

Discourse on Kashmir: From Territoriality to ‘Enlightened Sovereignty’

The author calls for renewed focus on the idea of ‘soft borders’ between India and Pakistan, with particular reference to Jammu and Kashmir, in the light of a theory of ‘enlightened sovereignty’ that supersedes territoriality and other conventional attributes of sovereignty.

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Rich dividends in terms of peace and development can be reaped if South Asian countries in general, and India and Pakistan in particular, work together. Many legacy issues, particularly the dispute over Kashmir, have hampered cooperation between India and Pakistan, and the overall development of South Asia. This does not augur well for the search for a unified geo-political and geo-economic South Asia. The famous observation by Israel’s former Foreign Minister Abba Eban that “history teaches us that men and nations behave wisely once they exhaust all other alternatives” holds true for India and Pakistan. After much-postured hostility, the Indo-Pakistani dialogue process was renewed recently when the Prime Ministers of India and Pakistan, Narendra

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Modi and Nawaz Sharif, respectively, met in Paris on 30 November 2015 and in Lahore on the following Christmas Day. The joint statement issued at Bangkok after a meeting between the National Security Advisors of India and Pakistan on 6 December 2015, was brief and beautiful. It said that the discussions were guided by the vision of the two prime ministers for a peaceful, stable and prosperous South Asia. The discussions covered peace, terrorism, Jammu and Kashmir and tranquillity along the Line of Control. This was followed by the visit by India's External Affairs Minister Sushma Swaraj to Pakistan on 9 December 2015.

In this new political climate, powerful appeals have been made in the Indian State of Jammu and Kashmir for the start of a structured dialogue with all shades of opinion in the erstwhile princely state of Jammu and Kashmir (which includes Pakistan-occupied Kashmir – styled in Pakistan as 'Azad Jammu and Kashmir'). The fact is that the pro-India stances of votaries on the Kashmir problem are rooted in a rigid, monolithic conception of sovereignty when the contending perspectives of India and Pakistan have led to a stalemate. The new comprehensive dialogue offers opportunities to explore suitable alternatives to conventional thinking.

Enlightened Sovereignty in South Asia

In an increasingly interdependent world, absolute sovereignty based on exclusive national territories appears to be an outdated concept. The attacks on sovereignty are manifold, most prominently from the advocates of open economy and free trade. The core value of equal sovereign status for all states preserved the notion of national interest in the post-Second World War architecture of international politics. Today, national interest cannot be isolated from other pressing concerns – economic, political and ethical. It is in this sense that there are many contestations over the idea of sovereignty. South Asia needs to promote the concept of 'enlightened sovereignty' as a panacea for its myriad problems. This can lead to an end to social marginalisation and a lowering of nationalist posturing, which have been a drag on the egalitarian evolution of the sub-continent over the past six decades. Enlightened sovereignty would mean accommodating the legitimate autonomy-urges of the peripheral identity-groups in a spirit of friendship among the countries of the region, on the basis of sovereign equality and non-interference in domestic matters.

The fact is that the countries in South Asia have their share of problems where state sovereignty comes under attack from marginalised groups. Pakistan has its sovereignty-related issues and dispute with India over Siachen and Kashmir. India faces sub-national movements in its north-eastern region as well as in Kashmir, over issues of sovereignty or otherwise. The Tamil movement in Sri Lanka is largely a territorial-sovereignty contest that has so far evaded solution even after the LTTE got militarily defeated. Modern South Asian states, being geographically contiguous, have also experienced border disputes which have sometimes turned violent. The culture of neatly-defined borders finds little resonance in some quarters in South Asia. There is growing consciousness, in such quarters, that the current borders are colonial legacies. The point is not to make borders irrelevant and render sovereignty ineffective. Instead, it is merely an attempt to face up to the complex nature of sovereignty in the region. Some scholars have also advanced the concept of “new sovereignty”. It would entail that sovereignty is on loan to the state from the people. It recognises individual and group rights. It also means that governments are losing control of the minds of the people.¹ By arguing for *enlightened sovereignty*, one is only thinking innovatively in terms of a new social contract in the region. This may help in rescuing the Kashmir dispute from high-voltage geo-politics and rendering it merely into the problem of the people of Jammu and Kashmir – making it easier to resolve. After the Partition of 1947, which brought untold suffering to millions on both sides of the freshly drawn India-Pakistan borders, secession in South Asia was slated to become a dirty word. In the backdrop of new notions of security and *enlightened sovereignty*, home-grown models of conflict-resolution like autonomy/self-rule could be employed for ensuring lasting peace in the region. Many important confidence-building measures (CBMs) like the across-the-Line-of-Control (across-LOC) bus travel and trade contacts between the two parts of Jammu and Kashmir have survived the terrorist attacks in Mumbai in September 2008, which have been traced to perpetrators in Pakistan and which pushed the peace process into a severe deadlock. The years 2003 to 2007 were times of constructive engagement between the two countries.

Conflict Transformation

Traditionally, India and Pakistan have pursued policies on Kashmir around their concerns regarding territoriality and sovereignty. The Kashmir issue was taken to United Nations and fought there for decades only in the cause of furtherance of territorial demands.² This led to wars, and in 1971 there was the breakup of Pakistan. For the last thirty years or so, Pakistan has engaged India in a low-intensity war over and in Kashmir, which has debased the life, culture, economy and social institutions on the Indian side of the LOC in Kashmir and brought untold miseries to the people. In the year 2015 alone, five hundred persons died due to hypertension, which is higher than the reported cases of killings due to violence. Kashmir, known for its beauty and rich resources, has turned into a landscape of defence, zone of subversion, interdiction and exclusion. The famed valley has fallen prey to a psychology of fear and hate, and drifted towards a non-pluralist culture. However, since the phase of India-Pakistan peace process around 2003, with the agreed ceasefire commencing along both the Line of Control and the International Border/working border, we witnessed an incremental shift in the policies of the rival states. India and Pakistan were able to understand that the resolution of problems between them could only be an evolutionary process, and hence the need for a formal and structured dialogue was felt.³ This was the beginning of a composite dialogue between India and Pakistan. With it, many people-centric confidence-building measures were undertaken. The drivers of that peace process – like trade, people-to-people contacts and cross-LoC movement of people (particularly of the divided families) – helped in conflict-management. The actors in the Track-2 circuit and the India-Pakistan back-channel process helped in providing policy-relevant inputs which resulted in enhancing the peace process.⁴ These efforts largely helped in managing and also transforming the conflict in Kashmir. Conflict-transformation means support for the groups in conflict, as opposed to mediation by outsiders. The process of conflict-transformation is inspired by the values of peace, justice, and truth. There are many conflict-transformers, and the context of a conflict itself can help in the process. The context of the Kashmir conflict had of course shifted at the local and regional levels, enhancing the possibilities of resolving the conflict through the use of new models. Raia Prokhovnik had advocated the post-state model that recognises the diversity of forms of polity below and above the state-paradigm, and allows for periodic revisiting of an actor's position in international relations: this, in view of today's global reach across conventional borders, is a fluid rather than a

fixed model.⁵ This very much fits into the concept of *enlightened sovereignty* advocated as the way-forward for India and Pakistan.

Back-Channel Talks on Kashmir

Pakistan's Kashmir policy underwent a shift during the tenure of former President General Pervez Musharraf who favoured an out-of-the-box solution. He remained focused on issues related to Jammu and Kashmir. He had no constraints of operating under the democratic pressures of party politics. Mr Nawaz Sharif, too, in his earlier tenure as a democratically-elected Prime Minister, had played a very important role in changing the regional atmospherics over the Jammu and Kashmir issue. In 1995, he reportedly told India's then Prime Minister Inder Kumar Gujral at Male: "we cannot take Kashmir by force, and you cannot give it peacefully; we have to find a way to span the distance". The fact was that Pakistan had slowly started recognising the costs of perpetual hostility with India, and what was being attempted was to remove the ideological cover that portrayed India as a permanent enemy of Pakistan. In that context, Atal Behari Vajpayee, as Prime Minister of India, travelled to Pakistan, visiting Minar-i-Pakistan (where the resolution for Pakistan as a separate state was passed), and, in the visitors' register, he wrote that 'a strong Pakistan is in India's interest'. Equally heroic was the assurance of Nawaz Sharif, as Prime Minister, that Pakistani soil would not be used for carrying out any terrorist activity against India. However, after Pakistan's Kargil misadventure, India-Pakistan relations experienced a dip again. The Indian government decided to remain engaged with Pakistan, and General Musharraf, as military ruler, was able to build on the then existing peace infrastructure. Overall, Musharraf's era marked a strategic shift in Pakistan's Kashmir policy.

Though the democratic government under People's Party of Pakistan in 2008 did not make any advancement on the Musharraf-formulations, there were sections of opinion in Pakistan which wanted comprehensive discussions on those proposals.⁶ Some influential Pakistanis felt that what the general had said could be a strong confidence-building measure. During my visit to Pakistan to attend the Pugwash meeting in 2013, a seasoned diplomat [of an unspecified country] told me that the problem with General Musharraf's formulations was their being associated with his name.

They need to be re-packaged as a formula independent of any name-affiliation, and have to be converted into either a three- or a five-point formula.⁷ Addressing a group of newspaper editors at an *Iftar* dinner in Islamabad on 25 October 2004, Musharraf had called for a national debate on new options for the Kashmir dispute. Musharraf had indeed publicly stated on 17 December 2003 itself that “even though we are for UN resolutions, now we have left that aside in our search for a lasting solution to Kashmir”. In an interview to an Indian TV channel, NDTV, he reportedly elaborated his ideas by saying [a] Kashmir will have the same borders but people will be allowed to move back and forth in the region [b] the region will have self-governance or autonomy but not independence [c] troops will be withdrawn from the region in a staggered manner [d] a joint supervision mechanism will be set up, with India, Pakistan and Kashmir represented on it.⁸ The proposals were believed to have been discussed, in a confidential fashion, through back-channel diplomacy, considering the sensitive character of Kashmir-related matters. The back-channel instrumentality was also employed earlier by Mr Sharif and Mr Vajpayee in 1999, when R K Mishra and Niaz A Naik started talking to each other.

The Musharraf formulation has not had many takers, either in Pakistan or in India. Some critics termed it a single-window clearance system as no public opinion was elicited through media or discussion in parliament. The fact of the matter is that these proposals had an impact on Pakistan’s traditional Kashmir policy, and were considered by sections of opinion within Pakistan to be the result of Pakistan’s weakness. In Jammu and Kashmir, the hard-line separatist leader Syed Ali Shah Geelani opposed these proposals for similar reasons. With Gen Musharraf’s exit following the lawyers’ agitation in Pakistan, his new discourse on Kashmir evaporated. This also explains why the succeeding governments like that of Asif Ali Zardari could not go along with these proposals. During a Track-2 India-Pakistan meeting in New Delhi, I heard some influential Pakistanis say that, while the Musharraf formula had limitations, it would not be good for one government to disown the work of another.⁹

While the governments in Pakistan have failed to fulfil many of the assurances given to India on different issues, including terror-related cases, resulting in Manmohan Singh not being able to visit Pakistan during his two terms as India’s Prime Minister. The Indian Government could have been more circumspect in dealing with the post-Musharraf government which was led by the Pakistan

People's Party. India should have displayed some flexibility while dealing with Pakistan after the end of the Musharraf era. The difficulties emerged, when the Government of India apparently hinted to the Zardari-led government that talks with Pakistan could take off from where General Musharraf had left them, without giving serious thought to the difficulties for a democratic government to endorse the Musharraf proposals which, after all, were worked out in secrecy and without adequate deliberation among all the stakeholders. The dialogue might have continued under the Pakistan People's Party Government on the issues that already figured in the back-channels. Thereafter, there was a change of guard in both countries. The Nawaz Sharif Government has remained fairly conciliatory towards India and wants better trade relations. However, the Modi government, which had made it clear that terrorism has to be an integral part of Indo-Pak dialogue, has shown flexibility in its response to the continuity of bilateral engagements. While India and Pakistan have decided to launch comprehensive talks, they may have to make use of back-channel diplomacy again for a better understanding on all issues related to Jammu and Kashmir.

Ufa Fiasco and Bangkok Bravery

The Joint Statement issued by India and Pakistan, following discussions between the Prime Ministers of India and Pakistan on the side-lines of the Shanghai Cooperation Organisation's summit at Ufa in Russia in July 2015, did not go down well with the security establishment in Pakistan. Many in Pakistan, where Kashmir commands great attention, considered the Ufa Statement as something that would lead to asymmetrical talks. The Sharif Government felt the heat for succumbing to Mr Modi's style of limited engagement, instead of moving back to the composite dialogue process. This resulted in the cancellation of the planned talks between the National Security Advisors in August 2015. The red-lines drawn by India before the NSA-level talks created a stalemate. India wanted the planned NSA-level talks in August 2015 to focus on issues relating to terrorism. India did not also want any continuation of contacts between Pakistan and the Kashmiri Hurriyat (an amalgam of separatist parties). India later relaxed some of these conditions, and the NSA-level talks at Bangkok covered issues like Kashmir, terrorism and tranquillity along the Line of Control. This was followed by India's External Affairs Minister Sushma Swaraj's visit to Islamabad. Mrs Swaraj called for uninterrupted dialogue, and Prime Minister Nawaz Sharif's

directive to his ministers and aides not to issue anti India statements vitiating the new peace process resulted in the vital decision to start a comprehensive dialogue. Mr Modi then paid a surprise visit to Pakistan to greet his counterpart on his birthday. In Jammu and Kashmir, the positive atmospherics thus generated encouraged both the separatist and unionist leaders to ask for the inclusion of their viewpoints in the agenda of future engagement between the two countries. The story from Ufa to Bangkok to Islamabad will not be complete without taking note of what can be called the “Kasuri Moment” in bilateral relations.

The release of the book written by Pakistan’s former Foreign Minister Kasuri, in the presence of top Indian political leaders, has contributed in its own way to factoring in the work already done on bilateral issues. Mr Kasuri wrote that “we do not have to reinvent the wheel, and negotiations must start from where we left them off. I do not mind that a new government would like to put its own nameplate on it. In fact there may be advantages in this, since the new government would thereby acquire the ownership of the proposals worked out so diligently during our tenure. There should not be insurmountable difficulties since there was bi-partisan support for a negotiated settlement of Kashmir both in Pakistan and India (at least at the time). A tinkering here and there with the proposals on Kashmir outlined in the draft framework agreement is possible”.¹⁰ Even before the Kasuri intervention, there were always debates on the reported four points as a basis for a solution which would be practicable and could be presented as a win-win outcome. These suggestions were floated after General Musharraf was no longer in power. Pakistan’s former Foreign Secretary Riaz Ahmed Khan supported them albeit in a different shape. He stated: “If there is to be a Kashmir settlement acceptable to all parties including the Kashmiris it will need to include elements that were addressed in the back-channel. They should be revisited, possibly in a more open format, provided both prime ministers and credible representatives of Kashmir opinion publicly commit themselves to the process. A bilaterally negotiated final settlement will require an agreed modality for Kashmir participation and approval, if and when achieved the settlement could be embodied in a unanimously adopted UN Security Council resolution superseding existing resolutions”.¹¹

Factoring the Kashmir Discourse

The purported four-point formula worked out in the peace process between 2003 and 2007 provided a much-needed political space for all stakeholders in Jammu and Kashmir for further discussions and consultations on the vexed Kashmir issue. This became easy due to the perceived dilution of the dominant India-Pakistan narratives on Jammu and Kashmir. The moderate Hurriyat, led by Mirwaiz Umar Farooq; the National Conference, led by Farooq Abdullah; the People's Democratic Party of Mufti Sayeed and the People's Conference, led by Sajad Gani Lone largely supported the Musharraf formulations. The lone leader to oppose it was Syed Ali Shah Geelani of the hard-line faction of the Hurriyat Conference.¹² The Jammu Kashmir National Conference supported the self-rule formula, but hastened to add that it was akin to its greater-autonomy formula. The then party President and former Chief Minister of the state, Omar Abdullah, claims that, during his meeting with the then Pakistani President General Musharraf, the latter did not find much difference between autonomy and self-rule. It is appropriate to mention that the National Conference, as one of the oldest regional political formations, has always favoured the continued accession of the state to the Indian Union, on the basis of greater autonomy for Jammu and Kashmir. The People's Democratic Party, led by Mufti Sayeed (who was Chief Minister from 2002 to 2005), took advantage of the changing scenario, and presented his own 'self-rule' formula for a resolution of the Kashmir conflict. His self-rule formula provides for a political superstructure that integrates the region and empowers the sub-regions. It emphasises economic integration across the India-Pakistan Line of Control.¹³ Mirwaiz Umar Farooq of Hurriyat Conference said that self-governance could never be a final solution. It could be a confidence-building measure, like demilitarisation, towards an eventual solution.¹⁴ Earlier Prof Abdul Gani Bhat of the moderate Hurriyat stated that "for us self-rule means having an independent Election Commission, Supreme Court and Prime Minister". Mr Sajad Lone of the People's Conference (once a constituent part of the Hurriyat) also put forth his formula, side-lining the contentious issue of sovereignty.¹⁵ All the regional political formations, belonging either to the unionist or the separatist shade, had tried to offer formulations, of course, influenced by the changing narratives.

The internally-woven and articulated formulations steered clear of the sovereignty angle, and also were in tune with the global political mood. Both cross-LoC trade and people-to-people contacts remained the highlight of all such proposals. Most of these proposals stress the urge for transforming the dynamics of India-Pakistan conflict from a zero-sum competition over Kashmir to a positive-sum situation in which both sides would gain from a settlement of the dispute. According to the unionist leaders, the difficulties arising out of the asymmetric India-Pakistan conflict could be addressed only through this way. The Kashmir-based parties sought to persuade both India and Pakistan to lift the ban over their bilateral trade to improve the conditions of the common man in both countries. Fast-forward to 2015 after the agreement to begin comprehensive talks between India and Pakistan: all political actors in Jammu and Kashmir have started warming up to the emerging scenario. It has now been realised that voices from within Jammu and Kashmir need to be heard seriously, and that purposeful dialogue could move forward only then.

India-Pakistan Trade in a Changing Context

The great English political thinker John Stuart Mill had argued that commerce was rapidly rendering war obsolete, by strengthening and multiplying the personal interests which would be in natural opposition to war. This is exactly the area where not only India and Pakistan falter, but, as a matter of fact, the entire region of South Asia is lagging behind. According to the World Bank's Doing Business 2010 report, South Asia ranks the lowest in terms of trading across borders, as the number of documents required for export was the highest in the region. Indeed, improvements in trade-facilitation measures are predicted to increase intra-regional trade by about 60 per cent in South Asia.¹⁶ Most of the goods appearing on the South Asian Free Trade Agreement's negative list make their way across borders via informal channels. The slow progress in implementing SAFTA has prompted many countries in the region to initiate and engage in bilateral trade agreements, some of which are more liberal and progressive compared to SAFTA. The bilateral agreements in the region mostly feature India as a partner, for example, the Indo-Sri Lanka Free Trade Agreement, Bhutan-India Free Trade Agreement, India-Afghanistan Preferential Trade Agreement, India-Bangladesh Bilateral Trade Agreement and India-Nepal Treaty of Trade. The only bilateral free trade agreement in the region to which India is not a party is between Pakistan

and Sri Lanka. Another disturbing trend is that both Pakistan and India are not part of any sub-regional arrangement. After the loss of many decades in mutual hostility, there is a fascination for following the 'China-India Model' in regard to the India-Pakistan relationship as well. India's former External Affairs Minister K Natwar Singh is credited with popularising the term 'China Model'.¹⁷ In his view, only economic ties and people-to-people contacts could lead to a satisfactory political outcome of the Kashmir issue.

Pakistan can learn from India's example of forsaking its revisionism against China in order to benefit from trade with China and Chinese investment. Strategic-affairs expert C Raja Mohan argues that the intention is to put all the bilateral differences to one side and allow economics to drive the relationship. This does not mean that the disputes will never be resolved but it does raise the cost of not resolving them. China and India have created powerful new stakeholders on both sides for a stable bilateral relationship. By any measure, this is a solid example for New Delhi and Islamabad to emulate.¹⁸ There are people in Pakistan, too, who exercise influence and have been part of its establishment, and who strongly disapprove of any military confrontation between Pakistan and any country. They have been suggesting forward movement on the economic and other soft issues with India. Speaking at the Pakistan Institute of International Affairs, former Foreign Secretary Riaz A Khan stated: Military strength will not help us in the post-cold war era in a world where there has been a paradigm shift to globalization, technological revolution and knowledge-based societies. In the international order of today, trade, economic cooperation and people-to-people cooperation are the norm. China changed its position in the world not through military confrontation but its economic strength. He further added that it was a pity that the concepts of strategic assets would continue to dominate Pakistan's foreign and defence policies. He noted that strategic depth is offensive to the Afghans.¹⁹ After taking over as Prime Minister of Pakistan in 2013, Mr Nawaz Sharif outlined three priorities for his government: to pursue aggressive economic diplomacy in a peaceful neighbourhood; to pursue growth and development; and to promote a stable government in Afghanistan. Pakistan could leverage its geo-political location as an economic bridge between the South Asian sub-continent, the Persian Gulf, Central Asia and Western China. During the heyday of an India-Pakistan peace process before the terrorist attacks on Mumbai, discussions on trade and commerce went on uninterrupted. After September 2011, the Commerce Ministers of two countries have met four times to carry forward the trade-

and-commerce relations. India's decision to unilaterally allow Pakistani citizens and companies to invest in the Indian market is an important gesture, signalling a strong commitment to deepen economic ties with an important neighbour. It is widely believed that trade opens up new channels of communication. Lobbies develop that contribute to bringing even inimical neighbours to shed their past habits.

India-Pakistan trade is going to get a big boost, with the Pakistan Government agreeing to dismantle the negative list for trade between the two countries. However, Pakistan's Finance Minister Ishaq Dar recently said that bilateral ties would have to improve before the Most Favoured Nation status could be given to India. For better trade relations, it is essential that the existing information-barriers between two countries should be removed and steps taken for the exchange of ideas. Besides, it is necessary to implement the visa liberalisation regime, agreed to between the foreign ministers of the two countries in 2012, which provide for special non-reporting visa-access and multi-entry five-year visas for journalists. Shahid Javed Burki, a Pakistani economist, argues that four components are the keys to making South Asia a well-integrated economic entity. First, bring back Pakistan into South Asia in the economic sense. The 1949 trade embargo imposed by India on Pakistan pushed the latter towards the United States of America, in a travesty of what economists call the Gravity Model of trade. Second, it is important to open up the Pakistani territory for use by India to trade with Afghanistan and beyond. Third, link up various Asian countries through a network of oil-and-gas pipelines and an electricity-grid so that energy flows from energy-surplus to energy-deficient countries can take place. The private sector in India is planning to lay an oil pipeline from a new refinery located in Bhatinda in Indian Punjab to the Pakistani Punjab. Fourth, we need to mobilise resources to build this huge infrastructure of pipelines.²⁰ All these valuable steps will help create a new climate of trust and confidence in the region and provide an enabling environment for addressing divisive issues. Cooperation at a sub-regional level between India and Pakistan, especially between the two Punjabs will help reduce the exaggerated exceptionality of the intra- Kashmir trade. Even otherwise, the border states of India and Pakistan have started playing an active role in shaping the economic diplomacy of both these countries.

Trans-border Regionalism

A transformation has also taken place due to the emergence of trans-border regionalism. After 1991, a new type of collective interaction among sub-national states and international bodies, multinational companies and foreign governments has become widespread. In India, peripheral and border-states have demonstrated eagerness to integrate and interact with their ethnic counterparts across borders. This urge for greater commerce and people-to-people contacts may help in not only regional harmony but also in defusing certain tensions as well. There is a very strong body of scholarly opinion advocating the need for new stakeholders in the India-Pakistan peace process, especially the chief ministers of the border-states. The interaction between the Chief Ministers of the two Punjabs recently has made it clearer. New Delhi should also encourage the woman Chief Minister of Rajasthan to reach out to her counterpart across the border in the Sindh province of Pakistan. At Attari-Wagah border in April, 2012, the Chief Minister of Punjab, Prakash Singh Badal, underlined Punjab's interest in reconciliation with Pakistan. In September 2012, an 18-member delegation led by Union Commerce Secretary S R Rao visited Pakistan with Punjab Chief Secretary Rakesh Singh. It was decided to dismantle the negative list by the end of October, and 600 items were to be traded through the Attari-Wagah border. The Punjab Chief Secretary told the media that, with more items allowed to be traded through the land route, the economy of the state would benefit a lot. It was also decided to open Hussainwala and Abohar routes between India and Pakistan and that the relics of Maharaja Ranjit Singh in Pakistan's Punjab be brought to Punjab in India for a six-month exhibition at the Gobindgarh Fort. It was also decided that joint sporting events would be held between both Punjabs. In the 2014 Indian parliamentary elections, Arun Jaitley (present Union Finance Minister) contested from Amritsar, and he had a difficult time in convincing the Punjab traders about the commitment of his party and coalition to the issue of Punjab-Punjab cooperation. He lost from Amritsar, and the seat was won by Amrinder Singh of Congress Party, who is an ardent advocate of cooperation across regions in Punjab.

One way to make the cross-LoC trade less contentious is to make it less exceptional. This can be done by persuading India and Pakistan to reframe their frontier policies and mobilise stakeholders in the border regions. From the Indian side, Punjab, Rajasthan and Kutch can be the connectors of trade across the India-Pakistan divide. India needs to have a strategic vision rooted in creating a

large and vibrant Asian regional market. This vision would mean strengthening Pakistan to be an effective regional hub that connects the Asia-wide market. There is equally a feeling in Pakistan that, due to the ethnic mix economic growth has to be regionally-balanced, and that any such strategy has to be rooted in history and geography. Ijaz Nabi, an economist at the Lahore University of Management Sciences outlines the strategic vision of trade between India and Pakistan as follows: the three principal regions of modern-day Pakistan – Peshawar, Lahore and Upper Sindh – were connectors of the lands to their west and north – Iran, Central Asia and China – and those to the East, India, and, as such, became centres of trade, commerce and culture. This flourishing activity made them growth nodes that brought prosperity to their surrounding regions.²¹ The new bonhomie in Indian Punjab for its Pakistani counterpart should make us understand how, in the Malwa region, nearly hundred trucks carrying dry fruits and other items from Afghanistan and Pakistan used to pass through Hussainwala before the 1971 war.

The cross-LoC trade in erstwhile Jammu Kashmir state, at the theoretical level in particular, needs to be framed in the discourse of theory on soft borders. The soft border concept moves beyond state sovereignty, territory and borders, focusing on people, economy and trade. Addressing a rally at the launch of the Amritsar-Nankana Sahib bus service on 24 March 2006, India's then Prime Minister Manmohan Singh said: "borders cannot be redrawn but we can work towards making them just a line on the map. People on both sides of the LoC should be able to move freely and trade with one another. I also envisage the two parts of Kashmir can with active encouragement of the governments of India and Pakistan work out a cooperative and consultative mechanism in solving problems of social and economic development of the region".²² From 2005 the LoC was opened for movement of divided families and later for trade, and the same mobility needs to be addressed within the larger framework of regional/humane governance.

Humane Governance

Across the Line of Control trade, and a non-territorial solution to the Jammu and Kashmir issue, needs to be looked at, as a great leap forward, to enhance human security in a region that has seen human, economic and social dislocation as a result of a conflict between India and Pakistan. We

have to situate the nation-state within the multi-layered governance. The fact of the matter is that nation-states, according to Daniel Bell, are too small to solve big problems, and too big to solve the small problems. The security establishments in India and Pakistan need to understand that modern states are entering a period of momentous change, in which the war of ideas and networks is overtaking the established state. We need to nurture soldier-scholars who can find merit in the power of ideas rather than in the hard power of the state. The fast-changing regional geo-politics has important implications for the two parts of Kashmir and their future. Though the hostile visa regimes of India and Pakistan continue to be an obstacle, the traffic of divided families across the LoC has been going on. The larger politics of the two countries notwithstanding, this loosening of border-related restrictions has produced a sense of excitement and opened a window of hope for all shades and sections of the Kashmiri society. There is already a noticeable shift in thinking after the liberalisation in the political and economic thinking of the people who are disenchanted with insularity. The new and aspirational middle-class is open and globalised in its outlook. The two parts of Kashmir have a history of outward-migration, mostly to Europe and the Middle East. Over the years, the Kashmiri Diaspora has gained in confidence, and accumulated economic resources with a strong sense to invest in their homeland. English scholar Alexander Evans finds the internet, mobile phone, cable- and satellite-TV channels, the rise of English-medium schools, and an improved access to the Kashmir valley playing very important roles in this re-imagination process.²³ Further, the resilience of the people, particularly the younger generation, has come to the fore after the recent floods. A youthful and pulsating population, a vibrant and flourishing mass media will also be the new building blocks in the process of re-imagination of the Kashmir identity, if there is a due political recognition of this from the nation-states of the region. The larger Kashmir question needs to be factored into the new debate over territoriality and *enlightened sovereignty* in South Asia so that disputes like that of Kashmir are resolved to the satisfaction of all stakeholders.

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