

Pakistan's 'COAS Extension Case' – How to interpret it?

Siegfried O. Wolf

Dr. Siegfried O. Wolf is the Director of Research at SADF (Coordinator: Democracy Research Programme); he was educated at the Institute of Political Science (IPW) and South Asia Institute (SAI), both Heidelberg University. Additionally he is member (affiliated researcher) of the SAI as well as a former research fellow at IPW and Centre de Sciences Humaines (New Delhi, India).

On August 19 this year, the government of Pakistan notified the reappointment of the Chief of Army Staff (COAS) General Qamar Javed Bajwa for another three years (Shahzad, 2019, November 28). General Bajwa's tenure was supposed to expire on Thursday, November 27 at midnight – a date coinciding with his official retirement (Siddiqui & Bhatti, 2019, November 28). This was only the second time in the country's history that a civilian government was promoting the extension of an COAS, citing the 'regional security environment' (The News, 2019, November 28) as an explanation for the proposal. Yet - in an unprecedented move - the Supreme Court of Pakistan (SCP), decided on Tuesday, November 25, to (temporarily) suspend the respective notification of the COAS's extension due to a lack of 'detailed arguments on its reasoning' (Aljazeera, 2019, November 26) and irregularities in the extension/(re)-appointment process for the incumbent COAS (GeoNews, 2019, November 27). After a couple of hearings, the apex court achieved a 'compromise' in its verdict by granting General Bajwa a six-months extension (until May 2020). The government of Prime Minister (PM) Imran Khan and the parliament were ordered to legislate on that matter in order to settle the existing legal flaws (Siddiqui & Bhatti, 2019, November 28).



The whole incident gave a fresh impetus to the simmering debates over potential power struggles between the different branches of government and new tensions within the unhealthy civil-military relations in the country. Having this in mind, there are different ways to contextualise the 'COAS extension case'. To begin with,

one can state that the country is witnessing two unusual phenomena:

That a civilian government is promoting and struggling for the extension of a COAS is mould-breaking. Usually, the army chiefs in Pakistan do not consider the government's military appointment preferences and grant themselves their own extensions, entirely unchallenged while doing so (The News, 2019, November 28). This is possible due to an inactive judiciary which is or was traditionally on good terms¹ with the military and due to the backing of the Corps Commander Conference of the Pakistan Army, the most powerful institution in the country. That the federal law minister Farogh Naseem resigned in order to be able to defend the case of the 'COAS extension' at the SCP (GeoNews, 2019, November 27) and that PM Khan's administration spends remarkable efforts to address the issues raised by the supreme judges during the hearings underlines the strong determination of the government to keep General Bajwa in office as well as the extraordinarily close relationship between the PM's office and the GHQ, the General Headquarters of the Pakistan Army.

However, besides challenging the interests of an individual officer, the interference by the judiciary in the re-appointment or extension process of a COAS not only touches the highly contested area of civilian control in Pakistan but also - from a military's perspective - one of the most sensitive issues, namely Military Organisation. The latter determines the core of the identity and self-conception of Pakistan's armed forces, especially its officers' corps, a fact best understood by adopting a historical perspective. During the first years of independence, there was little military organization to speak of as the army faced serious administrative and management challenges (Khan, 1967). These were caused not only by the partition of the former colonial 'British India' but also by the unstable civilian governments who lacked the capacity to manage Pakistan's state affairs. The armed forces had to build organisational structures 'from scratch' and were overwhelmed by constant 'aid-to-civilian power' missions (Cohen, 1984, p. 33; Cohen 1983). The military underwent an extensive process of 'Nationalization and Re-organization' (Rizvi, 1987, pp. 30-34). Over time the military leadership amassed influence and took over organization up to a point that the officers' corps rejected any civilian influence in their internal affairs. They

¹ There are several occasions, in which the military strengthen the position of the judiciary vis-a-vis the government, especially during the three (not ended) tenures of Nawaz Sharif in the PM's office.

argued such interference as ‘against the institutional norms of the armed forces and [which] will translate into risks and threats for organisational coherency’. The army considers such measures not only as upsetting the command hierarchy but also as politicizing and destabilising the military (Khakwani, 2003, p. 11). In brief, civilian decision-making in the area of military organisation is perceived by most military as efforts to create dissension within the army, especially among the Corps Commanders (Khakwani, 2003). Consequently, the military rejects any attempts by the civilian government to establish supremacy (Wolf & Kane, 2010, p. 191). It is no surprise that the institution of the Prime Minister and his administration were entirely side-lined in all internal affairs (Nawaz, 2008, pp. 481-482). For example, the fact that no civilian government ever amended the defence budget and service conditions (Rizvi, 2003, p. 205) of military business activities (Siddiqa, 2009) is a strong indicator of total military dominance in that area (Wolf, 2012). Actually, and with few exceptions, besides the symbolic appointments of top senior officers, civilians abandoned attempts to interfere in matters of military organization (Wolf, 2012). Those few instances in which civilians tried to exercise their constitutionally codified powers over appointment procedures provoked harsh reactions by the army top echelon. The military acted either directly by staging a Coup d'état or indirectly through the use of their informal powers - leading to the ousting of reluctant PMs (Wolf, 2012). That civilian decision-making power in the area of military organization remained minimal can be also seen in the CPEC's development. Here one can state that the military made the fully autonomous decisions to form new security forces and deploy them so as to protect CPEC projects in general and Chinese companies and workers in particular (Wolf, 2019, pp. 281-306). The CPEC further entrenched the pattern according to which decision-making power in the area of military organization is completely out of the hands of civilians.

Final thoughts – How to read the case?

By suspending the initial notification of the ‘COAS extension’, the country's highest judges engaged in a confrontational course – not only with the government of PM Imran Khan, but rather and especially with the military. It is argued here that this move should be not seen primarily as an ‘test’ intended to bounce back military dominance in political decision making. The SCP verdict should be rather interpreted as an attempt to highlight the independence of the judiciary and strengthen its own position in relation to both the

executive and legislative. In this context, besides addressing the problem of the obviously unclear, partly contradictory regulations for the (re-) appointment and extension processes of the top brass, one can identify a manoeuvre to end the 'Khan-Bajwa collaboration'. The latter is associated among oppositional forces with electoral rigging and as an alliance intended to oust inconvenient political parties, especially those challenging military interests in the CPEC. This dynamic was once more confirmed by appointing of Lt.-Gen (ret'd) Asim Saleem Bajwa as the first chairman of the recently established CPEC Authority (CPECA). Entrusted with vast powers, the CPECA function was an apex organisation created so as to overview the CPEC's implementation (Wolf, 2019, October 22). The idea for such an entity was initially proposed by the military but rejected by former PM Nawaz Sharif, who was ousted from office in the aftermath.

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