*, Oxford, Oxford University Press, 2015.

<sup>4</sup> Pakistan Human Rights Commission, *Balochistan: Neglected Still An HRCP Fact-Finding Report*, 2019.

<sup>5</sup> International Crisis Group, *China-Pakistan Economic Corridor: Opportunities and Risks*, 2022, 1-2 ss.

<sup>6</sup> Z. S. AHMAD – A. K. CHAUDHRY, *The China–Pakistan Economic Corridor and Narrative Projection: The Role of Pakistani Think Tanks*, in *Journal of Current Chinese Affairs*, n. 3/2025, 448-465 ss.

<sup>7</sup> EFSAS, *Balochistan: Colonial and Post-Colonial Governance, Insecurity, and CPEC*, in *European Foundation for South Asian Studies*, 2022, 1-21 ss.

## 2. The Governance of Human Rights and CPEC

The legal and institutional framework of Pakistan has been fragmented due to the implementation of CPEC, with frequent failures to adhere to principles of human rights under international law<sup>8</sup>. Pakistan is a State party to the International Covenant on Economic, Social, and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR), having ratified both instruments<sup>9</sup>. As the infrastructure development and economic growth are legitimate objectives of public policy, they must be pursued in accordance with the rights outlined in these agreements. Under Articles 17, 19, and 25 of the ICCPR, which protect the privacy, freedom of expression, and right to participate in public affairs, the absence of transparency, public participation, and environmental justice in CPEC's activities raises serious concerns<sup>10</sup>. According to Article 25 of the ICCPR, all citizens have the right to participate in the administration of public affairs<sup>11</sup>. However, the Human Rights Commission of Pakistan and international observers have highlighted that the affected communities, especially Gwadar, have not been included in the decision-making processes<sup>12</sup>. The conducted consultations are often superficial and fail to adopt international practices to fulfil the standards of free, prior, and informed consent (FPIC)<sup>13</sup>. The Baloch and Hazara communities are particularly affected by the exclusion occurring due to CPEC projects, causing the transformation of their lands and resources under the pretence of development.

At the cost of development initiatives, the rights of local populations should not perish, particularly when their ancestral territories are at stake<sup>14</sup>. The state is obligated to protect cultural rights and access to land to ensure the fundamental principle of non-discrimination and equality before the law, as guaranteed by Article 26 of the ICCPR, and the protection of cultural rights in line with Article 27 of the ICCPR<sup>15</sup>. From a socio-economic context, Article 11(1) of the ICESCR protects the right of everyone to an adequate standard of living, including food, clothing and housing. Nevertheless, the extensive land acquisitions for SEZs and energy projects under CPEC have caused the displacement of thousands of families. The majority of these families received minimal or no compensation and were not

<sup>8</sup> M. MOTTOLA, *Economic Corridors*, in *Max Planck Encyclopedias of International Law*, 2024.

<sup>9</sup> M. ROBBINS, *Powerful States, Customary Law and the Erosion of Human Rights through Regional Enforcement*, in *California Western International Law Journal*, n. 2/2005, 1-28 ss.

<sup>10</sup> UN Human Rights Committee, *General Comment No. 25: Article 25 (Participation in Public Affairs and the Right to Vote)*, *The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service*, CCPR/C/21/Rev.1/Add.7, 1996; UN Human Rights Committee, *General Comment No. 17: Article 24 (Rights of the Child)*, 1989; UN Human Rights Committee, *General comment No.34 on Article 19: Freedoms of opinion and expression*, CCPR/C/GC/34, 2011; Human Rights Watch, *World Report 2021, Human Rights Watch's 31st annual review of human rights practices and trends around the globe*, 2021.

<sup>11</sup> UN Administrative Tribunal, *Administrative Tribunal judgement*, no. 760, Case no. 822, *Zouari v. Secretary-General of the United Nations*, 1996.

<sup>12</sup> UN Human Rights Council, *Universal Periodic Review: Pakistan – 4th Cycle*, A/HRC/WG.6/42/PAK/1, 2023.

<sup>13</sup> United Nations Human Rights, *Guiding Principles on Business and Human Rights, Implementing the United Nations "Protect, Respect and Remedy" Framework*, United Nations, 2011.

<sup>14</sup> UN Special Rapporteur on Indigenous Peoples, *Report to the General Assembly*, A/73/176, 2018.

<sup>15</sup> UN General Assembly, *International Covenant on Civil and Political Rights*, United Nations, 1966.

provided with alternative housing.<sup>16</sup> The right to sufficient housing is *prima facie* violated by forced evictions without due process, as emphasised in General Comment No. 7 of the Committee on Economic, Social and Cultural Rights (CESCR).<sup>17</sup>

Moreover, Sustainable Development Agenda 2030, endorsed by both China and Pakistan, underscores the necessity of comprehensive and joint development, particularly access to justice and representative decision-making.<sup>18</sup> In addition, no independent grievance redress mechanism under CPEC is formulated to allow affected individuals or communities to redress against the actions of the state or investor. The lack of such remedies is in direct resistance to the United Nations Guiding Principles on Business and Human Rights (UNGPs).<sup>19</sup>

The legal framework of CPEC is insufficiently regulated, where the Authority is not subject to judicial scrutiny or parliamentary oversight, operating under direct executive control. The concerns raised by the parliamentary committee in 2021 regarding the lack of transparency and financial accountability in CPEC governance have not resulted in any meaningful reforms.<sup>20</sup> The anonymity surrounding of unpublished project agreements further violates the right to access public information, protected by Article 19(2) of the ICCPR<sup>21</sup> and supported by Pakistan's Right of Access to Information Act, 2017<sup>22</sup>. Numerous energy projects, including coal-fired power plants, have been executed without adequate mitigation strategies or comprehensive environmental impact assessments, alarming in view of Pakistan's responsibilities under the Paris Agreement<sup>23</sup> and the international legal principle of sustainable development. The Special Rapporteur on human rights and the environment of the United Nations has emphasised that environmental degradation has a disproportionate impact on the most vulnerable and can be considered a violation of the right to life and health under Article 6 of the ICCPR<sup>24</sup>. Therefore, the governance framework of CPEC exhibits significant deficiencies in complying with international human rights standards. These deficiencies are not only procedural but also structural, as they prioritise strategic and economic interests over collaborative, inclusive, and rights-based strategies.

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<sup>16</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 7: The Right to Adequate Housing (Art.11.1): Forced Evictions*, E/1998/22, 1997.

<sup>17</sup> UN General Assembly, *Transforming our World: The 2030 Agenda for Sustainable Development*, resolution adopted by the General Assembly, 70th sess., 2015-2016.

<sup>18</sup> O. DE SCHUTTER, *The Accountability of Multinationals for Human Rights Violations in European Law*, in P. ALSTON (ed.), *Non-State Actors and Human Rights*, Oxford, Oxford University Press, 2005, 227-314 ss.

<sup>19</sup> *Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights*, Maastricht, Maastricht University, International Commission of Jurists, 2012, 1-12 ss.

<sup>20</sup> A. DE ZAYAS – Á.R. MARTÍN, *Freedom of Opinion and Freedom of Expression: Some Reflections on General Comment No. 34 of the UN Human Rights Committee*, in *Netherlands International Law Review*, n. 3/2012, 425-454 ss.

<sup>21</sup> S. JOSEPH – M. CASTAN, *Freedom of Expression—Articles 19 and 20 of the International Covenant on Civil and Political Rights, Cases, Materials, and Commentary*, Oxford, Oxford University Press, 2013, 590-644 ss.

<sup>22</sup> *Right of Access to Information Act*, Act No. XXXIV of 2017, Pakistan.

<sup>23</sup> *Paris Agreement (UNFCCC)*, Art. 4(1), 2015.

<sup>24</sup> L. HEINÄMÄKI, *Human Rights and the Environment*, in *Yearbook of International Environmental Law*, n.1/2022, 29-36 ss.

### 3. State Responsibility and United Nations Mechanisms

For huge development initiatives such as CPEC, the United Nations proposes a variety of institutional and normative frameworks to evaluate the state's compliance with human rights commitments. Both Pakistan and China, as members of the United Nations and States parties to several vital international human rights treaties, including the ICCPR, ICESCR, and the Convention against Torture (CAT), having ratified these instruments, are subject to continuous review through treaty monitoring bodies and the Universal Periodic Review (UPR) administered by the Human Rights Council (HRC)<sup>25</sup>. In the recent UPR of 2023, numerous recommendations urged Pakistan to protect the community rights, ensure environmental sustainability, and strengthen the effective implementation of its existing international human rights obligations<sup>26</sup>. The social and ecological consequences of the CPEC are a serious concern for numerous delegations<sup>27</sup>. Importantly, the Human Rights Council emphasised maintaining the freedom of expression and access to information, frequently limited in CPEC-impacted regions, especially in Balochistan<sup>28</sup>. According to Article 19 of the ICCPR, the Human Rights Committee asserted the obligation of states to comply with access to public interest information<sup>29</sup>. The denial of Pakistan to disclose CPEC project details based on national security and economic confidentiality elicits criticism from local NGOs and the international community in the context of procedural and essential rights.

International obligations extend beyond the host state to investor states, including China. Although China is not a party to the ICCPR, it has ratified the ICESCR<sup>30</sup> and is a main investor of CPEC through its state-owned enterprises (SOEs) and development banks. However, the Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social, and Cultural Rights are not legally binding<sup>31</sup>. Instead, they codify emerging customary principles that impose obligations upon states to respect and protect human rights even when acting beyond their borders<sup>32</sup>. Similarly, Principle 25 argues about the obligations of the state for individual's rights protection in host states from its public and private actors while operating abroad. This principle has been discussed at the UN

<sup>25</sup> M. D. EVANS – S. C. BREAU, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Advisory Opinion)*, 9 July 2004, in *International and Comparative Law Quarterly*, n. 4/2005, 1003-1013 ss; United Nations Treaty Collections, *Multilateral Treaties Deposited with Secretary-General*.

<sup>26</sup> F. ROUNAK, *UPR 4th Cycle: Human Rights in Pakistan - Progress Amid Challenges*, *Human Rights in Pakistan: Progress Amid Challenges, The 42nd Session of the Universal Periodic Review, Review of Pakistan - Fourth Cycle*, in *Universal Periodic Review*, Geneva International Centre for Justice, 2023.

<sup>27</sup> A. RAEL, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar): The International Court of Justice's First Binding Decision to Hold Myanmar Accountable for Committing Genocidal Acts against the Rohingya Group*, in *Tulane Journal of International & Comparative Law*, n. 29/2021, 377 ss.

<sup>28</sup> F. ROUNAK, *UPR 4th Cycle: Human Rights in Pakistan*, cit., 5.

<sup>29</sup> *Saramaka People v. Suriname*, 2007.

<sup>30</sup> UN Human Rights Treaty Bodies, *UN Treaty Body Data Base*, ratification status by country or treaty, accessed 6 November 2025.

<sup>31</sup> *Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights (2011)*, in *The World Bank Group, the IMF and Human Rights: A Contextualised Way Forward*, W.V. GENUGTEN (ed.). 2015, 79-86 ss.

<sup>32</sup> *Länsman et al. v. Finland*, Communication No. 511/1992, UN Doc. CCPR/C/52/D/511/1992, 1994.

Forum on Business and Human Rights regarding Chinese investments in the Global South<sup>33</sup>. Moreover, the United Nations Guiding Principle (UNGPs) on Business and Human Rights institute a three-pillar framework:<sup>34</sup> the state's obligation to safeguard, the corporate obligation to respect, and the right to access redress. China and Pakistan have both endorsed these principles at the UN Human Rights Council, although both states are non-binding. However, implementation of this three-pillar framework remains inconsistent.

Human rights due diligence assessments involved in CPEC are frequently conducted by Chinese state-owned enterprises (SOEs) like China Road and Bridge Corporation (CRBC) and China State Construction Engineering Corporation (CSCEC), without consulting local stakeholders<sup>35</sup>. This opacity causes a legal vacuum for accountability of violations of human rights due to CPEC-related projects. The necessity of extraterritorial regulation of corporations has been underscored by UN treaty bodies on different occasions. The Committee on Economic, Social, and Cultural Rights (CESCR)<sup>36</sup> observed that states should implement measures to avoid human rights infringement abroad by their territorial corporations governing without effective regulations<sup>37</sup>. The UN Special Procedures system provides more comprehensive oversight. Thematic reports<sup>38</sup> have been issued by the Special Rapporteurs on human rights relating to the CPEC, warning against development-induced displacement in the absence of sufficient protection and human rights impact assessments during investment decision-making<sup>39</sup>. Furthermore, the CPEC framework is only regulated by a series of bilateral protocols and Memoranda of Understanding (MoUs) between China and Pakistan<sup>40</sup>. However, these instruments are not subject to international registration or parliamentary ratification under Article 102 of the UN Charter<sup>41</sup>. These factors effectively render the transparency under international law and impede third-party scrutiny or recourse to international adjudicative mechanisms. In this context, the participatory imperatives of the UN human rights system are violated by the failure to institutionalise public accountability within the CPEC framework.

<sup>33</sup> Aarhus Convention Compliance Committee, *Compilation of Findings and Advice, adopted 18 February 2005-2025*.

<sup>34</sup> United Nations Human Rights, *Guiding Principles on Business and Human Rights, Implementing the United Nations "Protect, Respect and Remedy" Framework*, United Nations, 2011, cit., 3.

<sup>35</sup> F. FITZMAURICE – J. GROS – M. LACHS – P. ONYEAMA, *ICJ Decision in Barcelona Traction Case*, 1970.

<sup>36</sup> UN Committee on Economic, Social and Cultural Rights, *United Nations Human Rights Treaty Bodies*.

<sup>37</sup> A. SATISH, *Case Note: Questions Relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal)*, 2024.

<sup>38</sup> United Nations, *Annual Thematic Reports of the Special Rapporteur on Human Rights Defenders*.

<sup>39</sup> S. ALFARARGI, *Response and Recovery Plans and Policies on the Coronavirus Disease (COVID-19) Pandemic from the Perspective of the Right to Development*, UN Human Rights Council, 2022.

<sup>40</sup> Ministry of Planning, Development and Special Initiatives, *CPEC Secretariat*.

<sup>41</sup> United Nations, *Charter of the United Nations*, Art. 102, 1945–1954.

#### 4. Case Law and International Jurisprudence

International jurisprudence provides valuable interpretive guidance in evaluating the legality of state conduct in relation to megaprojects like CPEC<sup>42</sup>. A framework for analysing state obligations related to forced displacement, environmental harm, access to remedies, and procedural rights is provided by the International Court of Justice (ICJ), regional human rights courts, and treaty bodies<sup>43</sup>, although no international tribunal has yet ruled directly on CPEC<sup>44</sup>.

Furthermore, in the *Gambia v. Myanmar* (2020) order regarding provisional measures, the ICJ reaffirmed that states are bound to avoid such acts that may inflict irreparable distress on populations under their jurisdiction<sup>45</sup>.

In *Öneryıldız v. Turkey* (2004), the European Court of Human Rights (ECtHR) determined that states are obligated to institute adequate regulatory frameworks and enforcement mechanisms for human life and environmental protection. The decision highlighted the obligations of states under Article 2 of the European Convention on Human Rights, consistent with Article 6 of the ICCPR. The lack of environmental protection and safety mechanisms in numerous CPEC industrial zones can be justified similarly<sup>46</sup>.

In the formative IACtHR case of *Saramaka People v. Suriname* (2007), the Court determined that the state's failure to consult indigenous communities before authorising extractive ventures on their ancestral land was a violation of their collective rights under the American Convention<sup>47</sup>. Similar patterns of exclusion have been documented for CPEC in Pakistan, echoed in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

Additionally, the UN Human Rights Committee has guided through several communications regarding the scope of Article 27 of the ICCPR (minority rights) and Article 17 (right to privacy and residence) related to forced displacement. In *Länsman v. Finland* (1994), the Committee determined that commercial activities on indigenous land must be assessed for their cumulative impact on the cultural life of the affected community<sup>48</sup>.

The dual obligation on states to pursue economic growth while ensuring equitable, participatory, and non-discriminatory benefit sharing is reflected in the increasing recognition of the right to development, as reflected in General Assembly Resolution 41/128 (1986) and subsequent reports of the Human Rights Council<sup>49</sup>. The analysis

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<sup>42</sup> S.O. WOLF, *The China-Pakistan Economic Corridor of the Belt and Road Initiative Concept, Context and Assessment*, Cham, Springer, 2020, 404 ss.

<sup>43</sup> I. M. BORGES, *Environmental Change, Forced Displacement and International Law: From Legal Protection Gaps to Protection Solutions*, London, Routledge, 2018, 282 ss.

<sup>44</sup> J. MCADAM, *Climate Change, Forced Migration, and International Law*, Oxford, Oxford University Press, 2012.

<sup>45</sup> International Court of Justice, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, Order/Decision 2020.

<sup>46</sup> European Court of Human Rights (Grand Chamber), *Öneryıldız v. Turkey* 48939/99 [2004] ECHR 657, judgment of 30 November 2004.

<sup>47</sup> Inter-American Court of Human Rights, *Saramaka People v. Suriname*, judgment of 28 November 2007.

<sup>48</sup> *Länsman et al. v. Finland*, Communication No. 511/1992, UN Doc. CCPR/C/52/D/511/1992, 1994.

<sup>49</sup> UN General Assembly, *Declaration on the Right to Development*, 4 December 1986.

expresses that the local damages in Pakistan cause criticism of the CPEC projects. Therefore, international jurisprudence highlights a comprehensive legal framework of a lawful and inclusive development mechanism. Furthermore, the legitimacy of CPEC projects is not only compromised but also faces international legal obligations for violating the human rights of stakeholders of the host state.

## 5. Accountability, Access to Justice and CPEC Framework

The main challenge of CPEC is associated with the lack of efficient and easily accessible accountability mechanisms and the human rights violations associated with its execution. The absence of legal remedies for people, particularly in conflict-affected regions, poses serious concerns under Article 2(3) of the ICCPR<sup>50</sup>. This provision requires states to compensate effectively any individual whose rights are infringed by the state or its agents<sup>51</sup>. Despite Pakistan's official recognition of constitutional rights and its ratification of several vital international treaties of human rights, the legal framework of CPEC has administrative opacity and institutional flaws.

The Right of Access to Information Act, 2017, in line with Article 19A of the Constitution of Pakistan<sup>52</sup>, is regularly ignored for CPEC-related matters. Environmental assessments, migration plans, and investment agreements have been the subject of sensitive diplomacy or national security responses to public enquiries<sup>53</sup>. The militarisation of project zones, especially in Balochistan, further impedes the availability of justice by designating vast tracts of land as high-security zones<sup>54</sup>. State security agencies subject residents of Gwadar, a critical CPEC centre, to harassment, arbitrary detention, and surveillance for highlighting project-related grievance<sup>55</sup>. Such practices contravene established international norms to forbid arbitrary interference with personal freedom and collective punishment, infringing Pakistan's constitutional guarantees under Articles 10A for fair trial and 15 for freedom of movement<sup>56</sup>.

Although plaintiffs claim significant rights violations in SEZs and energy projects, courts often defer to the executive by applying doctrines of strategic necessity or public interest. Due to a lack of jurisdiction over federal projects, the Peshawar High Court dismissed petitions from local farmers protesting land acquisition under CPEC in the judgment of December 2018 of the Gadoon Amazai case no. 3621 (2018)<sup>57</sup>. These decisions reveal the

<sup>50</sup> United Nations, *International Covenant on Civil and Political Rights*, in *General Assembly resolution*, 2200A (XXI), 1966.

<sup>51</sup> *Ibid.*

<sup>52</sup> *Constitution of the Islamic Republic of Pakistan*, Art.19A.

<sup>53</sup> *Right of Access to Information Act*, Act No. XXXIV of 2017, Pakistan, cit., 4.

<sup>54</sup> G. YASEEN, *Socio-Economic Impact of China Pakistan Economic Corridor (CPEC): A Case Study of Gwadar Port*, in *Thesis by Pakistan Institute of Development Economics, Islamabad, Pakistan*, 2021.

<sup>55</sup> Pakistan Human Rights Commission, *Balochistan: Neglected Still An HRCP Fact-Finding Report*, 2019, cit., 2.

<sup>56</sup> *Constitution of the Islamic Republic of Pakistan*, Arts. 10A and 15.

<sup>57</sup> *Peshawar High Court*,

*Gadoon Amazai Industrial Estate v. Government of Pakistan*, Writ Petitions No. 3621-P/2018 & consolidated cases, Judgment 1 2-12-2018.

jurisprudential discrepancy between constitutional protections and their actual enforcement. Additionally, there is no independent grievance redress mechanism within the CPEC framework for affected communities to appeal.

In contrast, the projects funded by international development banks (e.g., World Bank, ADB) include inspection panels or accountability offices<sup>58</sup>. Furthermore, the CPEC agreements are frequently not recognised as binding treaties under Article 102 of the UN Charter, arguing not subject to international registration or adjudication<sup>59</sup>. The CPEC MoUs do not contain any contractual human rights protection without a requirement to conduct human rights impact assessments<sup>60</sup>. Due to the absence of legally obligatory provisions, civil society movements have emerged as the sole significant accountability actors. For instance, in Gwadar, such movements have demanded the release of detained activists, clean water, and livelihoods<sup>61</sup>. However, the suppression and arrest of their protests frequently undermine the civic space, essential for participatory governance. The repression of nonviolent assembly in Pakistan is inconsistent with the standards of the UN Declaration on Human Rights Defenders<sup>62</sup> and constitutes a violation of Pakistan's binding obligations under Article 21 of the ICCPR<sup>63</sup>. It is essential to implement the reforms in light of the above deficiencies. First, CPEC's governance should be subject to democratic oversight, including judicial and parliamentary review of related agreements. Second, it is necessary to expand the scope of legal aid and public interest litigation to offer support to the affected communities. Third, Pakistan should incorporate the UNGPs into its national legal framework, requiring the execution of grievance redress mechanisms and due diligence for all foreign investment projects. Finally, the rights should not be infringed upon in the pursuit of economic connectivity; the UN system and its partners in international development must provide supplementary support to independent oversight and documentation initiatives.

## 6. Human Rights, Developments, and the Future of the UN Framework

Despite its promise of economic transformation, CPEC is a modern development paradox. It simultaneously exposes the tensions between the preservation of basic human rights and the strategic objectives of infrastructure development. The current model of CPEC

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<sup>58</sup> United Nations Human Rights, *Guiding Principles on Business and Human Rights, Implementing the United Nations "Protect, Respect and Remedy" Framework*, United Nations, 2011, cit., 3, 6.

<sup>59</sup> United Nations, *Charter of United Nations (Registration of Treaties)*, San Francisco, 1945.

<sup>60</sup> S. HAWKEN – B. AVAZPOUR – M. HARRIS – A. MARZBAN, *The Impacts of Urban Megaprojects on Water and Sanitation Related Human Rights in Southeast Asia: Submission to the UN Special Rapporteur on the human rights to safe drinking water and sanitation*, 2019, 1-29 ss; M. S. HASSAN, *Socio-economic Impacts of CPEC on Pakistan; the Dark Side of the Project*, in *The Critical Review of Social Sciences Studies*, n. 2/2024, 244-255 ss.

<sup>61</sup> B. KHAN – N. BAKSH, *From Ghost Projects to Grassroots Future: the Gwadar Haq Do Tebreek and Reclamation of Failed Development in Gwadar, Balochistan*, in *Third World Quarterly*, 2024, 1-18 ss.

<sup>62</sup> UN General Assembly, *Declaration on the Right to Development*, 4 December 1986, cit., 8.

<sup>63</sup> United Nations, *International Covenant on Civil and Political Rights*, 1966, cit., 3.

governance expresses a deficiency of transparency, poor accountability, legal opacity, and insufficient consultation, and does not adhere to the standards of human rights in compliance with United Nations treaties, declarations, and institutional frameworks. States are obligated to respect the rights of affected individuals in addition to procedural rights as per the ICCPR, ICESCR, and the UN Guiding Principles on Business and Human Rights. Pakistan, as the host country, is responsible for protecting the rights at risk of environmental destruction and dispossession due to development projects. China, as the primary investor, carries extraterritorial responsibilities to comply with the developing standards of state accountability and investor conduct. International jurisprudence, such as the ICJ, regional tribunals, and UN treaty bodies, provides robust legal reasoning and supports a more equitable development model. Furthermore, the significant number of UN reports and thematic mandates indicates that development-induced displacement causes the violation of a variety of human rights if it fails to comply with due process.

## 7. Conclusion

In conclusion, CPEC is a prominent example of a modern development contradiction. CPEC shows conflicts between the upholding of fundamental human rights and its strategic infrastructural goals, despite its importance for economic transformation. This analysis demonstrates that the current model of CPEC governance expresses poor accountability, legal opacity, and limited transparency and failure to observe the human rights standards established by United Nations treaties, declarations, and institutional frameworks. In accordance with the obligations outlined in the ICCPR, ICESCR, and UN Guiding Principles on Business and Human Rights, states are required to respect the fundamental freedoms of affected people and communities, and procedural privileges such as access to information, participation in decision-making, and access to justice. Moreover, institutional reforms are required for CPEC to obey its international obligations to the United Nations system for the protection of human rights for sustainable development.