

Dirty dancing: Drones and death in the borderlands ¹

Derek Gregory

'There's no country on earth that would tolerate missiles raining down on citizens from outside its borders.'

President Barack Obama, 18 November 2012

In the evening of 5 August 2009 Baitullah Mehsud, the leader of Tehrik-i-Taliban Pakistan was lying on the roof of his father-in-law's farmhouse in Zanghara in South Waziristan. The last eighteen months had been hectic. A veteran of earlier Taliban fighting in Afghanistan and borderland battles with the Pakistani military, Mehsud had been appointed the *amir* of the new Pakistan Taliban alliance in mid-December 2007, a loose network of 13 Islamist groups scattered across the Federally Administered Tribal Areas and united by their violent opposition to the Pakistani state. Almost immediately he became a prime suspect in the assassination of Benazir Bhutto (something which he consistently denied) and orchestrated a series of attacks and bombings against military and civilian targets across Pakistan; he also forged closer connections with the Afghan Taliban and al-Qaeda, and threatened an attack on the continental United States 'that [would] amaze the world'. Sufficiently powerful to be running what many saw as 'a state within a state', both Islamabad and Washington had put a price on his head. That evening Mehsud, a diabetic who suffered from kidney disease, was hooked up to an IV and relaxing with his wife, her parents and eight other Taliban. What he did not know – could not know – was that he was being watched from 7,000 miles away. Local informants had discovered that Mehsud's second wife was the daughter of a local cleric, Ikramuddin Mehsud, and had identified the location of Ikramuddin's family compound. The CIA mobilised its remote eyes in the sky, and that night an MQ-1 Predator was transmitting real-time video images to mission controllers at CIA headquarters in Langley, Virginia. Seconds later two Hellfire missiles smashed into the compound, killing all those on the roof. 'All that remained of Mehsud,' reported Jane Mayer, 'was a detached torso.' President Barack Obama, who had authorised the strike, was exultant: 'We took out Mehsud.'²

Fast forward three years. On the afternoon of 24 October 2012, the eve of the holy day of Eid al-Adha, Mamana Bibi was working in the fields surrounding her family home in the village of Ghundi Kala in North Waziristan. Her son Rafiq ur Rehman, a school teacher, had gone to see his sister and to attend prayers in Miran Shah before the holiday. Mamana was a midwife who had delivered hundreds of children, and that day she was accompanied by four of her own grandchildren. ‘My grandma was teaching me how you can tell if the okra is ready to be picked,’ said eight-year old Nabeela. Drones had been circling in the clear blue skies above the village for several hours, but nobody paid them much attention. ‘We had grown used to them,’ Nabeela’s twelve-year old brother Zubair explained, and he knew the difference between the noise of a drone and other aircraft:

‘As I helped my grandmother in the field, I could see and hear the drone hovering overhead, but I didn’t worry... Why would I worry? Neither my grandmother nor I were militants.’

In an instant, their world was turned upside down. ‘All of a sudden there was a big noise,’ said Nabeela, ‘like a fire had happened.’ Two Hellfire missiles had ripped into the fields. The blast knocked Nabeela over and she could not stop the bleeding from her hand; shrapnel smashed Zubair’s left leg and he was lying unconscious on the ground; and their grandmother had disappeared.

‘I saw her shoes. We found her mutilated body a short time afterwards... It had been thrown quite a long distance away by the blast and it was in pieces. We collected as many different parts from the field and wrapped them in a cloth.’

A few minutes later there was a second, ‘double-tap’ strike whose shrapnel injured other grandchildren and caused more structural damage to the houses. ‘My mother was not an enemy of America,’ her grieving son declared, ‘she was an old lady.’ And yet apart

from initial claims that four militants had been killed in the strike, there was no official or even off-the-record comment, and when members of the family were invited to testify in Washington in October 2013 only five members of Congress bothered to attend the hearing. ³

Baitullah Mehsud and Mamana Bibi were victims of a CIA-directed program of targeted killing. ⁴ This was not the first time the United States had attempted a covert bombing campaign – that distinction belongs to its air strikes in Laos and Cambodia during the Vietnam war – and neither was it the first time the CIA had conducted a systematic program of assassination. ⁵ But it was the first time the two had been combined to produce a radically new killing machine. John Nagl, one of the architects of the US military’s counterinsurgency policy, suggested that what distinguished the programme was its fusion of intelligence and precision:

‘We’re getting so good at various electronic means of identifying, tracking, locating members of the insurgency that we’re able to employ this extraordinary machine, an almost industrial-scale counterterrorism killing machine, that has been able to pick out and take off the battlefield not just the top level al-Qaeda insurgents, but also increasingly is being used to target mid-level insurgents... We’ve gotten far, far better at correlating human intelligence and signals intelligence to paint a very tight, coherent picture of who the enemy is and where the enemy hangs his hat. And we’ve gotten better at using precision firepower to give those people very, very bad days.’ ⁶

The program was initiated in Yemen on 3 November 2002 and extended to Pakistan on 18 June 2004, where it was first directed at the assorted leaders of al-Qaeda (‘High Value Targets’) and then rapidly moved down the hierarchy to incorporate the Taliban’s leaders and commanders, ‘nexus’ targets like drug traffickers supposedly linked to the Taliban, and even ordinary foot soldiers. ⁷ En route it also reached beyond the execution of named and known individuals to un-named and unknown individuals who

were deemed to exhibit a suspicious ‘pattern of life’ that turned them into targets for ‘signature strikes’.

Throughout these transformations it has remained a program of remote killing that relies on MQ-1 Predators and MQ-9 Reapers to realise the deadly triumvirate promised by their American manufacturer, General Atomics: ‘Dwell, Detect, Destroy’. These platforms can remain over the target area for extended periods – ‘persistent presence’ – requiring only a shift change at the Ground Control Station in the continental United States; they are equipped with multiple sensors and can transmit near real-time full-motion video feeds of the target across a global network; and they are armed with AGM-114 Hellfire missiles and GBU-12 laser-guided bombs. Taken together, these capabilities have allowed later modern war to incorporate a new focus on tracking and targeting mobile individuals rather than destroying static objects: it is this power to put ‘warheads on foreheads’ that has made drones the weapon of choice for targeted killing in areas that are otherwise difficult to access. ⁸ Since their range is restricted they are launched from air bases near the target area, so that aircrews have to be forward deployed to handle take-off and landing (which requires a line-of-sight link) and to service the aircraft (which incur high maintenance costs), but cross-border strikes need not involve the anxious deployment of boots on the ground so that the deniability of these covert operations is enhanced. Drones have other significant limitations, however, which mean that at present they can only be used in uncontested airspace – bluntly, they can only be used against people who cannot fight back – which is why they have become so important in America’s new wars against non-state actors in the world’s borderlands. ⁹

The wars fought in the shadows of 9/11 have transformed the spaces of later modern war in other ways too: the archipelago of the global war prison, with its CIA necklace of secret prisons and black sites, constituted a dispersed space of exception where there were persistent attempts to remove indefinite detention and ‘enhanced interrogation’ (torture) from legal scrutiny or remediation. Yet even as the torch passed

from President George W. Bush to Barack Obama in 2009, and the new president vowed to close the sites and end such practices, he also ramped up the CIA's targeted killing

program.¹⁰ Soon after he took office Obama agreed to double the Predator fleet assigned to the CIA, and after a suicide bomb attack on 30 December 2009 on a CIA station inside Forward Operating Base Chapman at Khost airfield in Afghanistan that was a critical hub providing ground intelligence for the remote operations – it was just twelve miles from the border – the number of drone strikes soared from 52 in 2009 to 128 in 2010. By the end of December 2015 the Bureau of Investigative Journalism estimated that the program – originally codenamed Sylvan Magnolia and later changed to Arbor Hawthorn – had carried out 421 strikes, killing between 2, 472 and 3, 990 people and injuring between 1, 167 and 1, 747 others (Table 1). The strikes have focused overwhelmingly on North and South Waziristan in the Federally Administered Tribal Areas (FATA).¹¹

Behind these raw numbers are thousands of names and millions of stories. So how could Baitullah Mehsud and Mamana Bibi have both been targets? The differences between the cases could not be clearer, but what it is that connects them apart from the deadly ligatures of Sylvan Magnolia? More specifically, what kinds of spaces are the Federally Administered Tribal Areas *made to be* for incidents like these – incidents as *unlike* as these – to be possible? Sylvan Magnolia was expressly designed for remote killing, and the remoteness of the FATA in turn made them an ideal laboratory for field testing what was, for the United States, an experimental programme:

‘[T]he tribal areas of Pakistan had seemed to present the perfect testing ground for a remote-controlled military strategy; it is a land set apart from its own country and mostly inaccessible to the international media and human rights groups, a place where violations of international law and civilian casualties go mostly uninvestigated. It is, in short, a black hole.’¹²

	2004 to 2008	2009	2010	2011	2012	2013	2014	2015	Totals
Total killed	410-595	465-744	751-11109	363-666	199-410	109-195	115-186	60-85	2472-3990
Civilians killed	167-332	100-210	84-96	52-152	13-63	0-4	0-2	2-5	418-964
Children killed	102-129	36-39	19-20	6-11	1-2	0-1	0-2	0	164-204
Total injured	175-277	262-397	351-428	158-236	100-212	43-89	53-76	25-32	1167-1747
Strikes	51	52	128	75	50	27	25	13	421

**Table 1: Drone strikes in Pakistan, 2004-2015
(Bureau of Investigative Journalism, London)**

Yet in two other senses the borderlands were not a 'black hole' below the threshold of visibility. The United States capitalised on and even contributed to a series of overt legal manoeuvres through which the Federally Administered Tribal Areas were constituted as a *space of exception*; and its air strikes depended on the co-production of the FATA as a datafield to be mined and transformed into a *space of execution*. I will discuss each of these (performative) spaces in turn, though the separation is largely analytical. They are closely linked in practice and in effect and, indeed, their effects are magnified through those linkages.

Spaces of exception

As a first approximation, a space of exception is one in which a particular group of people is knowingly and deliberately exposed to death through the political-judicial removal of legal protections and affordances that would otherwise be available to them. Although spaces of exception are intimately linked to sovereign power and its claims over the 'disposable' bodies of subject populations, they assume no single form. To treat the concentration camp and its derivatives as the diagnostic case – the paradigmatic 'political space of modernity', as Giorgio Agamben would have it ¹³ – is to ignore the multiplicities and gradations of exception, and the genealogies and geographies through which it acquires its deadly powers. The Federally Administered Tribal Areas have become spaces of exception, I suggest, through their constitution as borderlands and battlefields.

As borderlands, the FATA are a paradoxical space where division and interaction remain routine co-performances. Pakistan's border with Afghanistan closely follows the Durand Line negotiated between Britain and Afghanistan in 1893. The Line marked a standstill between British and Russian spheres of interest on the north-west frontier of British India, but it also bisected the land of the Pashtuns who had their own customary law (*Pashtunwali*). Like many shatter zones of imperial power, these lands are better understood as what Lauren Benton once called 'zones of legal anomaly – produced by conditions of contested and multiple legal authority – than as zones of lawlessness.'¹⁴

She was writing about borderlands in general, and two riders are needed to characterise the particular case of the FATA.

First, Elizabeth Cullen Dunn and Jason Cons have developed Benton's thesis to further complicate the claim that spaces of exception always derive from a single locus of sovereign power ('the sovereign decision'). Instead, they too suggest that borderlands are contested spaces where competing powers collide. In the FATA multiple powers have been involved in the administration of military violence, but on occasion they have done so in concert and their watchword has been a qualified and covert *collaboration*. In particular, the FATA have been marked by a long and chequered gavotte between the militaries and intelligence services of the United States and Pakistan which, ever since the dog days of the Cold War, has consistently put at risk the lives of the people of the borderlands. There are multiple geopolitical and geo-economic calculations behind this deadly dance, but it has been possible because the FATA are, in many respects, a liminal space whose relation to the rest of Pakistan has been enacted through a form of 'aleatory' or contingent sovereignty.¹⁵ This involves no simple suspension of the law, as Agamben's canonical formulations suggest, but rather an operationalisation of the violence that is inscribed within (rather than lying beyond) the law. In fact, far from being 'lawless' – another common misrepresentation of the space of exception – the FATA are subject to what Sabrina Gilani calls 'an *overabundance* of law'. In her view, the borderlands are 'the most regulated of all the spaces comprising the territory of Pakistan'.¹⁶ If the regulations that apply to the FATA are exceptional, however, they derive not so much from an event – an imminent threat to the state and the declaration of a state of emergency – as from a *margin*: the location of the FATA as both inside and outside Pakistan. This affects how Islamabad administers state violence there, but it also shapes (and is shaped by) the remote aerial violence inflicted on the FATA by the United States. The CIA-directed strikes take advantage of what Campbell Munro calls 'graduated sovereignties' that are typically limited to marginal zones: the persistent presence of the Predators and Reapers imposes a form of occupation on the FATA that is (in)distinctly ambiguous, vertical as much as horizontal.¹⁷ In these various ways, the borderlands materialize Agamben's topological rendering of a space of exception as 'a

zone of indistinction between outside and inside, exception and rule, licit and illicit, in which the very concepts of subjective right and juridical protection no longer ma[k]e any sense.’¹⁸

And yet – my second rider – the collaboration between sovereign powers and the collusion of petty sovereigns has consistently traded on the trope of ‘lawlessness’ and its killing cousin insurgency to turn these two designations into spurs for military violence. On 27 March 2009 newly elected President Obama announced his ‘comprehensive, new strategy for [the war in] Afghanistan and Pakistan.’ The conjunction between the two is indispensable for the arguments adduced by the United States in support of its drone strikes.¹⁹ Obama argued that ‘since 9/11, al Qaeda and its extremist allies have moved across the border to the remote areas of the Pakistani frontier’ where they had ‘used this mountainous terrain as a safe-haven to hide, train terrorists, communicate with followers, plot attacks, and send fighters to support the insurgency in Afghanistan.’ For the American people, he continued, ‘this border region has become the most dangerous place in the world’, and for the people of Pakistan too al Qaeda and its allies posed ‘the single greatest threat.’ That is why, he concluded, the two states had to ‘stand together’ to bring order to these unruly, ‘often ungoverned’ lands.²⁰ Obama was invoking a standard Orientalist trope in which the space of the Other is supposed to lack an order that can only be brought to it from the outside. Not surprisingly, this too was no single punctuation point in history but was located within a genealogy that reached back to the British Raj.

For those who venture onto them – or who are trapped within them – battlefields are also spaces of exception in which people are knowingly and deliberately exposed to death. And as battlefields the FATA have been the staging grounds for political violence not only from Britain’s anxious and aggressive ‘policing’ of the North-West Frontier of its Indian empire but also from cross-border air strikes during the Soviet occupation of Afghanistan, from paramilitary violence perpetrated by networks of radical Islamist groups seeking to safeguard their sanctuaries and extend their influence over the FATA, from counterinsurgency campaigns conducted by Pakistan’s Armed Forces, and from

drone strikes directed by the CIA against al-Qaeda and the Taliban and their allies who cross back into Afghanistan for the spring and summer fighting season. None of this has taken place in a legal void; in war time it is permissible – legal – to kill others, but the ability to do so has become subject to international humanitarian law (which provides the ‘laws of war’). No single legal regime regulates this cascade of conflicts, however, and as it has edged closer to the present so a debate has been joined about war *space*: about the laws that regulate transnational conflicts between state and non-state actors where a clearly demarcated battlefield has long since disappeared. ²¹

I want to identify three legal regimes that articulate violence in the borderlands and their battlefields: a colonial and postcolonial system of collective punishment that constitutes the FATA as an exception to the rest of Pakistan and provides a dispensation (of sorts) for subjecting its inhabitants to exceptional violence; a customary system of law that at once confirms their exceptional status and is wilfully misconstrued as an index of ‘lawlessness’ that justifies military violence; and a series of legal formularies adduced by the United States to legitimise the transnational pursuit of its enemies beyond the ‘area of active hostilities’ in Afghanistan. These three regimes triangulate a space within which, as I will show, Islamabad and Washington have – jerkily, unsteadily but none the less relentlessly – collaborated in the deadly performance of what Joshua Foust has called their ‘drone dance’. But I also want to show that there is a second *pas de deux* – silent, smooth and deeper in the shadows – between the CIA and the US military. ²²

Colonial law and the postcolony: collective punishment and martial law

In the nineteenth century the British colonial state saw the arid, mountainous lands rising from the foothills of the Hindu Kush beyond the so-called ‘settled areas’ as the domain of an intemperate nature whose harshness was ‘incompatible with European liberal society’, and whose inhabitants were supposed to be as brutal and violent as the lands they occupied. ²³ These mappings had performative force: Humeira Iqtidar and Noor Akbar insist that the inhabitants of the borderlands were no more and no less

'tribal' than the people of the Peshawar Valley or the Punjab, but within the colonial imaginary these distinctions – imaginative geographies – required different modes of administration that placed the borderlands simultaneously inside and outside the (modern) state. ²⁴

Accordingly the British created seven Agencies so that in principle the Pashtuns, supposedly inimical to imperial reason, would retain some measure of autonomy. In effect, they were held outside a state that would otherwise be obstructed by them. In practice, imperial power worked through the authority vested in local leaders, but this was a peculiar version of indirect rule – which was a commonplace amongst imperial states – that involved what Adnan Naseemullah calls 'hybrid governance'. This entailed sharing the monopoly of the means of violence between local elites and the agents of the state. ²⁵

This was a highly asymmetric relation, and Andrew Roe describes an escalating scale of violence, from issuing enticements, rewards and threats, through unleashing local police officers (*kassadars*), to finally launching punitive military expeditions. This required the borderlands to be militarised to varying degrees, and in the interwar period the British regularly deployed infantry, artillery and from 1917 resorted to bombing those 'regions formerly considered safe from our attack'. This last resort soon became the first choice, and air power proved to be of decisive importance.

²⁶ Indeed, Priya Satia notes that the British invented 'aerial counterinsurgency' here (and in Iraq), but the line of descent to our colonial present is less direct than she suggests. There are important affinities, not least in the Orientalist logic that underwrote these operations, in the mistaken belief that aerial surveillance could provide a panoptical view of an otherwise opaque terrain, and in the immense hostility that the air strikes engendered. ²⁷ But there are significant differences too. Unlike the CIA-directed strikes in the borderlands, there was nothing covert about the colonial campaigns, although the government refused to provide details of targets or casualties. They involved no legal armature because 'air control' was regarded as a legitimate policing operation wholly outside the Hague Conventions that regulated war between the signatory states, 'the civilised nations'. There was but one concession: regulations required leaflets to be dropped several days in advance to warn inhabitants of an

impending air raid, to be followed by 24-hour notice to evacuate their homes and villages. And far from the targeted killing of individuals, these were exercises in collective punishment. ²⁸

Collective punishment had been enshrined in the Frontier Crimes Regulations since the late nineteenth century, and the principle had been reaffirmed in the codified system of laws established by Lord Curzon in 1901. After the partition of British India and the formation of an independent Pakistan in 1947 these Regulations were incorporated into the constitution, which guaranteed the autonomy of the Federally Administered Tribal Areas. The lawmaking powers of the federal legislature and judiciary were restricted; Acts passed by the National Assembly did not apply to the FATA unless decreed by the President; the authority of the Supreme Court was limited; and residents of the FATA were directed to resolve disputes through a traditional assembly or *Jirga*. ²⁹ Ultimate authority resided with the President through his or her Political Agents, one to each agency, who had ‘absolute authority to decide all civil or criminal matters’ and to apply the provisions of the Frontier Crimes Regulations.

Immediately after independence the FATA were demilitarised, but in the closing decades of the twentieth century they were para-militarised and then re-militarised. During the Soviet occupation of Afghanistan from 1979 to 1989 Pakistan’s Directorate for Inter-Services Intelligence (the ISI), in close concert with the CIA, encouraged the formation of paramilitary groups and trained and supplied them with weapons to wage a war of resistance across the border. In response Soviet and Afghan aircraft repeatedly bombed villages and refugee camps in the FATA and adjacent areas, killing 1,800 people and injuring more than 3,000 others in what the *Washington Post* described as the Soviet Union’s ‘war of terror’ (Table 2). ³⁰ Throughout these attacks the Pakistan Air Force intercepted intruding aircraft, at first escorting them back into Afghan air space and then, as the attacks became more deadly, engaging them in combat. This is not remote history (certainly not as remote as the colonial air raids), and it matters today not only because it marks a significant horizon of popular memory but also because the

Pakistani military has conspicuously failed to intercept the American Predators and Reapers that are slower and easier to detect than Soviet MiGs.

	Incursions	Injured	Killed
1980	174	4	2
1981	94	3	5
1982	59	0	0
1983	93	2	0
1984	119	261	133
1985	256	38	19
1986	779	67	39
1987	864	437	305
1988	867	2412	1234
TOTAL	3305	3224	1737

Table 2: Cross-border air strikes on Pakistan, 1980-1988 [Hilali (2002)]

The FATA were re-militarised soon after the US-led invasion of Afghanistan in 2001, when Pakistan’s military moved into the borderlands and embarked on a series of aggressive counterinsurgency operations. Local people had asked for these campaigns to be conducted by ground troops but by 2004 this precarious understanding was in tatters and the Pakistan Air Force was making no secret of its repeated air strikes in the FATA. Despite claims that no civilians were killed in these attacks – a refrain only too familiar to critics of the CIA’s targeted killing program – it is inconceivable that they escaped unscathed. For at least the first four years the accuracy of the air strikes was compromised by inadequate imagery and limited real-time intelligence (the Air Force reportedly relied on Google Earth to plan its sorties), but from 2008 electro-optical targeting pods and sensors were retrofitted to Pakistan’s ageing F-16 fleet and advanced

imagery exploitation systems were installed. From 2009 Anglo-Italian Falco reconnaissance drones were deployed to maintain combat air patrols over the FATA, and the Air Force was anticipating arming them ‘with the most modern and lethal payloads’. It is not possible to provide a detailed accounting of these air strikes, but former Air Chief Marshal Rao Qamar Suleiman has claimed that between May 2008 and November 2011 the Air Force carried out 5,000 strike sorties in the FATA and dropped 11,600 bombs to ‘destroy’ 4,600 targets. ³¹

Limited reforms to the governance of the FATA were introduced in August 2011, but the military demanded that these measures be accompanied by the passage of the Actions (in Aid of Civil Power) Regulations, which allowed the armed forces to carry out ‘law enforcement duties [and] to conduct law enforcement operations’, granted them sweeping powers of pre-emptive arrest and indefinite detention without charge, and prevented the high courts from intervening. ³² One local politician described the new Regulations as ‘even more dangerous’ than the Frontier Crimes Regulations, establishing ‘a system of martial law over the Tribal Areas’, so that the FATA were more clearly than ever constituted as a space of exception. ³³

Martial law soon became a palpable reality. In late January 2014 Islamabad promulgated an amended Protection of Pakistan Ordinance, again modelled on colonial legislation, that included provisions for secret courts and detention without charge, house raids without warrants, and an extended license to shoot to kill. ³⁴ The same week the Air Force resumed punishing air strikes by night against targets in the FATA, now reinforced during the day by attacks from the Army’s helicopter gunships. Although these air strikes used domestically manufactured Burraq and Shahpar drones to provide real-time imagery and to direct aircraft on to their targets, the raids generated casualties ‘far in excess of any caused by CIA drone strikes’. ³⁵ Their objective was Taliban bases around Mir Ali in North Waziristan, but the spill-over effects drove whole communities from their homes. Thousands fled the FATA for shelter in Bannu or Peshawar in anticipation of continuing air strikes, but the head of the FATA Disaster Management Authority insisted that ‘no military operation has been announced in the tribal areas so

there are no instructions to make arrangements for internally displaced people.’³⁶ There were repeated negotiations between Islamabad and the Taliban, punctured by uncertain ceasefires, on-the-ground violations and air strikes, until breaking-point was reached on 9 June when the Taliban attacked Karachi’s international airport. Within 48 hours the CIA resumed its drone strikes, which had been on hold for six months, firing six missiles at compounds near Miran Shah on 11-12 June and attacking compounds near Dargah Mandi on 18 June. It beggars belief that these were not co-ordinated with the Pakistan military, which began its own comprehensive assault on North Waziristan on 15 June known as Operation Zarb-e-Azb (‘Sharp Strike’). This was underwritten by a hasty revision of the Protection of Pakistan Ordinance intended to give statutory cover to the operation.³⁷ These intensified military operations triggered a mass evacuation, and by November the government admitted that there were 1.5 million registered and more than 0.5 million unregistered displaced people in different government sponsored camps; thousands more had fled to family or friends in Bannu and elsewhere, some even seeking refuge across the border in Afghanistan.³⁸ There were no immediate plans for their repatriation, and there was little for them to return to: ‘In the 10-minute drive through the bazaar,’ one journalist reported, ‘there’s not much but rows upon rows of houses and shops flattened by air strikes and artillery.’

‘The ride through Miran Shah Bazaar is longer than the one through Mir Ali. The destruction is worse, too. The signature of ordnance from all sorts of platforms and weapons - fighter-bombers, helicopter gunships, field artillery, IEDs, RPGs and small arms - can be detected; there is a pup walking alone; and a thin cat, sipping water from a puddle; but yards upon yards of shops and houses have been bombed out; there are no signs of life.’³⁹

This landscape of devastation was not the product of targeted killing but of a reversion to an older form of air power.⁴⁰ It was not directed against individuals but was once again a form of collective punishment authorised under the Frontier Crimes Regulations and their successors; in fact, when the first residents were allowed to return to what was left of their homes in June 2015 they were required to sign the North Waziristan

Security Agreement which held them collectively responsible for attacks on the military, and imposed severe penalties on those who failed to fulfil their obligations to the state against ‘the enemies of Pakistan’. The military had already sought to justify the scale of destruction and retribution by accusing whole communities of being invested in what the general in command of the operation called ‘an economy of terror’. Journalists were taken on show tours on the ground and in the air. ‘From the helicopter,’ one reporter noted, ‘the entire region looks deserted with no sign of human life except for soldiers taking position on the hills.’⁴¹ By August the military had advanced towards the deeply incised, forested ravines of the Shawal Valley. They were pounded by massive air strikes before ground troops moved in, and the next month the Air Force announced that it had successfully launched a laser-guided missile from its Burraq drone against a compound in the valley, killing three people all described as ‘high-profile terrorists’. The circle was finally closed. As one tribal elder bitterly complained, ‘Many times the drone has missed the target and innocent people have been hit. In the past we protested against America, but now against whom do we protest?’⁴²

My object in rehearsing all this is not to suggest that it is perfectly acceptable for the US to launch air strikes in the FATA because Pakistan is doing the same. To the contrary, it emphasises the ever-present, multiple horizons of danger within which the inhabitants of the borderlands are forced to live. They are emphatically not only ‘living under drones’ (and now not only American ones).⁴³ This national matrix of military violence has been authorised by an intricate interlacing of colonial and postcolonial legal protocols, and although Amnesty International describes the FATA as a ‘legal wilderness’, it is clearly not a barren terrain.⁴⁴ Instead, the weeds and wild plants that grow there have been assiduously planted by the state and the military, in a sometimes fraught alliance, and they have been carefully cultivated through the application of the law and, at the limit, through the imposition of martial law. Gilani concludes that from Islamabad the borderlands remain ‘a space that is neither here nor there’, at once included within the territory of Pakistan but whose people are ‘cast out as “legal exceptions” to the law’: but they are none the less subject to a draconian legal regime that sanctions exemplary state violence.⁴⁵

If this sensibility materially shapes Pakistan's own military operations in the FATA, it has affected the geography of US drone strikes in the borderlands too. Its impact can be shown by one unusually significant incident. In the early morning of 19 November 2008 two missiles from a Predator hit a residential compound in Jani Khel, 22 miles outside the town of Bannu and about two hours by road from Peshawar. Over the previous four years there had been 37 strikes, and several of them had killed dozens of people or more. The toll from this strike was comparatively modest; four civilians were injured and six 'militants' were killed, including Abdullah Azam al-Saudi who was described as co-ordinating operations between al-Qaeda and the Taliban. Yet the next day US Ambassador Anne Paterson was convoked by the Foreign Ministry in Islamabad to receive a strongly-worded protest at the violation of Pakistan's sovereignty. It turned out to be far more serious than the usual public condemnation of a campaign that was privately endorsed by the state and the military *because this was an attack outside the FATA*. 'This was the first such attack beyond the lawless tribal areas,' Jeremy Page reported from Islamabad, 'and is thus likely to provoke even more public and official outrage.'⁴⁶ Indeed it did. A diplomatic cable from the Ambassador drew the State Department's attention to the widening gap between what she called 'private GOP [Government of Pakistan] acquiescence and public condemnation of U.S. action':

'According to local press, the alleged U.S. strike in Bannu on November 19 marked the first such attack in the settled areas of the Northwest Frontier Province, outside of the tribal areas. The strike drew a new round of condemnation by Prime Minister Gilani, coalition political parties, opposition leaders, and the media...

'The first strike within "Pakistan proper" is seen as a watershed event, and the media is suggesting this could herald the spread of attacks to Peshawar or Islamabad. Even politicians who have no love lost for a dead terrorist are concerned by strikes within what is considered mainland Pakistan.'⁴⁷

The language is truly extraordinary, with its distinction between the FATA and ‘Pakistan proper’, even ‘mainland Pakistan’. In short: (imaginative) geography matters. Not for nothing are the FATA known in Urdu as *ilaqa ghair*, which means ‘alien’ or ‘foreign’ lands.

Customary law and the postcolony: *Pashtunwali*

To some observers both inside and outside Pakistan the strangeness of the FATA – their location outside the conceptual boundaries of the modern state – is confirmed by the survival of a system of customary law known as *Pashtunwali* (‘the way of the Pashtun’). In fact it is much more than a legal system; its force resides in its capillary presence throughout political, economic, social and cultural life. Many commentators have shown that it is precisely the sort of ‘mobile’ legal system that animates life among once nomadic peoples, for whom the fixed statutes of a centralised state had neither appeal nor purchase. *Pashtunwali* includes obligations of hospitality and protection, asylum and refuge, revenge and restitution – which helps to explain why people in the FATA who have no sympathy for the Taliban or other insurgent groups feel none the less compelled to offer them shelter, and in so doing render themselves vulnerable to aerial attack from a surveillant drone. ⁴⁸ *Pashtunwali* also provides a customary institution for the public resolution of disputes through a council (or *Jirga*). The *Jirga* is patriarchal but resolutely non-hierarchical: the men sit in a circle and each, as a symbol of authority and equality, carries a gun. Bruce Benson and Zafar Siddiqui argue that the system works not only to provide a decentralised system of order and regulation – Hobbes was wrong: without the state people do not automatically revert to a ‘state of nature’ ⁴⁹ – but also to defend the Pashtun from the incursions of the central state. ‘Widespread acceptance of these provisions,’ they suggest, ‘provides the Pashtun with a relatively effective decentralised process for maintaining order within and between the tribes in the absence of an authoritarian state, while also supporting the centuries-old and largely successful efforts to maintain their independence from state authority.’ In short, if many of the Pashtun people in the borderlands are deeply suspicious of and

even resentful towards Islamabad (often with good reason) they are ‘neither lawless nor defenceless.’⁵⁰

Yet the trope of ‘lawlessness’ persists, and it does important work. ‘By alleging a scarcity of legal regulation within the tribal regions,’ Gilani argues, ‘the Pakistani state has been able to mask its use of more stringent sets of controls over and surveillance within the area.’⁵¹ The trope does equally important work for the United States, for whom it is not the absence of sovereign power from the borderlands that provides the moral warrant for unleashing what Manan Ahmed calls its ‘righteous violence’.⁵² While Washington has repeatedly urged Islamabad to do much more, and to be less selective in dealing with the different factions of the Taliban, it knows very well that Pakistan has spasmodically exercised spectacular military violence there. But if the FATA are seen as ‘lawless’ in a strictly modern sense – ‘administered’ but not admitted, unincorporated into the body politic – then US drone strikes become a prosthetic, pre-emptive process not only of law enforcement but also of law imposition. In Washington’s eyes, its aerial violence is thus doubly ‘law-full’: not only legal but also a means of bringing law to the lawless. This is a commonplace in the moral economy of bombing, but here it is given a viscerally Orientalist inflection. The strikes are supposed to bring from the outside an ‘order’ that is lacking on the inside, and they become instruments of an aggressively modern reason that cloaks its violence in the velvet glove of the law.

And yet the CIA’s own willingness to submit to the principles and procedures of modern law is selective and conditional; we know this from the revelations about torture and global rendition, but in the borderlands the agency’s disregard for the very system it purports to defend also exposes any group of men sitting in a circle with guns to death: even if they are gathered as a *Jirga*. On 27 January 2011 CIA contractor Raymond Davis was arrested for shooting two young men in Lahore. The targeted killing program was suspended while the United States negotiated his release from custody, agreeing to pay compensation to the victims’ families under Sharia law so that he could be released from the jurisdiction of the court.⁵³ On 16 March, the day after Davis’s release, a *Jirga* was convened in Dhatta Khel in North Waziristan. A tribal elder had bought the rights to log

an area of oak trees only to discover that the land also contained chromite reserves; the landowner was from a different tribe and held that their agreement covered only the rights to the timber not the minerals, and the *Jirga* was called to resolve what had become an inter-tribal dispute between the Kharhtangi and the Datakhel.⁵⁴ *Maliks*, government officials, local police and others involved in the affair gathered at the Nomada bus depot – a tract of open ground in the middle of the small town – where they debated in two large circles. Agreement was not reached and the *Jirga* reconvened the next morning. Although four men from a local Taliban group were present, the meeting had been authorised by the local military commander ten days earlier and was attended by a counsellor appointed by the government to act as liaison between the state, the military and the *maliks*. It was also targeted by at least one and perhaps two Predators. At 11 a.m. multiple Hellfire missiles roared into the circles. More than forty people were killed, their bodies ripped apart by the blast and by shattered rocks, and another 14 were seriously injured.⁵⁵

There is no doubt that four Taliban were present: they were routinely involved in disputes between tribes with competing claims and levied taxes on chromite exports and the mine operators.⁵⁶ But the civilian toll from the strike was wholly disproportionate to any conceivable military advantage, to say nothing of the diplomatic storm it set off, and several American sources told reporters that the attack was in retaliation for the arrest of Davis: ‘The CIA was angry.’⁵⁷ If true, this was no example of the dispassionate exercise of reason but instead a matter of disrespecting the resolution offered by Sharia law and disordering a customary judicial tribunal. Even more revealing, after the strike an anonymous American official who was supposedly ‘familiar with the details of the attack’ told the media that the meeting was a legitimate military target and insisted that there were no civilian casualties. Serially: ‘This action was directed against a number of brutal terrorists, not a county fair’; ‘These people weren’t gathering for a bake sale’; ‘These guys were ... not the local men's glee club’; ‘This was a group of terrorists, not a charity car wash in the Pakistani hinterlands.’⁵⁸ The official – I assume it was the same one, given the difference-in-repetition of the statements – provided increasingly bizarre and offensively absurd descriptions of what the assembly in Datta Khel was *not*: he was

clearly incapable of recognising what it *was*.⁵⁹ Admitting the assembly had been a properly constituted *Jirga* would have given the lie to the ‘lawlessness’ of the region and stripped the strike of any conceivable legitimacy. The area was no stranger to drone attacks, which had been concentrated in a target box that extended along the Tochi valley from Datta Khel through Miran Shah to Mir Ali, but those responsible for this attack clearly were strangers to the area.

International law and the dispersion of the battlefield

The third legal regime is a hybrid of laws, authorisations and agreements through which the United States claims the right to extend its military actions in Afghanistan across the border into the FATA and beyond. This densely knotted tangle of assertion and argument is complicated by the absence of an established legal armature to regulate conflicts between states and transnational non-state actors (‘non-international armed conflicts’).⁶⁰ But law is no *deus ex machina* hovering above the fray; it is instead deeply embedded in military violence. Law not only rides in advance of war, reining in its excesses, but also travels in its baggage train; law not only regulates war but is remade through war. In short, as Eyal Weizman puts it, ‘violence legislates.’⁶¹ In this case it has a tortuous transnational geography that has involved (I think inculcated) various US allies. The trail was blazed by Israel, whose targeted killing operations were vigorously condemned by the United States in the summer of 2001. But moral disapproval has a short shelf-life. ‘Four months and four planes later’, as Daniel Reisner, the head of the Israeli military’s International Law Division, explained with evident satisfaction, the United States had accepted that ‘fighting terrorism is armed combat and not law enforcement’. He continued:

‘If you do something for long enough, the world will accept it. The whole of international law is now based on the notion that an act that is forbidden today becomes permissible if executed by enough countries... International law progresses through violations. We invented the targeted assassination thesis and we had to push it. At first there were protrusions that made it hard

to insert easily into the legal moulds. Eight years later, it is in the centre of the bounds of legitimacy.’⁶²

Reisner’s self-congratulation is premature, even if the United Kingdom has since joined Israel and the United States in targeted killing (in Syria), but in any case the twin fields of military violence that he cites are not identical. Israel has sought to establish the legitimacy of state-sanctioned targeted killing within Palestinian territory that it occupies, controls and continues to colonise – all of which, *pace* Reisner, is legally contestable – whereas the United States conducts its targeted killing in a territory over which it neither claims jurisdiction (unlike Israel over the West Bank) nor exercises effective control (unlike Israel over Gaza). This is a differently difficult proposition to advance, and the United States has been compelled to use the capabilities of its remote operations in an attempt to expand the legal perimeter of the battlefield and push Reisner’s ‘bounds of legitimacy’ still further.

In crossing the border the United States has found itself in a legal minefield, and scholars are divided on the permissibility of its claims.⁶³ The United States has relied on two legal geographies to legitimise its programme of targeted killing in the FATA. Like Israel’s arguments, they both invoke a doctrine of self-defence – though in neither case is this straightforward – and each produces a space of exception within which military violence is supposedly sanctioned. The first pinion is the war in Afghanistan, but in fact the foundations for the US-led invasion in October 2001 were contentious. Neither Afghanistan nor its nationals attacked the United States on 9/11, and critics claim that this made the doctrine of self-defence inoperable; the United States appealed to Article 51 of the United Nations Charter and held the then Taliban government of Afghanistan co-responsible for the attacks on New York and Washington by virtue of its provision of sanctuary and support to al-Qaeda. Domestically, the Bush administration cited the Authorisation for the Use of Military Force (AUMF) passed by Congress and signed into law on 18 September 2001, which permitted ‘the use of United States Armed Forces against those responsible for the recent attacks on the United States’, and the Obama administration has treated the AUMF as a warrant for its continued prosecution

of the war against al-Qaeda and the Taliban. The post-Taliban regime installed in Kabul was supposed to turn Afghanistan into a compliant state that was designated a 'host nation' to the armed forces of the United States and its partners in the International Security Assistance Force (authorised by the UN Security Council in December 2001), and the consent of the Afghan government subsequently empowered them to continue military operations with the reconstituted Afghan security forces. Drones played a vital role in their joint counterinsurgency campaign. Several militaries used them for intelligence, surveillance and reconnaissance, including Canada and Germany, and the United States and the United Kingdom also deployed drones to provide cover and close air support for ground troops. But the United States is alone among the coalition in also using drones as part of an extensive targeted killing programme in Afghanistan, conducted by its military in concert with the CIA, though it has also relied on vital signals intelligence from its allies, including Germany, Sweden and the United Kingdom. ⁶⁴

The United States is also alone among the coalition in asserting the right to treat Pakistan's borderlands as a spatial supplement to the war zone: this is the second pinion for its programme of targeted killing in the FATA. Here too the United States has carried out the strikes while several of its allies have played indispensable supporting roles. A satellite portal at Ramstein in Germany links drones circling above the borderlands via a trans-Atlantic fiber optic cable to flight crews in the United States, and communication intercepts by its favoured partners, especially Australia and the United Kingdom, have provided signals intelligence that has been instrumental in identifying and tracking targeted individuals. But the legal armature has been provided by the United States. The Obama administration has insisted that its strikes in the borderlands are consistent with international law in a double sense. ⁶⁵ First, it cites the 'continuing and imminent threat' posed by al-Qaeda and the Taliban from their sanctuaries in Pakistan to US forces in Afghanistan and to the continental United States; this 'elongates' the concept of imminence, as the State Department's Legal Adviser Harold Koh put it, and re-affirms the doctrine of self-defence so that the the strikes are deemed to be legitimate pre-emptive actions against enemies of the United States. ⁶⁶ Second, all

strikes are supposed to conform to the established principles of international humanitarian law ('the laws of war') – necessity, proportionality and distinction – that limit but do not proscribe civilian casualties. In May 2013 the administration published a series of further, more stringent guidelines to regulate the use of lethal force outside what it called an 'area of active hostilities'. These affirmed a preference for capture (strikes were to be permitted only when 'capture is not feasible at the time of the operation'); subsumed the existing requirement that the threat presented by the target 'to U.S. persons' (without restriction of location) be both continuing and imminent; and required a 'near-certainty' that non-combatants would not be injured or killed. The last stipulation had been in place for several years, but the new Presidential Policy Guidance explicitly reversed a ruse that had discredited previous US casualty accounting. It now affirmed that 'males of military age may be non-combatants; it is *not* the case that all military-aged males in the vicinity of a target are deemed to be combatants.'⁶⁷ One of the main purposes of the Guidance was to restrict and eventually to eliminate signature strikes against individuals or groups whose 'pattern of life' was found to be suspicious rather than threatening. Yet is unclear how far these regulations limited the CIA's activities. In principle, the requirement that capture had to be infeasible 'at the time of the operation' placed a premium on imminence – 'there's no time to wait, we must act now' – but the CIA had secured an exemption from the imminent threat criterion, even in its elongated form, so that in any event signature strikes remained permissible.⁶⁸ In short, the Guidance applied to targeted killings in Somalia and Yemen but did not fully extend to Pakistan, whose borderlands remained a zone of indistinction, 'half-in and half-out' of the 'area of active hostilities'.⁶⁹

The spatial domain of that last phrase – which is an operational term specific to the Guidance and absent from international law – is instructive, and forms part of a wider dispersion of the battlefield beyond its traditional, bounded confines. The 'vanishing battlefield', as Frédéric Megret calls it, is at once a techno-political and a legal artefact. It has a long modern history, transformed since the First World War by the rise of air power and attacks on targets far beyond the locus of ground combat, but what is novel about its present deconstruction is the 'deliberate attempt to manipulate what

constitutes the battlefield and to transcend it in ways that liberate rather than constrain violence.’⁷⁰ In particular, the use of drones to target individuals means that in one modality of later modern war, in Grégoire Chamayou’s arresting phrase, the ‘body becomes the battlefield.’⁷¹ This process of the individuation of warfare derives not only from the techno-political apparatus that makes it *possible* but also from the legal apparatus that makes it *permissible*. Individuation has blurred the distinction between military and police operations, displacing the collective identity of ‘the enemy’ by the individual identity of ‘the criminal’, which has in turn raised questions about the incorporation of a quasi-juridical apparatus into the targeting process.⁷² These concerns apply to any area of active hostilities, but the United States bases its right to extend its military violence to the FATA – to treat the borderlands as a spatial supplement to the war zone – on the *mobility* of individuals, both terrorists and insurgents, who routinely cross between Afghanistan and Pakistan.

In the borderlands drones have been directly entangled with the dispersion of the battlefield in two ways. In Afghanistan the United States has used conventional strike aircraft, drones and Special Forces to carry out its targeted killings, and when it asserts the right to extend its military operations into the FATA it never specifies the platforms to be used. This is logical enough, since the United States seeks to establish a general principle; international law only specifies weapons systems when their use is either regulated or prohibited. But in this case the claim is tacitly underwritten by a remarkably granular geography. The Obama administration is not now folding Pakistan into Afghanistan to produce the unitary battle space once conjured by its common, crass and cavalier references to ‘AfPak’; it does not claim the right (say) to bomb Karachi or Lahore.⁷³ Neither does it reduce the FATA to an isotropic space of military violence; it insists that its targets are limited to individuals who have sought refuge or established bases there. It consistently presents the precision of its air strikes as an enabling – exceptional because ‘unprecedented’ – rationale for treating the FATA as a spatial *supplement* to the war zone where ‘temporary micro-cubes of lethal exception’ are opened whenever a targeted individual is located.⁷⁴ This – to repeat, ‘unprecedented’ – capability derives from the combination of sensor and shooter in a single platform with

the unique ability to place an individual displayed on its screen in the cross-hairs of its target designator: in short, the drone.⁷⁵ In this sense, as Anna Leander argues, drones are not only regulated by these protocols but also exert pressure on the legal envelope within which they operate.⁷⁶

But the drone affords a second enabling function. The newfound concern with areas outside the ‘area of active hostilities’, or in US military jargon ‘outside a defined theater of active armed conflict’ (ODTAAC), flows from an anxiety shared by the Bush and the Obama administrations about how to conduct what the Pentagon characterises as ‘war in countries we are not at war with’.⁷⁷ This is to redefine the very meaning of war, of course, but this is precisely what its protagonists (and for that matter its critics) claim the drone has done. The capacity of the drone to conduct ‘air policing’ reactivates a colonial form of power in a radically new constellation. For the drone makes possible an extended *occupation* rather than a time-limited *incursion*. Its persistent presence provides unrivalled and unremitting surveillance – the residents of the FATA constantly complain about the never-ending buzz of the drones – but ‘the ingenuity of this novel form of aerial occupation,’ Munro suggests, is ‘its capacity simultaneously to respect and transgress the principle of territorial sovereignty.’⁷⁸ This duality is even written into the revised constitution of the programme of targeted killing, where the Presidential Policy Guidance acknowledges that there are ‘important constraints on the ability of the United States to act unilaterally’, including ‘respect for sovereignty’, even as it authorises the application of lethal force outside any area of active hostilities. Washington seeks to square the circle in the FATA by respecting Pakistan’s sovereignty through ruling out the unilateral deployment of any ground troops. A highly visible cross-border attack on 3 September 2008, in which US Special Forces attacked three compounds in the village of Jalal Khel north-west of Wana – reportedly an al-Qaeda stronghold – and killed up to 20 people, provoked such a strong protest from Islamabad that since then the Pentagon has proscribed most ground incursions.⁷⁹ Yet Washington simultaneously transgresses Pakistan’s sovereignty through serial and semi-permanent violations of its air space by US Predators and Reapers. This is widely supposed to be facilitated by their low profile: at the limit, so the protagonists of the programme claim, a single aircraft targeting a

single individual with the utmost precision. Scott Horton thus describes the drone as ‘a consummately secret weapon’ which he explicitly links to ‘the art of stealth warfare’, and other commentators agree that the drone has become the weapon of choice for covert or semi-covert warfare – the very definition of ‘war in countries we are not at war with’ – which explains Chris Woods’ description of America’s ‘secret drone war in Pakistan’.⁸⁰ Yet Predators and Reapers are not stealth aircraft; they are comparatively slow, neither difficult to detect nor to shoot down. Their presence in the skies over the FATA is hardly secret, and their strikes are widely if imperfectly reported. What seems to matter more is that the drones are remotely operated from the United States, in so far as this facilitates the ability of the CIA to orchestrate and direct the strikes. This in turn ensures that the programme operates under Article 50 of the US Code, which authorises agencies to conduct covert actions where ‘where it is intended that the role of the United States Government will not be apparent or acknowledged publicly.’⁸¹ In this way the drone has enabled American actions to be conducted under a cloak of secrecy that is lifted only at Washington’s discretion. But, as I must now show, it has played an equally important role in securing the ambiguity of Pakistan’s participation in the deadly dance.

The drone dance

In March 2013 Ben Emmerson, the UN Special Rapporteur on Counterterrorism and Human Rights, concluded a three-day visit to Pakistan by reaffirming its official position that drone strikes in the FATA ‘are a violation of Pakistan’s sovereignty and territorial integrity.’ Emmerson met with officials from the Ministry of Foreign Affairs and the Ministry of Defence who told him that ‘reports of continuing tacit consent by Pakistan to the use of drones on its territory by any other State are false’. This did not only apply to the current administration: ‘a thorough search of Government records had revealed no indication of such consent having been given.’⁸² Successive administrations had repeatedly denounced the strikes and the National Assembly had passed resolutions in May 2011 and April 2012 condemning them. But this is to be distracted by political theatre and its public stage and to ignore what takes place behind the scenes. A change in perspective reveals Emmerson to have been a surprisingly credulous participant in

what Joshua Foust called the ‘Islamabad drone dance’. Although the record is far from straightforward, it is sufficiently clear to raise the curtain on a long, intricate and covert choreography between Islamabad and Washington in the performance of what one US official described as their ‘kabuki dance’.⁸³

In March 2004 Pakistan’s military conducted a major offensive in the mountains that rise from the Tora Bora in Afghanistan and reach into South Waziristan. Their quarry was a concentration of al-Qaeda fighters near Wana, but they had considerable difficulty in finding them. To solve this problem, President Pervez Musharraf admitted much later, ‘the Americans brought the drones to bear.’⁸⁴ These were all intelligence, surveillance and reconnaissance missions, and the strikes were left to Pakistan Air Force F-16s and helicopter gunships. But it was not long before the Predators assumed their hunter-killer role in the borderlands. Three months later Nek Muhammad and four of his companions (including a young boy) were killed by a missile strike as they sat eating dinner in a courtyard in Kari Kot. The Pakistan military claimed responsibility for his death and dismissed reports of US involvement as absurd. Yet witnesses reported hearing a drone overhead minutes before the strike – which says something about how familiar their buzzing had become – and eventually the truth came out: Muhammed was the first victim of a CIA-directed drone strike in Pakistan. Although the Voice of America had described him as an ‘al-Qaeda facilitator’ – which would have made him a primary US target – he was in fact a commander of Tehrik-i-Taliban Pakistan who was suspected of an assassination plot against Musharaff and had been designated an enemy of the state. In a secret deal, Mark Mazzetti revealed, the CIA station chief in Islamabad had contacted Pakistan’s Inter-Service Intelligence (ISI) and offered to kill Muhammad ‘in exchange for access to airspace it had long sought so it could use drones to hunt down its own enemies.’⁸⁵ Musharraf provided continuing cover for the drone strikes – his government routinely claimed that ‘the explosions had been caused by the victims themselves making home-made bombs’⁸⁶ – and even allowed an airfield at Shamsi (in Baluchistan, outside the FATA) to be used as a base for the covert operations.⁸⁷ In order to conceal the origin of the strikes from the people of Pakistan Musharraf was adamant that they be carried out under the direction of the CIA rather than the US

military. The terms were negotiated between the CIA and the ISI, and the accord still acts as what Horton calls ‘the essential legal predicate’ for the drone war in Pakistan.⁸⁸

But the agreement turned out to be precarious, as each side busily pursued its own interests. The United States targeted members of al-Qaeda but also wanted to strike the Afghan Taliban and other militant groups that sought sanctuary in the FATA and crossed back into Afghanistan once the summer fighting season started. These were of little concern to Pakistan since they posed no immediate threat to the state. On the contrary: they were hailed as the ‘good Taliban’ by Islamabad, and the ISI actively supported them to counter the prospect of India gaining influence over Kabul. At first, the CIA cleared its strikes with the ISI, who confined their area of operations to two Restricted Operating Zones over North and South Waziristan. There were no further strikes in 2004, but in 2005 the ISI approved three strikes against nominated al-Qaeda targets which were carried out under the direction of the CIA. In 2006 the CIA sought clearance for seven strikes; four were approved and the ISI asked for one nominated strike in return. The following year the CIA asked permission for 15 strikes; four were approved and the ISI asked for five nominated strikes in return.⁸⁹

But each side wanted more. On 22 January 2008 General Ashfaq Perez Kayani, Pakistan’s Chief of Army Staff, met with Admiral William Fallon, the commander of US Central Command. High on the agenda was Kayani’s frustration at the lack of real-time intelligence to guide his counterinsurgency operations in the FATA. He knew that the United States was working to enhance the signals intelligence capability of the Pakistan Air Force, but this was a long-term project and his immediate priority was ‘continuous Predator coverage’ of the area of military operations in South Waziristan. The United States was building one of six planned Joint Border Co-ordination Centers at Torkham Gate, to be staffed by Afghan, Pakistani and US/NATO military and security personnel who would share access to live Predator imagery from Afghanistan in order to track and interdict illicit movements across the border. Kayani proposed to extend this cooperation by having Predators patrol inside the FATA and using their video feeds to orchestrate strikes to be carried out, as before, by the Pakistan Air Force.⁹⁰ Fallon told

him he could not spare any Predators but he could provide Joint Terminal Attack Controllers to direct Pakistan's strike aircraft onto their targets; Kayani would not allow US ground troops to operate inside Pakistan and rejected the counter-offer.⁹¹ But that was not the end of the matter. On 3 March Admiral Mike Mullen, the Chairman of the US Joint Chiefs of Staff, assured Kayani that a solution to the signals intelligence problem was in sight; electro-targeting pods and sensors were eventually retrofitted to Pakistan's F-16s. In return, Mullen asked for help in approving 'a third Restricted Operating Zone for US aircraft over the FATA', but he was rebuffed.⁹²

The agreement was evidently starting to fray, and soon after these meetings the CIA started to act unilaterally. In the dog-days of his presidency in the summer of 2008 George W. Bush agreed that the CIA need no longer seek 'concurrence' from the ISI. In future Pakistan would only be notified of a drone strike once it was under way or shortly afterwards.⁹³ Earlier in the year Musharaff had accepted the need for signature strikes – which by definition required no nominated targets to be submitted for approval – and these were stepped up too.⁹⁴ And the agency now increasingly targeted the Haqqani network, which angered Pakistan's military and security establishment even more than being cut out of the loop. The Haqqanis used the FATA as a base from which to attack US and other NATO forces, and their actions were intertwined with those of al Qaeda and the Afghan Taliban. But they opposed attacks on the Pakistani government and its forces. In fact, the army relied on the Haqqanis to guarantee the security of its major base in South Waziristan, and the ISI wanted the Haqqanis to participate in any peace talks in Afghanistan to ensure a pro-Pakistan government in Kabul.⁹⁵ In August 2008 Prime Minister Yousaf Raza Gillani assured the US Ambassador that he had no objection to the drone strikes – 'We'll protest it in the National Assembly and then ignore it' – but he added a crucial rider: 'so long as they get the right people'. The 'right people' were plainly not the Haqqanis. Gillani had the Pakistan Taliban in his sights, and proposed that 'the next step' should be to go after its leader Baitullah Mehsud.⁹⁶ In November General David Petraeus made Islamabad the first stop in his overseas tour after he took command of CENTCOM, and the Defence Minister delivered a similar warning: it was important 'to make US strikes more carefully targeted and timed in

order to avoid negative consequences.’ But the strikes continued. In the last six months of Bush’s presidency, from August 2008 to January 2009, there were 37 drone strikes on targets in Pakistan, nearly double the number (20) that had taken place until then, killing between 203 and 332 people. Gillani was soon asking the United States ‘to share all credible, actionable threat information’ but to leave its execution to Pakistan: ‘We will hit the targets ourselves.’⁹⁷

In 2009 the drone war accelerated under Obama, but in an attempt to defuse relations with Pakistan the United States offered to conduct joint operations in parallel with its unilateral strikes. Karen De Young reported that in March Pakistan was allowed to direct Predators ‘over areas of its choice, transmitting images directly into its own intelligence channels’. Although the aircraft were armed it was emphasised that these were not combat missions – ‘no offensive operations beyond intelligence gathering were contemplated or authorised’ – and twelve missions were flown over the FATA as a ‘proof of concept’.⁹⁸ Pakistan remained dissatisfied, however, and the trial was abandoned by the middle of April. Next month it was claimed that Islamabad had been granted ‘joint control’ over a new fleet of Predators and Reapers to be operated by the US military to conduct strikes on targets inside the FATA. Two missions had been flown already, controlled from a joint operations centre at Jalalabad in eastern Afghanistan, where officers pooled human intelligence provided by the ISI with imagery and intercepts from US military and intelligence agencies. The Pakistani officers were to be given ‘significant control over routes, targets and decisions to fire weapons’.⁹⁹

That report was immediately denied by the Pentagon, but its details are credible and consistent with other reports. Collaboration clearly continued, and the involvement of Pakistan in target selection remained a sensitive and on occasion a live issue. The diplomatic cables I have been citing so far are all six or seven years old, but their terminus simply reflects the shutters coming down after the arrest of Bradley/Chelsea Manning. We know from other sources that from 2007 until at least the end of 2011 the CIA’s Counterterrorism Center regularly prepared classified reports on US drone strikes in the FATA, including maps and pre- and post-strike imagery of targeted compounds

and vehicles, which were briefed by the Deputy Director directly to Pakistan's Ambassador in Washington and then forwarded to Islamabad. The briefings became so regular, according to Greg Miller and Bob Woodward, that they became 'a matter of diplomatic routine'.¹⁰⁰

Routine does not of course preclude rows. The files given to the two journalists record tense meetings in which senior US officials including the Secretary of State confronted their Pakistani counterparts with intelligence pointing to close ties between the ISI and militant groups like the Haqqani network; Islamabad dismissed the claims and retaliated by providing its embassy in Washington with a list of suspected CIA agents who were to be denied visas. Relations between the CIA and the ISI plumbed the depths during the Davis affair in January 2011 and after the strike in Dhatta Khel in March (above, p. 00), and to mend the fences the CIA agreed in April to advise the ISI of any future strikes where they expected more than 20 militants to be killed.¹⁰¹ But by most accounts relations between the two plunged even lower after the killing of Osama bin Laden in Abbottabad in May 2011.¹⁰² And yet other documents in the files indicate Pakistan's continuing involvement in the targeted killing program: in 2010, for example, a strike executed 'at the request of your government' and strikes on 'a network of locations associated with a joint CIA-ISI targeting effort.' To be sure, it was always an asymmetric relationship. Pakistan repeatedly pressed for a dual key approach to target selection, and one defence official complained that 'they tell us to act like allies' but 'they don't treat us like allies.'¹⁰³ In December 2011, after coalition forces in Afghanistan allegedly came under fire from two military check-posts inside the FATA and retaliated with air strikes, the US was required to close its covert operations at Shamsi. But it still had access to several other bases in Pakistan, and the following year the CIA was still sending a monthly fax to the ISI listing agreed strike zones. Even after the ISI stopped acknowledging the transmissions – apparently 'a way for Pakistan to meet seemingly contradictory goals, letting the CIA continue to use its airspace but also distancing the government of Pakistan from the program'¹⁰⁴ – Pakistan continued to de-conflict its air space so that the Predators and Reapers would have a clear run at their targets. The CIA was also giving 30 minutes notice of an imminent strike in South Waziristan (though no

notice for strikes in North Waziristan in case the ISI alerted the targets).¹⁰⁵ One source, who purported to run a network of agents in North and South Waziristan, told Reuters in January 2012 that ‘our working relationship is a bit different from our political relationship. It’s more productive.’ He claimed that the US and Pakistan agreed priority target lists between them, and that in consequence only two or three hours elapsed between locating a target and firing a missile.¹⁰⁶

Much of this is naturally impossible to verify. It would be wrong to reassemble these fragmentary traces into a closed and coherent narrative – ironically the very tactic enacted by the classified ‘storyboards’ that are used to frame each targeted killing – and the relation that they bring into view is inconstant, contradictory and fractious. But two conclusions can nevertheless be drawn. First, it is surely clear that the state of Pakistan not only withdrew the protections it afforded its citizens against cross-border airstrikes during the Soviet occupation of Afghanistan: it also aggravated its own production of the Federally Administered Tribal Areas as a space of exception by actively colluding with the United States to expose those that live there to new forms of aerial violence. ‘Collateral damage worries you Americans,’ President Asif Ali Zardari told CIA Director Michael Hayden in November 2008: ‘It doesn’t worry me.’¹⁰⁷

This grotesque gavotte has nominally been kept from the public gaze, though the mask has slipped from time to time (and sometimes deliberately dropped by the United States), but there is another secret hidden within the ‘secret’. I have been careful to describe these drone strikes as being *directed* by the CIA because – the second conclusion – the US military has been centrally involved in their *execution*. The diplomatic cables released by Wikileaks make this perfectly plain: it was the commander of US Central Command who had to field Pakistan’s requests for extended Predator coverage, the Chairman of the Joint Chiefs of Staff who asked for a third Restricted Operating Zone for the aircraft, and the new commander of CENTCOM who was lobbied about targeting priorities. This is not to discount the role of the CIA, which has long had the US military as a partner even if they have not always danced to the same tune. The agency has been intimately involved in Predator operations since their inception over

the Balkans in 1995, when pilots were seconded from the US Air Force to the CIA for the surveillance missions; the first targeted killing by a Predator (in Yemen in 2002) was directed by the CIA but executed by the Air Force; and there has been close and continuing collaboration between the CIA and the US military over targeted killings in Afghanistan. ¹⁰⁸ The Air Force even moved some of its combat air patrols close to the Durand Line so that targets could be handed off to them from CIA-directed missions as they crossed the border into Afghanistan and killed outside Pakistan's air space. ¹⁰⁹ Most significant of all, for the last several years – at least since 2009, and perhaps earlier ¹¹⁰ – missions over Pakistan have been flown by Air Force pilots. Four squadrons have been involved, but most of the missions have been conducted by the 17th Reconnaissance Squadron from Ground Control Stations at a restricted compound inside Creech Air Force Base in Nevada. ¹¹¹ According to Chris Woods the squadron 'has carried out more "kills" than perhaps any other drone unit in the Air Force, with an estimated 2,400 directly attributed deaths in Pakistan by mid-2014.' ¹¹² The targeted killing of the leader of the Afghan Taliban Mullah Mansour on 21 May 2016 in Baluchistan – the home base of the Taliban's Quetta *Shura*, its central council – was the first time the Pentagon had acknowledged that the US Air Force had carried out a strike inside Pakistan (and outside the FATA and the Restricted Operating Zones previously agreed with the ISI). ¹¹³

We are now moving into different territory. For the constitution of the FATA as a space of exception explains how their inhabitants are routinely and deliberately *exposed* to state violence; it cannot account for the mistakes made in the *execution* of a program of remote killing which was none the less hailed by Hayden as 'the most precise and effective application of firepower in the history of armed conflict.' ¹¹⁴ The murder of Mamana Bibi was one such – obvious and hideous – mistake, but the path that led to the killing of Baitullah Mehsud was strewn with errors too. He was targeted as many as seven times, and these unsuccessful attempts on his life resulted in the deaths of 164 other people, including 11 children. This was not exceptional: an analysis by Reprieve showed that 24 men were targeted multiple times in the FATA, leaving 874 other people dead in their wake, including 142 children. On average 36 other people, usually

unknown and un-named, have been killed for every intended target.¹¹⁵ That the tempo of killing and the number of civilian casualties have declined sharply since its peak in 2009-2011 is clear from Table 1. The intensity – and recklessness – of the program was shaped by the shifting fortunes of the war in Afghanistan; its peak coincided with the surge of 33,000 additional troops sent to turn the tide of the war against the Taliban. But to fully understand the toll that has been exacted on the inhabitants of the FATA we need to enter what Owen Sheers calls ‘the territory of the screen’ and its constitution of the space of execution.¹¹⁶

Spaces of execution

Killing somebody with a Hellfire missile controlled from thousands of miles away depends upon a screen – or more accurately a series of screens – on which the image of a human body will eventually be touched by the cross-hairs of a targeting pod. But this is not a purely optical war; bodies are present on both sides of the screen(s). Remote operations are only ‘unmanned’ in the narrow sense of being carried out from aircraft with no crew on board: hence the Air Force’s proud claim to ‘project power without vulnerability’. But hundreds of people are involved in conducting each flight, and many more work behind the scenes to produce the intelligence on which each strike depends. They are entangled in a constellation of machines and circuits, algorithms and standard operating procedures, so that – like many other modalities of later modern war – remote operations are the hypostatisation of more-than-human military violence. But these people are also placed in particular subject-positions through their enrollment in the kill-chain, which is always more than a technical division of labour. Similarly, their targets appear on the screens as silent and spectral traces, and all sorts of technical and lexical devices are used that render them less-than-human: ‘jackpots’, ‘squirters’, even ‘bugsplat’.¹¹⁷ ‘You stopped seeing people on the screen as people,’ confessed one former sensor operator. ‘On the screen they were dots. Ants.’¹¹⁸ The casual de-humanisation is also effected through a seemingly more anodyne scientific vocabulary. Here is Joseph Pugliese:

“The military term “pattern of life” is inscribed with two intertwined systems of scientific conceptuality: algorithmic and biological. The human subject detected by drone’s surveillance cameras is, in the first scientific schema, transmuted algorithmically into a patterned sequence of numerals: the digital code of ones and zeros. Converted into digital data coded as a ‘pattern of life’, the targeted human subject is reduced to an anonymous simulacrum that flickers across the screen and that can effectively be liquidated into a ‘pattern of death’ with the swivel of a joystick. Viewed through the scientific gaze of clinical biology, ‘pattern of life’ connects the drone’s scanning technologies to the discourse of an instrumentalist science, its constitutive gaze of objectifying detachment and its production of exterminatory violence. Patterns of life are what are discovered and analysed in the Petri dish of the laboratory... Analogically, the human subjects targeted as suspect yet anonymous ‘patterns of life’ by the drones become equivalent to forms of pathogenic life. The operators of the drones’ exterminatory attacks must, in effect, be seen to conduct a type of scientific ethnic cleansing of pathogenic ‘life forms’.”¹¹⁹

But those whose lives and deaths flicker into view are all flesh and blood human beings (‘Not a Bugspat’) whose fate is decided by actors watching them from the other side of the world.¹²⁰

Seen thus, ‘the territory of the screen’ is more than metaphor. Territory is not only a political-legal inscription that delimits a bounded enclosure in three-dimensional space; it is also a (bio)political technology whose calibrations enable states to assert, enact and enforce a claim over bodies-in-space.¹²¹ In many cases states have mobilised multiple political technologies to harden their own borders while also claiming the right to track and even target bodies-in-spaces outside them. This is precisely what activates US drone strikes in the borderlands, where intelligence agencies produce and reproduce the FATA as a data field that is systematically mined to expose seams of information and selectively sown with explosives to be rematerialised as a killing field. The screens on

which and through which the strikes are animated are mediations in an extended sequence in which bodies moving into, through and out from the FATA are tracked and turned into targets in a process that Ian Hacking describes more generally as ‘making people up’: except that in this scenario the targets are not so much ‘people’ as digital traces.¹²² The scattered actions and interactions of individuals are registered by remote sensors, removed from the fleshiness of human bodies and reassembled as what Chamayou calls ‘schematic bodies’.¹²³ They are given codenames (‘Objective x’) and index numbers, they are tracked on screens and their *danse macabre* is plotted on time-space grids and followed by drones. But as soon as the Hellfire missiles are released the transformations that have produced the target over the preceding weeks and months cascade back into the human body: in an instant virtuality becomes corporeality and traces turn into remains.¹²⁴

The technicity of the targeted killing program is consolidated in innumerable ways, but it is always more than merely ‘technical’ and as such has extremely important political effects. Here I focus on three elements of its political technology – kill lists, signals intercepts and visual feeds – and diagram their joint transformation of the FATA into a space of execution.

Kill lists identify and prioritise named individuals authorised for targeted killing. Lists are not inert tabulations; they are inherently ‘lively’ (even where their purpose is to kill) because they have the capacity to do things, in this case to produce the effects that they name. In the new security regime ushered in after 9/11 the function of the kill lists – like the other ‘security lists’ that proliferated in the shadow of the Twin Towers – was to facilitate, license and script new modes of targeting.¹²⁵ In doing so they underwent a series of technical transformations that served their new, central purpose: pre-emption. The Bush administration agreed a ‘High-Value Target List’ so that the CIA could kill or capture suspected terrorists who were linked to al Qaeda and associated groups without having to seek further approval, and it was on this basis that the CIA directed the first drone strikes in the FATA.¹²⁶ The US military worked from its own Joint Prioritised Effects List, which was the basis for its targeted killing in Afghanistan. These multiple,

often overlapping lists were coordinated and vetted by videoconference, but the Obama administration moved quickly to consolidate the process and to involve the president in authorising all personality strikes outside an ‘area of active hostilities’.¹²⁷ The hub for the program became the Pakistan-Afghanistan Department at the CIA’s Counterterrorism Center in Langley, Virginia. When Obama summarily terminated the CIA’s program of extraordinary rendition he provided no alternative arrangements for the detention of enemy combatants captured outside a war zone, leaving the agency with a ‘disposition problem’: what to do with suspected terrorists? Nominally ‘kill or capture’ operations were now heavily tilted towards ‘kill’.¹²⁸ The response was to devise a ‘disposition matrix’ that arrayed the biographies, locations and known associates of named targets with the assets available either to ‘find, fix and finish’ them or (less likely) to capture and transfer them to other jurisdictions.¹²⁹

The kill list embedded in the matrix has turned out to be infinitely extendable, more like a revolving door than a rolodex, so much so that at one point an exasperated General Kayani demanded that Admiral Mullen explain how, after hundreds of drone strikes, ‘the United States [could] possibly still be working its way through a “top 20” list?’¹³⁰ The answer lies not only in the remarkable capacity of al Qaeda and the Taliban to regenerate: the endless expansion of the list is written into the constitution of the database and the algorithms from which it emerges. The database accumulates information from multiple agencies, but for targets in the FATA the primary sources are ground intelligence from agents and informants, signals intelligence from the National Security Agency (NSA), and surveillance imagery from the US Air Force. Algorithms are then used to search the database to produce correlations, coincidences and connections that serve to identify suspects, confirm their guilt and anticipate their future actions. Jutta Weber explains that the process follows ‘a logic of eliminating every possible danger’:

‘[T]he database is the perfect tool for pre-emptive security measures because it has no need of the logic of cause and effect. It widens the search space and provides endless patterns of possibilistic networks.’¹³¹

Although she suggests that the growth of ‘big data’ and the transition from hierarchical to relational and now post-relational databases has marginalised earlier narrative forms, these reappear as soon as suspects have been conjured from the database. The case for including – killing – each individual on the list is exported from its digital target folder to a summary Powerpoint slide called a ‘baseball card’ that converts into a ‘storyboard’ after each mission. Every file is vetted by the CIA’s lawyers and General Counsel, and by deputies at the National Security Council, and all ‘complex cases’ have to be approved by the President. Herein lies the real magic of the system. ‘To make the increasingly powerful non-human agency of algorithms and database systems invisible,’ Weber writes, ‘the symbolic power of the sovereign is emphasised: on “Terror Tuesdays” it (appears that it) is only the sovereign who decides about life and death.’ But this is an optical illusion. As Louise Amoore argues more generally, ‘the sovereign strike is always something more, something in excess of a single flash of decision’ and emerges instead from a constellation of prior practices and projected calculations.¹³²

I hope it will be obvious that more is at stake in the production of the kill list than bureaucracy, the anonymity it confers and the dispersion of responsibility it allows.¹³³ These are indeed important issues but the technicity that lies behind the list makes a surreptitious yet powerful claim about the Reason that animates it. The strikes that are the list’s telos and terminus are held out to be ‘precise’ not only because science and engineering have supposedly made them so through advances in surveillance and weapons systems but also because target nomination is itself constructed as a techno-scientific achievement. The process is presented as technical and protected as secret, kept outside the law until its products are inserted into a quasi-judicial tribunal as objective evidence that cannot be contested but must be acted upon (because pre-emptive).¹³⁴ There is sorcery here too: Claudia Aradau argues that all of this ‘has more in common with the “pseudo-rationality” of astrology than the method of clues.’¹³⁵ But technicity buries such critical questions within the presumptive neutrality of its method and its ‘registers of expertise.’¹³⁶

Pre-emptive strikes in the FATA are a version of ‘just-in-time’ killing. In most cases their authorisation is valid for 60 days, and any target that is not killed within that period must be reviewed and renewed. This provides an operational reason for the ‘elongated’ concept of imminence used as legal cover. There is no equivalent to the raw immediacy of ‘troops in contact’ on the other side of the border – though even there the concept has often been stretched and civilians have been killed as a result ¹³⁷ – but the half-life of the authorisation tacitly encourages those directing a strike to act ‘as soon as they see an opportunity – even if there’s a high chance of civilians being killed, too – because in their mind they might never get the chance to strike that target again’. ¹³⁸

That possibility is increased by the extraordinary difficulty of finding the target. Signals intercepts are important in all targeted killing but particularly in areas like the FATA where the US has no boots on the ground and few field agents in place. Its quarry seeks refuge not only in the physical fastness of the borderlands – remote locations where Special Operations officers characterise them as ‘a low-contrast foe easily camouflaged among civilian clutter’ (sic) – but also in an ‘electronic sanctuary’ where communications about operations, logistics and finance ‘can be hidden among the innumerable civilian signals that constitute daily cell phone and Internet traffic.’ ¹³⁹ The objective of signals intelligence is to use the one to betray the other: to divine the physical location of an individual target in North or South Waziristan from his digital traces. This requires a topological twist in which the logics of military violence and intelligence are transposed:

‘Warfare has shifted from the scaling of military operations to the selective targeting of individual enemies. Intelligence has shifted from the selective targeting of known threats to wholesale data mining for the purposes of finding hidden threats.’ ¹⁴⁰

This is how the NSA, which is part of the Department of Defense and responsible for the global collection and processing of signals intelligence, has become such a vital junction between the CIA and the US military. The United States is the physical

backbone of the Internet, and this pole position enables the NSA to conduct upstream intercepts of foreign communications as they flow through fibre optic cables at domestic switching stations. The NSA extends its global reach still further through collaborations with other intelligence agencies, the most important of which are its Tier I partners – the other members of the ‘Five Eyes’ (Australia, Canada, New Zealand and the United Kingdom) ¹⁴¹ – and also through downstream intercepts collected from the servers of the major Internet service providers. These intercepts yield both Digital Network Intelligence (DNI) – web-based data that includes e-mails, social media and browsing histories – and Dialed Number Recognition (DNR) metadata for cell phones, which includes lists of numbers dialled and the duration of calls. By mid-2012 the NSA was processing more than 20 billion ‘communication events’ each day. This is data-mining on the global scale but it is geographically differentiated and Pakistan has been a major locus of activity. During a three-day period in March 2013 DNI intercepts from Pakistan accounted for 13.9 per cent of the NSA’s global DNI intercepts (second only to Iran, which accounted for 14.5 per cent) and 11.1 per cent of its global DNR intercepts (second only to Afghanistan, which accounted for 17.6 per cent). Taken together, Pakistan was subject to the most intense interception during that period (12.3 per cent of all global DNI and DNR intercepts). ¹⁴²

Predators and Reapers loitering over the FATA are the grim beneficiaries of these intercepts, but they are also involved in harvesting signals intelligence through sensors and virtual base-tower transceivers fitted to the aircraft. Most of the detail remains classified, and much of what has been released is six or seven years old, but the Snowden cache documented SHENANIGANS, which uses a pod on the aircraft that ‘vacuums up massive amounts of data from any wireless routers, computers, smart phones or other electronic devices that are within range’, and GILGAMESH, which can force a SIM card or cellphone to lock on to the device multiple times as the drone cruises around a Restricted Operating Zone and triangulate its location to within ten metres. ¹⁴³ There must be other programs in operation by now, many of them more advanced and more intrusive, and to capitalise on these capabilities the NSA has developed its own version of remote split operations. While most of its work takes place in the United

States, the NSA has also forward-deployed collectors in tactical support teams that work in close concert with the CIA and the US military to identify and track targets in real time.¹⁴⁴

Tactical intelligence is less about the nomination of targets than their geo-location: the execution of the kill list. The details of specific operations remain classified but some information has been released. We know about the use of e-mail intercepts to establish a likely vector of safe-houses in North Waziristan used by Hassan Ghul, and in particular a message from his wife that identified a compound near Mir Ali; several days later on 1 October 2012 the al-Qaeda ‘facilitator’ was targeted and killed by US drones riding his motorbike nearby. We know too about the use of cell phone intercepts to track Mullah Mansour as his taxi crossed the border from Iran into Baluchistan; hours later on 21 May 2016 the Taliban leader was targeted and killed by US drones.¹⁴⁵ In both cases the information was presumably released because the strikes were successful, but we also know that nominated targets switch cellphones or SIM cards with friends or acquaintances and since it is the material object rather than the physical person that is tracked it is possible, even likely for civilians to be killed instead. The US knows it too, which raises grave questions about the degree to which in such cases it is prepared – as international law says it must – to take every feasible precaution to spare civilian life.¹⁴⁶

The likelihood of civilian casualties increases when metadata are used to identify suspicious patterns of life and to link contacts in a network of presumed complicity (‘guilt by association’).¹⁴⁷ This has become standard operating procedure:

‘The most basic analytic tools map the date, time, and location of cellphones to look for patterns or significant moments of overlap. Other tools compute speed and trajectory for large numbers of mobile devices, overlaying the electronic data on transportation maps to compute the likely travel time and determine which devices might have intersected.’¹⁴⁸

This is time-geography weaponised, rhythmanalysis made lethal. The proud boast of the ubiquitous Michel Hayden – he also served as director of the NSA – that ‘We kill people based on metadata’ may have been hyperbole.¹⁴⁹ Yet signals intelligence in all its guises has transformed the FATA into a deadly version of what Rob Kitchin and Martin Dodge call ‘code/space’. In the contemporary world, they argue, ‘software and the spatiality of everyday life have become co-dependent and co-produced’ to such a degree that code/space becomes ‘any space that is dependent on software-driven technologies to function as intended.’ For targeted killing in the FATA, all this goes into reverse: intentionality is the preserve of those doing the hunting while the intentionality of their quarry is inferred via the algorithms that drive data-mining. And there code/space functions as a *threat* to everyday life; it materially affects not only those who are targeted but all those who live under the constant threat of being inadvertently killed by lethal surveillance.¹⁵⁰ They also suggest that code/spaces are now ‘stretched out across extended network architectures, making them simultaneously local and global, grounded in certain locations but accessible from anywhere across the network, and linked together into chains that stretch across space and time to connect start and end nodes into complex webs of interactions and transactions.’¹⁵¹ In the FATA those chains are kill-chains; signals intelligence, at once global and local, has become instrumental in what one NSA document calls ‘cueing and compressing numerous kill-chains’.¹⁵²

Those kill-chain are ultimately triggered by the full-motion video feeds provided by Predators and Reapers. Each aircraft has a nose camera used by the pilot to control its flight, but it is also equipped with a multi-spectral targeting pod that is controlled by the sensor operator. This pod is the key to each strike; it has undergone several iterations and upgrades (‘blocks’), but in general it comprises an infrared (monochrome) video camera and a colour/monochrome daylight video camera, together with a laser target designator and illuminator. It is this system that enables the aircraft to be so effective against what the Air Force calls ‘high-value, fleeting and time-sensitive targets.’ Combined with their long dwell times, the video feeds returned to the United States in near real-time via satellite links enable Predators and Reapers to track (or ‘find and fix’) highly mobile targets. The minimum frame rate to capture movement is 1 Hz (one

frame per second); video has a frame rate of 6 - 120 Hz, and full-motion video (FMV) is defined by the Pentagon as motion imagery captured at 24 - 30 Hz or greater.¹⁵³ The sensors have several fixed modes of magnification (there is no continuous zoom), and the standard resolution for all of them is 480 × 640 pixels. Some Reapers have been equipped with high-definition sensors that capture motion at 720 × 1280 or better, and these provide a more robust positive identification of the target (PID). No figures are available for the FATA, but for targeted killing in East Africa high-definition FMV was used in most successful ‘fixes’ (geo-location and PID of the target) and was involved in most unsuccessful ones.¹⁵⁴

High definition or not, the full-motion video feeds have allowed remote crews to claim time and time again that they are not thousands of miles from their targets but just eighteen inches: the distance from eye to screen. The sense of optical proximity is palpable and pervasive in their accounts. Crews are often required to track someone for weeks, even months:

‘We see them playing with their dogs or doing their laundry. We know their patterns like our neighbors’ patterns. We even go to their funerals.’¹⁵⁵

This is at best a simplification, since the long loiter times of each aircraft necessitate frequent shift changes; each new crew must (re)familiarise themselves with the target (and there is no guarantee that it will be the same one). And yet the same officer insists that through this close-in surveillance it all ‘somehow becomes personal’. Journalist Mark Bowden echoes his sentiments. ‘Drone pilots become familiar with their victims,’ he writes, watching them ‘in the ordinary rhythms of their lives – with their wives and friends, with their children.’ What he calls ‘the dazzling clarity of the drone’s optics’ means that ‘war by remote control turns out to be intimate...’¹⁵⁶

But these characterisations are doubly problematic. The drone’s optics may well be dazzling but they are far from crystal-clear. The quality of the images is highly

variable, depending on atmospheric conditions, bandwidth compression, and the sensor that is used. Infrared in particular makes it notoriously difficult to discern details, and one commentator claims that

‘The silent stream of images generated by warm bodies against a cold background that was filtered through security encryption and satellite relays before ultimate translation into viewable pictures was indistinct at best... [T]he images gave only a “soda-straw” view of events, with a visual acuity of 20/200. As it so happens, this is the legal definition of blindness for drivers in the United States.’¹⁵⁷

But even more important than these technical limitations, ‘intimacy’ is a conceit; what is being described is violently invasive and thoroughly conditional. Most obviously, the crews and those who direct their missions can see without being seen, and Chamayou has argued that ‘the fact that the killer and his victim are not inscribed in “reciprocal perceptual fields” facilitates the administration of violence’ because it ruptures what psychologist Stanley Milgram called ‘the experienced unity of the act.’¹⁵⁸ The technology may be ‘mesmerising’, reporter Mark Benjamin concedes, but ‘it also makes the process of killing another human being eerily *impersonal*.’¹⁵⁹ This happens because the video feeds display what Harun Farocki calls ‘operative images’ that ‘do not represent an object but are part of an operation’.¹⁶⁰ The ‘impersonality’ of the operation is not a function of the technology alone: what matters is its incorporation into a process – a standard operating procedure – and a chain of command that is techno-scientific and quasi-judicial. It takes crews from six to twelve months to absorb the technical mediations that sustain remote split operations, so that ‘you put yourself more and more in the position that this is more and more real life and that you are actually there’, one sensor operator told Omer Fast: but over the same period, he continued, ‘you become emotionally distant.’¹⁶¹ And here, in a different interview, is the same officer who earlier spoke of it becoming more ‘personal’:

‘I would couch it not in terms of an emotional connection but a ... seriousness. I have watched this individual, and regardless of how many children he has, no matter how close his wife is ... I am tasked to strike this individual. The seriousness of it is that I am going to do this and it will affect his family.’¹⁶²

‘Emotional distance’ and ‘seriousness’ return us to the presumptive objectivity of the scientific gaze, but the form of irruptive intimacy – a hypermasculinized ‘voyeuristic intimacy’¹⁶³ – that this licenses also militates against any identity with those whose lives are under surveillance. What it can do – and what feeds the conceit of intimacy – is turn the objects of the military gaze into marionettes and mannequins. For the videos are silent movies, and while Nasser Hussain emphasizes that ‘the drone hovers overhead in silence’ those watching from afar – even if they claim to ‘know’ their targets and their families – fill in the gaps with their own running commentaries and interpretations. And there is no way for them to know how accurate their ventriloquism is.¹⁶⁴ The same is true of their visual identifications; even if the video stream were crystal-clear it could not turn the FATA into a transparent space in which the identities and roles of the figures on the screen become self-evident. Visuality is always a techno-cultural process, which means that ‘terrorists’, ‘militants’ and ‘civilians’ are not somehow ‘found’ in the image stream but are instead *produced* through the inferences drawn by those watching their external signs and the conversations that shape the conclusions they draw. The political technology that constitutes the territory of the screen thus not only invites but also requires those using it to transcribe their codes and conventions onto what then becomes a politicized body enclosed by the terrible violence of the state.¹⁶⁵

Spaces, bodies and subjects

The production of the borderlands as spaces of exception and spaces of execution are attempts to force those who live there into particular subject-positions as a means of subjugation. These positions are partial and precarious but the project to establish them as legitimate and rational has consequences that are material and affective. They clearly

affect those targeted – people like Baitullah Mehsud – whose political agency exceeds in terrifying ways the normative space allowed them by the state of Pakistan and the United States and in so doing brings their actions to the attention of both. But they also impact the rest of the population in the FATA, constricting their mobilities and stoking their fears to such a degree that ‘normal life’ for many of them threatens to become a memory or a fantasy. Their existence is rendered more precarious because the subject-positions to which they are so brutally assigned are racialized. These are ‘tribal peoples’, different from those who inhabit ‘mainland Pakistan’, while the United States writes off their incidental deaths as ‘collateral damage’ whose anonymity confers on them no individuality only a collective ascription. When a CIA-directed drone strike on a compound in the Shawal Valley of South Waziristan on 15 January 2015 was found to have killed not only a deputy leader of al-Qaeda in the Indian subcontinent and a local Taliban commander but also two hostages, an American development contractor and an Italian aid worker, a ‘grim-faced’ and ‘visibly moved’ Obama made a personal and public apology.¹⁶⁶ The rarity of the gesture is revealing. For the value of their lives was acknowledged and their deaths were made grievable in ways that others – which is to say Others – were not. Nobody has ever accepted responsibility or apologised for the death of Mamana Bibi or any of the other innocent victims of aerial violence.

For this reason it is important to resist those versions of the space of exception that are complicit in the denial of agency to those who live within its confines. The state of Pakistan administers the inhabitants of the FATA through Political Agents: but this does not remove (though it does diminish) their own political agency. Pakistan’s armed forces conduct clearing operations that ruthlessly drive people from their homes and into camps for displaced persons: but this does not turn the FATA into one vast ‘camp’. The presence of US drones strips those who live under them of their well-being and dignity: but this does not reduce them to ‘bare life’. Similarly, the emergent subject that is produced within the space of execution, apprehended as a network trace, a sensor signature and a screen image, is a cipher that stands in for – and in the way of – a corporeal actor whose existence is not measured by the calculative alone.

¹ This essay is based on presentations to audiences at the American University in Beirut, the Centre for International Governance Innovation (CIGI) and the Balsillie School of International Affairs at Waterloo, and the Departments of Geography at Glasgow University, York University and the University of Zurich. I am grateful to all of them for their questions, and to Dan Clayton and Craig Jones for their comments on earlier drafts.

² Jane Mayer, 'The Predator war', *The New Yorker*, 26 October 2009; see also Brian Glyn Williams, *Predators: the CIA's drone war on al Qaeda* (Washington: Potomac Books, 2013) pp. 2-9.

³ "Will I be next?" *US drone strikes in Pakistan* (London: Amnesty International, 2013) pp. 18-23; Robin Pagnamenta, 'My dead mother wasn't an enemy of America, she was just an old lady', *Times*, 20 November 2012; Ryan Deveraux, 'Family of grandmother killed in US drone strike arrive for Congress visit', *Guardian*, 27 October 2013; Karen McVeigh, 'Drone strikes: tears in Congress as Pakistani family tells of mother's death', *Guardian*, 29 October 2013. 'Bibi' is an honorific meaning 'grandmother'; the family name is Rehman, and it is just possible that the intended target was Wali-ur-Rehman, the deputy commander of the Pakistan Taliban, who was eventually killed in a drone strike east of Miran Shah on 29 May 2013. But Rehman is a common family name in Pakistan and the murder of Mamana Bibi would have had to have been a catastrophic misidentification.

⁴ C. Christine Fair has made a risible attempt to attribute Mamana Bibi's murder to a strike by the Pakistan Air Force: 'Ethical and methodological issues in assessing drones' civilian impacts in Pakistan', at <http://www.washingtonpost.com/blogs/monkey-cage>, 6 October 2014; see also Michael Lewis, 'The misleading Human Rights Watch and Amnesty International reports on U.S. drones', at <http://opiniojuris.org/2013/11/08/misleading-human-rights-watch-amnesty-international-reports-u-s-drones>, 8 November 2013. Below I discuss the (considerable) role of Pakistan's armed forces in administering military violence in the borderlands, but Fair's specific charge was pre-emptively answered by Mamana Bibi's grandson: "I know the difference," Zubair said, explaining the different features and sounds [aircraft, helicopters and drones] make. "I am certain that it was a drone"; see also the testimony of Amnesty's local representative in Devereaux, 'Family of grandmother'. The attack was confirmed as a drone strike in the report submitted by the Political Agent to the FATA Secretariat: 'At about 1440 hours US drone fired two missiles at agricultural land (sic) situated in between the two houses in village Ghundi Killi...': Alice Ross, 'Leaked official document records 330 drone strikes in Pakistan', Bureau of Investigative Journalism, 29 January 2014 at <https://www.thebureauinvestigates.com/2014/01/29/leaked-official-document-records-330-drone-strikes-in-pakistan>.

⁵ Chris Woods, *Sudden Justice: America's secret drone wars* (London: Hurst, 2015) p. xv; Andrew Cockburn, *Kill-chain: drones and the rise of the high-tech assassins* (New York: Henry Holt, 2015).

⁶ Frontline (PBS), 10 May 2011 at <http://www.pbs.org/wgbh/pages/frontline/afghanistan-pakistan/kill-capture/transcript>.

⁷ In its original form the program was a radicalisation of Lt Col John Warden's 'five rings' model of air targeting, in which the outer ring is made up of 'fielded forces' and the inner ring comprises the 'leadership'. Warden had made much of the importance of striking the inner ring, but a classified CIA review and report in 2009 suggested that the 'de-centralized' structure of al-Qaeda and the 'egalitarian' system of the Taliban made them much less vulnerable to decapitation: *Making High Value Targeting operations an effective counterinsurgency tool* (7 July 2009) at <https://wikileaks.org/cia-hvt-counterinsurgency>. This may partly explain why, between June 2008 and May 2010, the CIA strikes 'killed around 12 times more low-level fighters than mid-to-high-level al Qaeda and Taliban leaders': Adam Entous, 'How the White House learned to love the drone', Reuters, 18 May 2010.

⁸ Anna Mulrine, 'Warheads on foreheads', *Air Force Magazine* 91 (10) (2008) 44-47; Derek Gregory, 'Drone geographies', *Radical Philosophy* 183 (2014) 7-19.

⁹ Outside Pakistan, the United States has used drones for targeted killing in Iraq, Libya, Somalia, Syria and Yemen; it has also used drones to orchestrate strikes carried out by conventional aircraft and to support ground troops in Afghanistan, which has been the major theatre of remote operations, and to carry out an extensive program of targeted killing there.

¹⁰ In fact the two programs were closely connected, and senior officers in one program were transferred to the other. So, for example, 'Michael D'Andrea was chief of operations during the birth of the agency's detention and interrogation program and then, as head of the CIA Counterterrorism Center, became an architect of the targeted killing program [where] he presided over the growth of CIA drone operations and hundreds of strikes in Pakistan and Yemen': Mark Mazzetti and Matt Apuzzo, 'Deep support in Washington for CIA's drone program', *New York Times*, 25 April 2015.

¹¹ There have been multiple projects mapping drone strikes in Pakistan and elsewhere. Two that have mined the Bureau of Investigative Journalism's database to considerable effect are Chris Herwig's interactive visualization available at <http://chrisherwig.org/places/drones/#8.00/32.886/70.467> and Forensic Architecture's visualizations available in *Forensis: the architecture of public truth* (Berlin: Sternberg Press, 2014) pp. 409-16 and, in interactive form, at <http://wherethedronesstrike.com>.

¹² Pir Zubair Shah, 'My drone war', *Foreign Policy*, 27 February 2012.

¹³ The three key volumes of Agamben's project are (in his preferred sequence): Giorgio Agamben, *Homo Sacer: sovereign power and bare life* (trans. Daniel Heller-Roazen) (Stanford: Stanford University Press, 1998; first published in Italian in 1995); *State of Exception* (trans. Kevin Attell) (Chicago, IL: University of Chicago Press, 2005; first published in Italian in 2003); and *Remnants of Auschwitz: the witness and the archive* (trans. Daniel Heller-Roazen) (New York: Zone Books, 1999; first published in Italian in 1998). On the spatialities of the exception see Derek Gregory, 'The black flag: Guantánamo Bay and the space of exception', *Geografiska Annaler* 88 (B) (4) (2006) 405-27; Claudio Minca, 'Geographies of the camp', *Political Geography* (2015).

¹⁴ Lauren Benton, 'Spatial histories of empire', *Itinerario* 30 (3) (2006) 19-34.

¹⁵ Elizabeth Cullen Dunn and Jason Cons, 'Aleatory sovereignty and the rule of sensitive spaces', *Antipode* 46 (1) (2014) 92-109.

¹⁶ Sabrina Gilani, “Spacing” minority relations: investigating the tribal areas of Pakistan using a spatio-historical method of analysis’, *Social and Legal Studies* (2015) 1-22; this is a common characteristic of spaces of exception: see, for example, Fleur Johns, ‘Guantánamo Bay and the annihilation of the exception’, *European journal of international law* 16 (2005) 613-34.

¹⁷ Campbell Munro, ‘Mapping the vertical battlespace: towards a legal cartography of aerial sovereignty’, *London Review of International Law* 2 (2) (2014) 233-61.

¹⁸ Agamben, *Homo sacer*, p. 00.

¹⁹ Obama’s Special Adviser Richard Holbrooke referred to the joint theatre of operations as ‘AfPak’, but the term had tactical as well as strategic significance, and the CIA even reversed the polarity when it established a ‘Pakistan-Afghanistan Department’ within its Counterterrorism Center.

²⁰ Cf. Imtiaz Gul, *The most dangerous place: Pakistan’s lawless frontier* (New York: Viking, 2009) which took its title from Obama’s speech.

²¹ Cf. Frédéric Mégret, ‘War and the vanishing battlefield’, *Loyola University Chicago International Law Review* 9 (1) (2011-12) 131-56.

²² Joshua Foust, ‘The Islamabad drone dance’ at <http://www.pbs.org/wnet/need-to-know/opinion/the-islamabad-drone-dance/16519>, 19 March 2013.

²³ Gilani, ‘Spacing minority relations’, p. 00.

²⁴ Humeira Iqtidar and Noor Akbar, ‘Caught between drones and army raids, Pakistanis in ‘tribal areas’ feel betrayed’, at <http://www.theconversation.com>, 17 November 2014.

²⁵ Adnan Naseemullah, ‘Shades of sovereignty: explaining political order and disorder in Pakistan’s Northwest’, *Studies in comparative international development* 49 (2014) 501-22: 506. Naseemullah argues that it has been the *marginalization* of the mechanisms of hybrid governance – by both the Taliban and the Pakistani military – that has been instrumental in the dislocation of political order in the FATA after 2001. Cf. International Crisis Group, *Drones in Pakistan: myths and reality* (Brussels: ICG, 2013): ‘Legal, political and economic isolation has turned FATA into a political and administrative no-man’s land, left largely to the mercies of the militants and the military’ (p. 30).

²⁶ General Staff, Army Headquarters, India, *Operations in Waziristan 1919-1920* (Calcutta: Government Printing House, 1921) p. 59; Andrew Roe, ‘Friends in high places: air power on the North-West Frontier of India’, *Air Power Review* 2 (2008) 3-42; see also his *Waging war in Waziristan: the British struggle in the land of Bin Laden, 1849-1947* (Lawrence: University of Kansas Press, 2008).

²⁷ Priya Satia, ‘Attack of the drones’, *The Nation*, 9 November 2009; Satia, ‘Drones: a history from the British Middle East’, *Humanity* 5 (1) (2014) 1-31.

²⁸ To make these comparisons explicit: although the secrecy surrounding CIA-directed strikes in Pakistan is highly selective it nonetheless conceals a host of crucial protocols, decisions and effects from public scrutiny; the involvement of US ground forces in Pakistan has been minimal; the juridification of later modern war and the incorporation of international humanitarian law into the operational procedures of advanced militaries has become a commonplace (though the protections afforded to civilians remain conditional and controversial); finally, no warning is given of an impending attack: the people of the FATA hear the drones buzzing overhead but never know where or when they will strike.

²⁹ Gilani, 'Spacing', p. 00.

³⁰ Robert Wirsing, 'Pakistan and the war in Afghanistan', *Asian Affairs* 14 (2) (1987) 57-75; A.Z. Hilali, 'The costs and benefits of the Afghan War for Pakistan', *Contemporary South Asia* 11 (3) (2002) 291-310, Table 3; Lally Weymouth, 'Moscow's invisible "war of terror" inside Pakistan', *Washington Post*, 13 March 1988. From 1982 the United States provided the Pakistan Air Force with F-16 fighter-bombers.

³¹ 'PAF conducted 5,500 bombing runs in Fata since 2008', *Express Tribune*, 14 November 2011. More recently the Air Force has upgraded its F-16 fleet and installed advanced avionics.

³² Amnesty International, *The Hands of Cruelty: abuses by armed forces and Taliban in Pakistan's tribal areas* (London, 2012) pp. 37-47. The title comes from a despairing claim made by a lawyer from Peshawar: 'The hands of cruelty extend to the Tribal Areas, but the hands of justice cannot reach that far.'

³³ Amnesty, 'Hands of Cruelty', p. 00.

³⁴ Ordinances are temporary provisions which are issued by an executive order of the President and have the force of law. Rana Sanaullah, Minister for Law, Parliamentary Affairs and Public Prosecution in the Punjab and a close confidant of Prime Minister Nawaz Sharif, told the *Guardian*: 'I think what will be done will be no worse than what has happened in Guantánamo Bay.'

³⁵ Chris Woods, 'Don't call it a comeback', *Foreign Policy*, 19 June 2014. Here too it is difficult to provide a detailed accounting. Until December 2014 the Pakistan Security Brief from the American Enterprise Institute's Critical Threats program summarised reports from the local press, but I suspect that its willingness to trust these sources has been in marked contrast to local reports of casualties from US drone strikes: <http://www.criticalthreats.org/pakistan/pakistan-security-brief>. In a separate initiative, the Bureau of Investigative Journalism tracked 15 air strikes by the Pakistan Air Force between December 2013 and 15 June 2014 that killed 291-540 people (including 16-112 civilians).

³⁶ 'Thousands flee North Waziristan fearing military action', *The Express Tribune*, 26 January 2014.

³⁷ Human Rights Watch, 'Pakistan: Withdraw Repressive Counterterrorism Law', 3 July 2014.

³⁸ Details of the swelling numbers can be found in the regular maps and reports on North Waziristan internal displacements issued by the UN Office for the Co-ordination of Humanitarian Affairs (OCHA); almost 80 per cent of those displaced were women and children. The sequence of reports started on 24 June: see <http://reliefweb.int/report/pakistan/pakistan-north-waziristan-displacements-situation-report-no-1-24-june-2014>.

³⁹ Wajahat S Khan, 'The ghosts and gains of North Waziristan,' www.thenews.com.pk, 18 November 2014.

⁴⁰ It is extremely difficult to estimate casualties, but if an official statement in December 2015 is to be believed then in just eighteen months Pakistan's Armed Forces had killed '3,400 militants' in North Waziristan – roughly the same number of total deaths attributed to US drone strikes in the FATA in twelve years: *The Express Tribune*, 12 December 2015.

⁴¹ Zahid Hussain, 'Battleground North Waziristan', *Dawn*, 19 November 2014.

⁴² Tim Craig, 'Pakistani military says its drone killed three suspected militants', *Washington Post*, 7 September 2015.

⁴³ Cf. International Human Rights and Conflict Resolution Clinic at Stanford Law School and Global Justice Clinic at NYU School of Law, *Living Under Drones: death, injury and trauma to civilians from US drone practices in Pakistan* (September 2012). This dimension is missing from Ian Shaw and Majeed Akhtar who focus on drone strikes in 'The unbearable humanness of drone warfare in FATA, Pakistan', *Antipode* 44 (4) (2012) 1490-1509:

The Pakistani state, following its imperial predecessors, has actively created FATA as an exceptional region: an aberration that exists outside of the state's constitutional laws. This process of judicial abandonment, an old colonial performance, has created a volatile landscape that in turn produces conditions conducive for international intervention. But the necessary twist here is that the intervention is itself exceptional in the form of the Predator drone, an object with a fetishized metaphysical status. Taken together, drone and FCR act in concert to produce the space for war in FATA, Pakistan—a topology of technology and law' (1504).

Note 'the space for war', singular. See also their 'The dronification of state violence', *Critical Asian Studies* 46:2 (2014) 211-34, which similarly excludes the 'non-dronification' of state violence. The inhabitants of the FATA are also living under the violence of the Taliban and other Islamist groups, and the multiple actors responsible for causing civilian harm in the borderlands are documented with skill and sensitivity in a report from the Center for Civilians in Conflict (CIVIC), *Civilian harm and conflict in Northwest Pakistan* (October 2010).

⁴⁴ Amnesty, 'Hands of Cruelty', p. 00.

⁴⁵ Gilani, 'Spacing', p. 00.

⁴⁶ Jeremy Page, 'US missile strike kills six in Pakistan village', *Times*, 19 November 2008. In fact this was the first attack outside the FATA to be made public; there had been an earlier attack at Jani Khel on 3 December 2007, days after Benazir Bhutto's assassination, which injured Sheikh Issa al-Masri (the leader of al-Qaeda affiliate al Jihad fi Waziristan), who had provided a religious justification for her murder. Four months after the strike that sparked the public protests there was a third strike on another compound in the same town on 15 March 2009. But the CIA had learned its lesson, and the next strike outside the FATA was not until 21 November 2013 when drones targeted the operations commander of the Haqqani Network in a madrassa in the Tal area of Hangu district north of Bannu: Alice K. Ross, 'CIA drone strikes outside Pakistan's tribal regions', at <https://www.thebureauinvestigates.com/2013/11/21/cia-drone-strikes-outside-pakistans-tribal-regions>.

⁴⁷ Cable o8ISLAMABAD3677, 24 November 2008: all the diplomatic cables cited were released by Wikileaks and are available at wikileaks.org. The strike had a special significance for the leader of Jamiat Ulema-e-Islam since he represented the Bannu district in the National Assembly, and he roundly condemned the attack; Patterson noted that even the leader of the secular Muttahida Quami Movement (MQM) insisted that ‘the people of Pakistan had not made their peace with drone attacks in the tribal areas, and a shift into mainland Pakistan was even more inflammatory.’ The Prime Minister denounced the strike(s) as ‘intolerable’. The sensitivity of his government was no doubt increased by renewed rumours of its collaboration with the United States. An earlier diplomatic cable had noted that press reports of the US Ambassador being summoned to the Foreign Ministry ran alongside reports that the United States was sharing video feeds from its drones with Pakistan’s military: Cable o8ISLAMABAD3671, 21 November 2008.

⁴⁸ Extended family compounds typically contain a guesthouse (*hujra*). Here is Steve Coll, ‘The unblinking stare: the drone war in Pakistan’, *The New Yorker*, 24 November 2014:

‘If the Taliban “comes to my *hujra* and asks for shelter, you have no choice,” Saleem Safi, a journalist who has travelled extensively in Waziristan, told me. “Now a potential drone target is living in a guest room or a guesthouse on your compound, one wall away from your own house and family.”

“You can’t protect your family from a strike on a *hujra*,” another resident of North Waziristan said. “Your children will play nearby. They will even go inside to play.” The researcher in Islamabad said, “There is always peer pressure, tribal pressure, to be hospitable.” He went on, “If you say no, you look like a coward and you lose face. Anyway, you can’t say no to them. If a drone strike does take place, you are a criminal in the courts of the Taliban,” because you are suspected of espionage and betrayal. “You are also a criminal to the government, because you let the commander sleep in your *hujra*.”

In such a landscape, the binary categories recognized by international law—combatant or noncombatant—can seem inadequate to describe the culpability of those who died. Women, children, and the elderly feel pressure from all sides. A young man of military age holding a gun outside a *hujra* might be a motivated Taliban volunteer, a reluctant conscript, or a victim of violent coercion.’

These are important claims, but that last sentence troubles me with its ghosting of the American catch-all ‘military-aged male’; Coll might have added that the young man could also be an ordinary resident extending hospitality under the code of *Pashtunwali*.

⁴⁹ Tom Ginsburg, ‘An economic interpretation of the *Pashtunwali*’, *University of Chicago Legal Forum* (2011) 89-114.

⁵⁰ Bruce Benson and Zafar Siddiqui, *International Review of Law and Economics* 37 (2014) 108-20: 108, 118.

⁵¹ Gilani, ‘Spacing’ p. 00.

⁵² Manan Ahmed, ‘Waziristan, U.S.’, at chaptimystery.com, 16 April 2014.

⁵³ Mark Mazzetti, 'How a single spy helped turn Pakistan against the United States', *New York Times*, 9 April 2013. Mazzetti describes highly charged discussions between the White House, the State Department and the CIA, a stand-up row between the newly appointed US Ambassador and the CIA station chief in Islamabad, and the eventual involvement of the ISI which had 'little control over the mercurial courts in Lahore.'

⁵⁴ In some accounts these are identified as the Manzarkhel and Maddakhel.

⁵⁵ See the interviews and investigations reported in International Human Rights and Conflict Resolution Clinic at Stanford Law School and Global Justice Clinic at NYU School of Law, *Living Under Drones: death, injury and trauma to civilians from US drone practices in Pakistan* (September 2012) pp. 71-76; Reprieve (London) and Foundation for Fundamental Rights (Islamabad), *The situation in Afghanistan: The use of drone strikes in Pakistan*, Communication to the Office of the Prosecutor, International Criminal Court, 19 February 2014, pp. 52-3; and from the digital reconstruction of the strike by Forensic Architecture and SITU Research described in *Forensis*, pp. 425-33.

⁵⁶ Salman Masood and Pir Zubair Shah, 'Drone attack kills civilians in Pakistan', *New York Times*, 17 March 2011.

⁵⁷ Kathy Gannon, Kimberly Dozier and Sebastian Abbot, 'Timing of US drone strike questioned', Associated Press, 2 August 2011; the same report claimed that the US Ambassador in Islamabad used the embassy's secure line in a desperate attempt to stop the strike, but was rebuffed by then CIA Director Leon Panetta.

⁵⁸ Alex Rodriguez, 'Pakistan denounces U.S. drone strike', *Los Angeles Times*, 18 March 2011; Masood and Shah, 'Drone attack kills civilians'; Tom Wright and Rehmat Mehsud, 'Pakistan slams drone strike', *Wall Street Journal*, 18 March 2011; US-Pakistan relationship increasingly strained', Associated Press, 18 March 2011.

⁵⁹ Ahmed, 'Waziristan', notes that this official is not the only blind observer: in addition, 'we witness how incapable the drone is at performing the very thing it is lauded for: *seeing*.' The predisposition to read hostility into imagery is a characteristic of militarised vision.

⁶⁰ That absence has been modulated by geopolitics. As Eyal Benvenisti shows, 'concurrently with the successful efforts to impose restraints on intra-state asymmetric warfare, we have been witnessing efforts by the same powerful countries that pressed for intra-state conflict regulation to deregulate inter-state asymmetric warfare or what may be called "transnational" warfare': 'The legal battle to define the law on transnational asymmetric warfare', *Duke Journal of International Law* 339 (2009-2010) 339-59: 341.

⁶¹ Eyal Weizman, *The least of all possible evils: humanitarian violence from Arendt to Gaza* (London: Verso, 2012) p. 93; see also Craig Jones, 'Lawfare and the juridification of late modern war', *Progress in human geography* 40 (2016) 221-239.

⁶² Daniel Reisner, quoted in Yotam Feldman and Uri Blau, 'Consent and advise', *Haaretz*, 5 February 2009; Aluf Benn, 'Obama is learning from the IDF', *Haaretz*, 4 November 2009; see also Eyal Weizman, 'Legislative attack', *Theory, culture and society* 27 (6) (2010) 11-32. The distinction between 'armed combat' and 'law enforcement' is foundational; the former is governed by international humanitarian law, the latter by international human rights law – which imposes far more stringent restrictions on the use of lethal force than either Israel or the United States is prepared to accept.

⁶³ See Kenneth Anderson, 'Targeted killing and drone warfare: how we came to debate whether there is a legal geography of war' (2011); Laurie Blank, 'Defining the battlefield in contemporary conflict and counterterrorism: understanding the parameters of the zone of combat', *Georgia Journal of International and Comparative Law* 39 (1) (2010-11) 1-38; Jennifer Daskal, 'The geography of the battlefield: a framework for detention and targeting outside the "hot" conflict zone', *University of Pennsylvania Law Review* 161 (5) (2013) 1165-1234; Michael Lewis, 'Drones and the boundaries of the battlefield', *Texas International Law Journal* 47 (2) (2011-2) 293-314; Noam Lubell and Nathan Derejko, 'A global battlefield? Drones and the geographical scope of armed conflict', *Journal of International Criminal Justice* 11 (1) (2013) 65-88.

⁶⁴ Rod Nordland, 'Germany and Sweden are said to help make Afghan "kill decisions"', *New York Times*, 4 September 2015. In Afghanistan the US military works from a Joint Prioritized Effects List that contained up to 750 names at any one time established in concert with Joint Special Operations Command and the CIA: see Jacob Appelbaum, Matthias Gebauer, Susanne Koelbl, Laura Poitras, Gordon Repinski, Marcel Rosenbach and Holger Starkmy, 'Obama's lists: a dubious history of targeted killing in Afghanistan', at <http://www.spiegel.de/international/world/secret-docs-reveal-dubious-details-of-targeted-killings-in-afghanistan-a-1010358.html>, 28 December 2014; Derek Gregory, 'Untargeted killing' at <https://geographicalimagination.com/2014/12/29/untargeted-killing>, 29 December 2014; Jeremy Scahill, *The assassination complex* (New York: Simon & Schuster, 2016). These assassinations have been executed by air strikes and by ground forces (during 'night raids').

⁶⁵ These conform to *jus ad bello* (the legal basis for military violence) and *jus in bello* (the legal conduct of hostilities) respectively.

⁶⁶ Harold Koh, 'The Obama Administration and International Law', Remarks at the Annual Meeting of the American Society of International Law (25 March 2010), at <http://www.state.gov/s/l/releases/remarks/139119.htm>; Jonathan Landay, 'Leaked U.S. justification for drone killings assailed as rewriting definition of "imminent threat"', *McClatchy Newspapers*, 5 February 2013.

⁶⁷ U.S. Policy Standards and Procedures for the Use of Force in Counterterrorism Operations Outside the United States and Areas of Active Hostilities, May 2013; cf. Jo Becker and Scott Shane, 'Secret "Kill List" proves a test of Obama's principles and will', *New York Times*, 29 May 2012: '... all military-aged males in a strike zone [were counted] as combatants'.

⁶⁸ Adam Entous, 'Obama kept looser rules for drones in Pakistan', *Wall Street Journal*, 26 April 2015. Entous points to the inadvertent killing of two aid workers held hostage by al Qaeda, one American and one Italian, during a drone strike on a compound in North Waziristan on 15 January 2015: 'If the exemption had not been in place for Pakistan, the CIA might have been required to gather more intelligence before that strike.'

⁶⁹ Cf. Ryan Goodman, '10 years of drone strikes in Pakistan – but do you know whether it's an "area of active hostilities"?' at <http://www.justsecurity.org>, 18 June 2014. The 'area of active hostilities' is supposed to be determined by the scope and intensity of the fighting, and by 2015 included Afghanistan, Iraq and Syria. But the State Department's legal adviser subsequently conceded that 'sometimes others have referred to the Afghanistan/Pakistan border region as being part of what we talk about with respect to Afghanistan': Charlie Savage, 'Brian Egan's ASIL speech', at <http://www.charliesavage.com/?p=954>, 2 April 2016.

⁷⁰ Megret, 'The vanishing battlefield'.

⁷¹ Grégoire Chamayou, *A theory of the drone* (New York: The Free Press, 2015) p. 56.

⁷² On policing, see Jan Bachman, Colleen Bell and Caroline Holmqvist (eds), *War, police and assemblages of intervention* (New York: Routledge, 2014) and Mark Neocleous, *War power, police power* (Edinburgh: Edinburgh University Press, 2014). On the individuation of warfare, see Samuel Issacharoff and Richard Pildes, 'Targeted warfare: individuating enemy responsibility', *New York University Law Review* 88 (5) (2013) 1521-1599; idem, 'Drones and the dilemma of modern warfare', New York University Public Law and Legal Theory Working Papers, 404 (2013); Paul Kahn, 'Imagining warfare', *European journal of international law* 24 (1) (2013) 199-216. See also my 'The individuation of warfare?' at <http://geographicalimaginings.com/2013/08/26/the-individuation-of-warfare/> 26 August 2013.

⁷³ One of the ironies of the dispersion of the battlefield is that some leaders of al Qaeda and the Taliban have left the FATA to avoid the drones and taken refuge in Pakistan's major cities. 'Putting these guys on the run forces a lot of good things to happen,' one senior US defense official told Jonathan Landay, but 'the downside is that you get a much more dispersed target set and they go to places where we are not operating': 'Do US drones kill Pakistani extremists or recruit them?' McClatchy Newspapers, 7 April 2009.

⁷⁴ Grégoire Chamayou, *Théorie du drone* (Paris: La fabrique, 2013) p. 84; the English translation renders this phrase as 'temporary lethal microcubes' (p. 56) but the echo of Agamben is important. Similarly, Joseph Pugliese describes drones as 'instantiating mobile "zones of exception": wherever the drones operate, they have the capacity to suspend the rule of law and juridical accountability even as, paradoxically, the US Department of State ... argues that these attacks are conducted under formal laws of war.' Pugliese, 'Prosthetics of law and the anomic violence of drones', *Griffith Law Review* 20 (2011) 931-61: 944; see also his *State violence and the execution of law* (New York: Routledge, 2013)..

⁷⁵ 'Precision' cannot derive from the weapon system alone, since Hellfire missiles are used by (and indeed were designed for) platforms other than Predators and Reapers.

⁷⁶ Anna Leander, 'Technological agency in the co-constitution of legal expertise and the US drone program', *Leiden journal of international law* 26 (2013) 811-31.

⁷⁷ The phrase is from the Pentagon's Quadrennial Defense Review in 2006; see Maria Ryan, 'War in countries we are not at war with': The 'war on terror' on the periphery from Bush to Obama', *International Politics* 48 (2011) 364-389. This is not a uniquely American concern, and one of the strategic dimensions of later modern war is the conduct of offensive operations through (for example) cyber attacks, proxy forces and economic sanctions.

⁷⁸ Munro, 'Mapping the vertical battlespace', 238; see also his 'The entangled sovereignties of air police mapping the boundary of the international and the imperial', *Global Jurist* 15 (2) (2015) 117-138.

⁷⁹ Pir Zubair Shah, Eric Schmitt and Jane Perlez, 'American forces attack militants on Pakistani soil', *New York Times*, 3 September 2006. The most obvious exception was the assassination of Osama bin Laden in Abbotabad (outside the FATA) on 2 May 2011: for a discussion of the legal groundwork, see Charlie Savage, 'Before Osama bin Laden raid, Obama administration's secret legal deliberations', *New York Times*, 28 October 2015. But Jeremy Scahill has repeatedly claimed that Joint Special Operations Command has undertaken many operations inside Pakistan, most of them to provide ground intelligence for subsequent drone strikes: 'The secret US war in Pakistan', *The Nation*, 23 November 2009; see also his *Dirty wars: the world is a battlefield* (New York: Nation Books, 2013).

⁸⁰ Scott Horton, *Lords of Secrecy: the national security elite and America's stealth warfare* (New York: Nation Books, 2015) p. 110; Woods, Sudden Justice, p. xiv.

⁸¹ The alternative is Title 10, under which the US military conducts its regular operations. See Josh Kuyers, 'CIA or DoD: clarifying the legal framework applicable to the drone authority debate', National Security Law Brief at <http://www.nationalsecuritylawbrief.com>, 4 April 2013; for the wider implications, see Robert Chesney, 'Military-intelligence convergence and the law of the Title 10/Title 50 debate', *Journal of national security law and policy* 5 (2011) 539-629. In relation to the claim I advance here, cf. Michael Hastings, 'The rise of the killer drones: how America goes to war in secret', *Rolling Stone*, 16 April 2012: 'The remote-control nature of unmanned missions enables politicians to wage war while claiming we're not at war.'

⁸² 'The position of the government of Pakistan is quite clear. It does not consent to the use of drones by the United States on its territory and it considers this to be a violation of Pakistan's sovereignty and territorial integrity. As a matter of international law the US drone campaign in Pakistan is therefore being conducted without the consent of the elected representatives of the people, or the legitimate government of the state. It involves the use of force on the territory of another state without its consent and is therefore a violation of Pakistan's sovereignty.'

⁸³ Foust, 'Islamabad drone dance'; International Crisis Group also has a smart criticism of Emmerson's visit to Pakistan in its 'Drones: myths and reality in Pakistan', Asia Report 247 (2013) p. 20. For the 'kabuki dance', see Jonathan Landay, 'US secret: CIA collaborated with Pakistan spy agency in drone war', McClatchy News at <http://www.mcclatchydc.com/news/nation-world/world/article24747829.html>, 9 April 2013. Kabuki is an elaborately stylised classical Japanese dance-drama, but since the 1960s the term has been used in the United States to describe an artfully contrived display of conflict whose outcome has in fact been choreographed in advance by the parties involved.

⁸⁴ Steve Coll, 'The unblinking stare', *New Yorker*, 24 September 2014.

⁸⁵ David Rohde and Mohammed Khan, 'Ex-fighter for Taliban dies in strike in Pakistan', *New York Times*, 19 June 2004; Mark Mazzetti, 'A secret deal on drones, sealed in blood', *New York Times*, 6 April 2013.

⁸⁶ Gareth Porter, 'Why Pakistani Military demands a veto on drone strikes', IPS, 16 August 2011.

⁸⁷ Shamsi Airfield had been leased by the United Arab Emirates – 'for game hunting' (sic) – and in October 2001 Musharraf permitted the UAE to assign a sub-lease to the United States, thus enabling Pakistan to deny that US aircraft were operating from its bases. The airfield was developed jointly by the CIA and the US military, whose Predators were serviced by private contractors working for Blackwater (Xe).

⁸⁸ Horton, *Lords of Secrecy*, p. 127.

⁸⁹ Landay, 'US Secret'; the Bureau of Investigative Journalism recorded three strikes in 2005, four in 2006, and six in 2007. It is unclear whether the approvals were for targets (which could involve multiple strikes until they were successful) or specific strikes.

⁹⁰ Cable o8ISLAMABAD293, 19 January 2008. The Khyber Border Coordination Center was operational by mid-March, but the Pakistani public was outraged when General David McKiernan, the commander of coalition forces in Afghanistan, later revealed that ‘we exchange frequencies, we exchange intelligence, we have a Predator feed going down to the BCC at Torkham Gate’: Nathan Hodge, ‘US sharing Predator video with Afghanistan, Pakistan’, *Wired*, 17 November 2008. Early the following year ‘Pakistan [had] agreed to build additional tripartite Border Coordination Centers (BCCs) and this month we will expand real-time tactical/target-focused intelligence sharing through the Torkham BCC’: Cable o9ISLAMABAD365, 19 February 2009. All the diplomatic cables cited in this essay are from the Wikileaks cache released in November 2010 and available at <https://wikileaks.org>.

⁹¹ Cable o8ISLAMABAD609, 11 February 2008. In fact, in September and October 2009 small teams of US Special Forces were deployed to provide intelligence, surveillance and reconnaissance support to the Pakistan Army, which included a ‘live downlink of unmanned aerial vehicle (UAV) full motion video.’

⁹² Cable o8ISLAMABAD1272, 24 March 2008. Subsequently the US also pressed for permission to extend Predator flights beyond the FATA – over Quetta – but this was refused: a decision that clearly reinforced Pakistan’s anger at the strike on a target outside the FATA in November (above, p. 00), and which was ignored or circumvented in the assassination of the leader of the Afghan Taliban in May 2016 (below, p. 00).

⁹³ Eric Schmitt and Thom Shanker, *Counterstrike: the untold story of America’s secret campaign against Al Qaeda* (New York: Times Books/Henry Holt, 2011); this shortened the time between locating a target and firing a missile to 45 minutes or less (p. 102).

⁹⁴ Schmitt and Shanker, *Counterstrike*, pp. 119-20.

⁹⁵ Porter, ‘Pakistani military’; Landay, ‘US Secret’.

⁹⁶ Cable o8ISLAMABAD2802, 23 August 2008. The first (unsuccessful) strike targeting the Pakistan Taliban and Baitalluh Mehsud took place almost six months later, on 14 February 2009.

⁹⁷ Bureau of Investigative Journalism, ‘The Bush Years: Pakistan strikes 2004-2009’, at <https://www.thebureauinvestigates.com/2011/08/10/the-bush-years-2004-2009>; Cable o8ISLAMABAD3586, 13 November 2008; Cable o8ISLAMABAD3594, 15 November 2008.

⁹⁸ Eric Schmitt and Mark Mazzetti, ‘Pakistan gets sensitive US drone imagery, with limits’, *New York Times*, 14 May 2009; Karen De Young, ‘Al-Qaeda seen as shaken in Pakistan’, *Washington Post*, 1 June 2009.

⁹⁹ Julian Barnes, Greg Miller, ‘Pakistan gets a say in drone attacks on militants’, *Los Angeles Times*, 13 May 2009.

¹⁰⁰ Greg Miller and Bob Woodward, ‘Secret memos reveal explicit nature of U.S, Pakistan agreement on drones’, *Washington Post*, 24 October 2013. Their files provided to the newspaper, described as ‘talking points’, documented 65 drone strikes in the FATA from late 2007 to late 2011.

¹⁰¹ Adam Entous, Siobhan Gorman and Julian Barnes, ‘US tightens drone rules’, *Wall Street Journal*, 4 November 2011.

¹⁰² Most reports emphasised Pakistan's intense anger at the violation of its air space and claimed that neither the ISI nor the military were given any prior warning of the mission. But some reports have claimed that Bin Laden was being held in an ISI safe house in Abbottabad and that the ISI collaborated in his assassination: specifically that Pakistan cleared its air space for the Black Hawk helicopters to fly across the border from Afghanistan and that the original plan had been to announce that Bin Laden had been killed by a drone strike 'somewhere in the mountains along the border'. See Seymour Hersh, 'The killing of Osama bin Laden', *London Review of Books* 37 (10) (2015) 3-12; for a review see Jonathan Mahler, 'What do we really know about Osama bin Laden's death', *New York Times Magazine*, 15 October 2015.

¹⁰³ Adam Entous and Siobhan Gorman, 'CIA strikes strain ties with Pakistan further', *Wall Street Journal*, 29 August 2011.

¹⁰⁴ Adam Entous, Siobhan Gordon and Evan Perez, 'US unease over drone strikes', *Wall Street Journal*, 26 September 2012.

¹⁰⁵ Declan Walsh, 'US disavows 2 drone strikes over Pakistan', *New York Times*, 4 March 2013.

¹⁰⁶ Chris Allbritton, 'Pakistan helps U.S. drone campaign', Reuters, 22 January 2012.

¹⁰⁷ Bob Woodward, *Obama's wars* (New York: Simon & Schuster, 2010) p. 26.

¹⁰⁸ Richard Whittle, *Predator: the secret origins of the drone revolution* (New York: Henry Holt, 2014); Interview with Lt. Gen. Michael DeLong, Frontline, 14 February 2006 (transcript) at <http://www.pbs.org/wgbh/pages/frontline/darkside/interviews/delong.html>.

¹⁰⁹ Adam Entous, Siobhan Gorman and Julian Barnes, 'US tightens drone rules', *Wall Street Journal*, 4 November 2011.

¹¹⁰ Noah Shachtman, 'US military joins CIA's drone war in Pakistan', Danger Room, 10 December 2009 at <https://www.wired.com/2009/12/us-military-joins-cias-drone-war-in-pakistan>.

¹¹¹ The role of the USAF in flying the aircraft was first disclosed by Greg Miller and Julie Tate, 'CIA shifts focus to killing targets', *Washington Post*, 1 September 2011, but like Shachtman two years earlier they placed the pilots on 'a U.S. military base in a state that *The Post* has agreed, at the request of agency officials, not to name': presumably Qatar not Nevada. They may have been right, and operations may have subsequently transferred to the continental United States. The role of the 17th Reconnaissance Squadron was revealed by interviewees in Tonje Schei's film *Drone*: Chris Woods, 'CIA's Pakistan drone strikes carried out by regular US air force personnel', *Guardian*, 14 April 2014. The Air Force has recently re-designated a number of its reconnaissance squadrons as 'attack squadrons'.

¹¹² Woods, *Sudden Justice*, p. 17.

¹¹³ The Pentagon's press secretary tweeted: 'Today DoD carried out a precision airstrike targeting Taliban leader Mullah Mansur.' Whether this was a unilateral strike or involved cooperation with Pakistan remains unclear: see Adam Entous and Jessica Donati, 'How the US tracked and killed the leader of the Taliban', *Wall Street Journal*, 25 May 2016. The strike was conducted by two Reapers from the Air Force component of Joint Special Operations Command, and Jeremy Scahill has repeatedly claimed that JSOC was responsible for a program of targeted killing in Pakistan 'parallel' to that directed by the CIA: Jeremy Scahill, 'The secret US war in Pakistan', *The Nation*, 23 November 2009; *Dirty wars: the world is a battlefield* (New York: Nation Books, 2013) pp. 251-3, 406-413. It now seems at least as likely that the CIA and JSOC have been involved in the same program, though for much of the time JSOC's role was confined to surveillance and signals intelligence: see Woods, *Sudden Justice*, pp. 20-21.

¹¹⁴ Michael Hayden, 'To keep America safe, embrace drone warfare', *New York Times*, 19 February 2016. Hayden is also a former USAF general; he served as director of the CIA from 2006 to 2009.

¹¹⁵ REPRIEVE, *You never die twice: multiple kills in the US drone program* (November, 2014) pp. 6-8.

¹¹⁶ Owen Sheers, *I saw a man* (London: Faber, 2015).

¹¹⁷ 'Bugsplat' was originally a technical term derived from a computer simulation of the 'kill-zone' radiating from the point of impact of ordnance: Woods, *Sudden Justice*, p. 150. Cf. Jennifer Robinson, "'Bugsplat': the ugly US drone war in Pakistan", *Al-Jazeera*, 29 November 2011.

¹¹⁸ Vegas Tenold, 'The untold casualties of the drone war', *Rolling Stone*, 18 February 2016; the speaker was Michael Haas, who served with the 15th Reconnaissance/3rd Special Operations Squadrons at Creech between 2006 and 2011. Haas and other sensor operators, including Brandon Bryant, insist that these casual reductions also diminish the humanity of those watching the screens: 'What kind of people say shit like that?'

¹¹⁹ Pugliese, 'Prosthetics of law', 943; the use of biomedical metaphors to treat later modern war as therapeutic has become a commonplace: see Colleen Bell, 'Hybrid warfare and its metaphors', *Humanity* 3 (2012) 225-47; Bell, 'War and the allegory of medical intervention', *International political sociology* 6 (2012) 325-8.

¹²⁰ Cf. the installation of a giant photograph of a child orphaned by a drone strike installed in a field in Khyber Pakhtunkhwa in 2014; the artists intended to target those who do the targeting by reminding them that people are 'Not A Bug Splat': <https://notabugsplat.com>.

¹²¹ Here I follow Stuart Elden, 'Land, terrain, territory', *Progress in human geography* 34 (6) (2010) 799-807, though he makes more of the spaces and less of the bodies – which is why I emphasise the *biopolitical*. But see also his 'Governmentality, calculation, territory', *Environment and Planning D: Society & Space* 25 (2007) 562-80.

¹²² In his classic lecture, 'Kinds of people: moving targets' (British Academy, 2006), Hacking described how 'a new scientific classification may bring into being a new kind of person' – in this case, the target – and how 'a classification may interact with the people classified.' A signature strike based on a 'pattern of life' is surely the deadliest version of this 'interaction'.

¹²³ Grégoire Chamayou, 'Patterns of life: a very short history of schematic bodies', *The Funambulist Papers* 57 (2014) at <http://thefunambulist.net/2014/12/04/the-funambulist-papers-57-schematic-bodies-notes-on-a-patterns-genealogy-by-gregoire-chamayou/>

¹²⁴ See Lisa Parks, 'Drones, vertical mediation, and the targeted class', *Feminist studies* 42 (1) (2016) 227-35; my reference to a *danse macabre* derives from a critique of the skeletal diagrams of time-geography that are involved in condensing activity-based intelligence into patterns of life and the tracks of individual targets.

¹²⁵ Marieke de Goede and Gavin Sullivan, 'The politics of security lists', *Environment and Planning D: Society & Space* 34 (2016) 67-88.

¹²⁶ James Risen and David Johnson, 'Threats and responses: Bush has widened authority of CIA to kill terrorists', *New York Times*, 15 December 2002; Joshua Bobich, 'Who authorized this?!': An assessment of the process for approving U.S. covert action', *William Mitchell Law Review* 33 (3) (2007) 1111-42: 1127-35.

¹²⁷ As I have noted previously, this makes the treatment of the FATA as a spatial supplement to the war in Afghanistan central to US policy. The president approves all nominated strikes outside Afghanistan and Pakistan; most of those in Afghanistan have been conducted under the authority of the Pentagon using the JPEL, while the Director of the CIA has the authority to approve strikes in Pakistan unless there are special, usually political considerations.

¹²⁸ Daniel Klaidman, *Kill or capture: the War on Terror and the soul of the Obama presidency* (New York: Houghton, Mifflin, Harcourt, 2012). 'Capture' in Pakistan has not always been infeasible. One study found that 66 per cent of all detainees at Guantanamo had been captured in Pakistan by its security forces or their partners; a follow-up study of those still incarcerated ten years later found that 60 per cent had been captured in Pakistan. Mark Denbeaux and others, 'Report on Guantanamo detainees: Profile of 517 detainees through analysis of Department of Defense Data', Seton Hall University School of Law (2005); Spencer Ackerman, 'Only three of 116 Guantánamo detainees were captured by US forces', *Guardian*, 25 August 2015. The analysis also raises questions about the accuracy of US intelligence and the evidentiary basis for their detention in the first place: many were subsequently released without charge, a provision clearly not possible when 'killing' is substituted for 'capture'.

¹²⁹ Jo Becker, Scott Shane, 'Secret "Kill List" proves a test of Obama's principles and will', *New York Times*, 28 May 2012; Greg Miller, 'Plan for hunting terrorists signals U.S. intends to keep adding names to kill lists', *Washington Post*, 23 October 2012; Ian Cobain, 'Obama's secret kill list – the disposition matrix', *Guardian*, 14 July 2013.

¹³⁰ Miller, 'Plan'.

¹³¹ Jutta Weber, 'Keep adding: On kill lists, drone warfare and the politics of databases', *Environment and Planning D: Society & Space* 34 (2016) 107-125: 120.

¹³² Weber, 'Keep adding', p. 120; Louise Amoore, *The politics of possibility: risk and security beyond probability* (Duke University Press, 2013) p.2. Amoore explains:

'Though sovereign decisions of many kinds ... may appear as sudden flashes, their apparent immediacy conceals a complex of calculation, consulting, analysis, algorithmic modelling and risk management that is the condition of possibility of contemporary security. Thus, when the philosopher Giorgio Agamben proposes that the state of exception be understood as empty, "kenomatic" or an "anomic space", what is elided is precisely the lively, unpredictable and complex life that thrives within that space.'

¹³³ Ian Shaw and Majed Akhter, 'The dronification of state violence', *Critical Asian Studies* 46 (2014) 211-34.

¹³⁴ I describe this as a ‘quasi-judicial’ because lawyers are involved but those nominated have no knowledge of the process, no legal representation and no possibility of appeal. For a rare example of somebody seeking to contest their nomination, see the case of Malik Jalal, a tribal leader from North Waziristan: Derek Gregory, ‘Death sentences’ at <https://geographicalimagination.com/2016/04/12/death-sentences>; Lizzie Dearden, ‘The man who says he’s on America’s kill list and can’t get off it’, *Independent*, 17 April 2016.

¹³⁵ Claudia Aradau, ‘The signature of security: big data, anticipation, surveillance’, *Radical Philosophy* 191 (2015) 21-28:

‘Big data reasoning combines a veneer of rationality – algorithmic logic and probabilistic calculations – with the irrationality of telling the future from data “signatures”. Everything has a ‘data signature’ and everything can be derived from data in a never-ending loop of adding variables and correspondences. Big data is rendered as an inescapable system not only from which there is no place to hide, but where it is impossible to think the error of knowledge. Error does not undermine the production of knowledge, but is integrated in the production of knowledge.’

¹³⁶ de Goede and Sullivan, ‘Politics of security lists’, 82.

¹³⁷ Derek Gregory, ‘Angry Eyes: air strikes and the geography of militarised vision’ (forthcoming).

¹³⁸ Jeremy Scahill and Glenn Greenwald, ‘The NSA’s secret role in the US assassination program’, *The Intercept*, 9 February 2014. They described their informant as a ‘drone operator’ for Joint Special Operations Command; his experience was primarily of strikes in Yemen and Somalia but his commentary included Pakistan.

¹³⁹ Michael T. Flynn, Rich Juergens and Thomas Cantrell, ‘Employing ISR: SOF [Special Operations Forces] best practices’, *Joint Forces Quarterly* 50 (3) (2008) 56-61: 57; Flynn was Director of Intelligence at CENTCOM.

¹⁴⁰ Peter Scheer, ‘Connecting the dots between drone killings and newly exposed government surveillance’, *Huffington Post*, 8 August 2013.

¹⁴¹ FVEY had its origins in the Atlantic Charter of 1941 and was enshrined in a formal agreement in the early 1950s; there is presumably little need to emphasise the whiteness of their eyes. The work of the United Kingdom’s GCHQ is particularly important in supplementing the NSA because it has an extensive chain of intercept stations in Asia. The NSA also works with Tier II partners which are contracted for specific projects and paid for their services; these have sometimes included third parties in Pakistan like telecommunications providers.

¹⁴² DNR was only extended to downstream intercepts from 2013. My information about the NSA and signals intelligence is primarily derived from the cache of NSA documents released by Edward Snowden: see Glenn Greenwald, *No place to hide: Edward Snowden, the NSA and the US surveillance state* (New York: Random House, 2014). This paragraph also draws on Glenn Greenwald and Ewan MacAskill, ‘Boundless Informant: the NSA’s secret tool to track global surveillance data’, *Guardian*, 11 June 2013; Glenn Greenwald, ‘XKeyscore: NSA tool collects “nearly everything” a user does on the Internet’, *Guardian*, 31 July 2013; Jeremy Scahill and Glenn Greenwald, ‘The NSA’s secret role in the US assassination program’, *The Intercept*, 9 February 2014.

¹⁴³ Scahill and Greenwald, ‘NSA’s secret role’.

¹⁴⁴ Dana Priest, 'NSA growth fueled by need to target terrorists', *Washington Post*, 21 July 2013.

¹⁴⁵ Greg Miller, Julie Tate and Barton Gellman, 'Documents reveal NSA's extensive involvement in targeted killing program', *Washington Post*, 16 October 2013; Entous and Donati, 'How the US tracked'.

¹⁴⁶ Additional Protocol I to the Geneva Conventions (1977) states: 'In case of doubt whether a person is a civilian, that person shall be considered to be a civilian.' But the United States has not ratified the Protocol, and the Pentagon's own *Law of War Manual* explicitly refuses to regard this as a legal obligation: 'Under customary international law, no legal presumption of civilian status exists for persons or objects, nor is there any rule inhibiting commanders or other military personnel from acting based on the information available to him or her in doubtful cases': Christopher Rogers, 'How should international law deal with doubt in the era of drones and big data?', www.justsecurity.org, 22 February 2016; see also Ryan Goodman and Derek Jinks, 'Military targeting based on cellphone location', www.justsecurity.org, 18 February 2014. This consideration also affects how the US counts casualties: Larry Lewis, *Drone strikes in Pakistan: reasons to assess civilian casualties* (CNA Analysis and Solutions, April 2014).

¹⁴⁷ Cora Currier, Glenn Greenwald and Andrew Fishman, 'US government designated prominent Al Jazeera journalist as "member of al Qaeda"', at <https://theintercept.com/2015/05/08/u-s-government-designated-prominent-al-jazeera-journalist-al-qaeda-member-put-watch-list>, 8 May 2015.

¹⁴⁸ Barton Gellman and Ashkan Soltani, 'NSA tracking cellphone locations worldwide, Snowden documents reveal', *Washington Post*, 4 December 2013.

¹⁴⁹ David Cole, "'We kill people based on metadata'", *New York Review of Books*, 10 May 2014.

¹⁵⁰ From the Stimson Center's *Recommendations and Report of the Task Force on US Drone Policy* (June 2014):

'Death can come from the sky at any moment, and the instability and incoherence of existing legal categories means that there is no way for an individual to be certain whether he is considered targetable by the United States. (Would attending a meeting or community gathering also attended by an al-Qaida member make him targetable? Would renting a building or selling a vehicle to a member of an "associated" force render him targetable? What counts as an "associated force?" Would accepting financial or medical aid from a terrorist group make him a target? Would extending hospitality to a relative who is affiliated with a terrorist group lead the United States to consider him a target?).

¹⁵¹ Rob Kitchen and Martin Dodge, *Code/space: software and everyday life* (Cambridge MA: MIT Press, 2011).

¹⁵² Scahill and Greenwald, 'The NSA's secret role'.

¹⁵³ Patrick Biltgen and Stephen Ryan, *Activity-based Intelligence: principles and applications* (Norwood MA: Artech House, 2016) pp. 164-5.

¹⁵⁴ Lance Menthe, Myron Hura and Carl Rhodes, *The effectiveness of Remotely Piloted Aircraft in a permissive hunter-killer scenario* (RAND Project Air Force, 2014) pp. 17-18; ISR Support to Small-Footprint CT Operations – Somalia/Yemen (February 2013) Slide 43; at <https://theintercept.com/document/2015/10/15/small-footprint-operations-2-13>. The most recent iteration (2016) includes four high definition cameras covering five spectral bands. But the field of view provided by the sensors is extremely narrow ('like looking through a soda straw'), which is why in so many cases several drones are involved in a single targeted killing. There have been experiments with Wide-Angle Motion Imagery (WAMI), including the 'Gorgon Stare' and ARGUS, but it is far from clear that these ever advanced beyond the experimental stage and, given their timing, it is highly unlikely that they were involved in the high-water of targeted killing in the FATA.

¹⁵⁵ Nicola Abé, 'Dreams in Infrared: the woes of an American drone operator', *Spiegel Online*, 14 December 2012 at <http://www.spiegel.de/international/world/pain-continues-after-war-for-american-drone-pilot-a-872726.html>. This observation and those that follow refer specifically to remote operations in Afghanistan and Iraq but surely apply to other theatres and other USAF-conducted operations too.

¹⁵⁶ Mark Bowden, 'The killing machines', *The Atlantic*, 14 September 2013.

¹⁵⁷ Cockburn, Kill-chain, p. 00.

¹⁵⁸ Chamayou, *Théorie du drone*, p. 167; Stanley Milgram, *Obedience to authority: an experimental view* (New York: Harper & Row, 1974).

¹⁵⁹ Mark Benjamin, 'Killing "Bubba" from the skies', *Salon*, 15 February 2008 at http://www.salon.com/2008/02/15/air_war; my emphasis.

¹⁶⁰ Harun Farocki, 'Phantom images', *Public* 29 (2004) 12-24; my emphasis.

¹⁶¹ Fast, 5,000 Feet, p. 100.

¹⁶² David Wood, 'Drone strikes: a candid, chilling conversation with top US drone pilot', *Huffington Post*, 15 May 2013 at http://www.huffingtonpost.com/2013/05/15/drone-strikes_n_3280023.html

¹⁶³ Matthew Power, 'Confessions of a drone warrior', *GQ* 22 October 2013.

¹⁶⁴ Nasser Hussain, 'The sound of terror: phenomenology of a drone strike', *Boston Review*, 16 October 2013.

¹⁶⁵ Christiane Wilke, 'The Optics of War: Bombing, performances and fantasies of distinction in international law'; Allen Feldman, 'On the Actuarial Gaze: from 9/11 to Abu Ghraib', *Cultural Studies* 19 (2005) 203-225.

¹⁶⁶ Mark Mazzetti and Eric Schmidt, 'First Evidence of a Blunder in Drone Strike: 2 Extra Bodies', *New York Times*, 23 April 2015; Peter Baker, 'Obama Apologizes After Drone Kills American and Italian Held by Al Qaeda', *New York Times*, 23 April 2015; Adam Entous, Damian Paletta and Felicia Schwarz, 'American, Italian Hostages Killed in CIA Drone Strike in January', *Wall Street Journal*, 23 April 2015. Obama also vowed that compensation ('condolence' payments or *solatia*) would be made to both families – though one year later nothing had been settled – but this provision is also routinely denied to Pakistani victims.

BIBLIOGRAPHY

- Amnesty International, *Will I be next?" US drone strikes in Pakistan* (London: Amnesty International, 2013).
- Abé, Nicola 'Dreams in Infrared: the woes of an American drone operator', *Spiegel Online*, 14 December 2012 at <http://www.spiegel.de/international/world/pain-continues-after-war-for-american-drone-pilot-a-872726.html>.
- Ackerman, Spencer 'Only three of 116 Guantánamo detainees were captured by US forces', *Guardian*, 25 August 2015.
- Agamben, Giorgio *Homo Sacer: sovereign power and bare life* (trans. Daniel Heller-Roazen) (Stanford: Stanford University Press, 1998; first published in Italian in 1995).
- Agamben, Giorgio *State of Exception* (trans. Kevin Attell) (Chicago, IL: University of Chicago Press, 2005; first published in Italian in 2003).
- Agamben, Giorgio *Remnants of Auschwitz: the witness and the archive* (trans. Daniel Heller-Roazen) (New York: Zone Books, 1999; first published in Italian in 1998).
- Allbritton, Chris 'Pakistan helps U.S. drone campaign', Reuters, 22 January 2012.
- Amnesty International, *The Hands of Cruelty: abuses by armed forces and Taliban in Pakistan's tribal areas* (London, 2012) pp. 37-47.
- Amoore, Louise *The politics of possibility: risk and security beyond probability* (Duke University Press, 2013).
- Anderson, Kenneth 'Targeted killing and drone warfare: how we came to debate whether there is a legal geography of war' (2011).
- Andrew Cockburn, *Kill-chain: drones and the rise of the high-tech assassins* (New York: Henry Holt, 2015).
- Appelbaum, Jacob and Matthias Gebauer, Susanne Koelbl, Laura Poitras, Gordon Repinski, Marcel Rosenbach and Holger Starkmy, 'Obama's lists: a dubious history of targeted killing in Afghanistan', at <http://www.spiegel.de/international/world/secret-docs-reveal-dubious-details-of-targeted-killings-in-afghanistan-a-1010358.html>, 28 December 2014.
- Aradau, Claudia 'The signature of security: big data, anticipation, surveillance', *Radical Philosophy* 191 (2015) 21-28.
- Bachman, Jan, Colleen Bell and Caroline Holmqvist (eds), *War, police and assemblages of intervention* (New York: Routledge, 2014).
- Baker, Peter 'Obama Apologizes After Drone Kills American and Italian Held by Al Qaeda', *New York Times*, 23 April 2015.
- Barnes, Julian and Greg Miller, 'Pakistan gets a say in drone attacks on militants', *Los Angeles Times*, 13 May 2009.
- Becker, Jo and Scott Shane, 'Secret "Kill List" proves a test of Obama's principles and will', *New York Times*, 29 May 2012.
- Becker, Jo, Scott Shane, 'Secret "Kill List" proves a test of Obama's principles and will', *New*