

**Drones Do Not Contribute to Counterinsurgency**

*An Analysis of the Strategic Value and Humanitarian  
Impact of US Drone Strikes in Pakistan*

Ahmad Mujtaba Siddiqi



**INSTITUTE OF STRATEGIC STUDIES  
ISLAMABAD**

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Ahmad Mujtaba Siddiqi\*\*

**April 2015**

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\* *Views expressed in the article are those of the author and should not be attributed to the ISSI in any way, The author has used American spellings in this paper.*

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## INTRODUCTION

US drone strikes in Pakistan have been conducted for over a decade in response to the events of September 11, 2001, the overwhelming majority taking place in the agencies of North and South Waziristan in Pakistan's Federally Administered Tribal Areas (FATA). From 2008 their frequency escalated dramatically,<sup>1</sup> polarizing the public debate in Pakistan and internationally. Supporters of drone strikes, including US officials as well as some Pakistanis, argue the strategy is a targeted, precise way of eliminating insurgents who threaten US security and carry out terrorist attacks in Pakistan, with minimum 'collateral damage'. As one study observed:

Proponents hold that drones are a particularly selective form of violence.... [which carry] the promise of both punishing and deterring insurgent groups and minimizing risks to civilians as well as to American military forces...Drones are armed with accurate missiles that can target individual vehicles, houses, and other structures, and even particular rooms in a building. These precision-guided missiles are directed by intelligence collected in real time by the vehicle's sensors. Drones, freed from the constraints of the endurance of an onboard pilot, can loiter for long periods. This allows the operators of the drone to identify their target better before striking. It also allows the operator to ensure that any noncombatants in the target area can be identified in advance, and that a strike can be called off or delayed in order to avoid civilian deaths...Their potential to collect intelligence and to strike targets accurately provides [drones] with many of the advantages that ground forces offer in counterinsurgency operations.<sup>2</sup>

Opponents, however, contend that drone strikes are responsible for many civilian deaths, violate Pakistan's sovereignty and exacerbate conflict in the country. Some argue that drones only represent a modest advancement over existing technologies for projecting force over long ranges – such as precision-guided munitions deployed by manned aircraft – and that such technologies have long been ineffective in countering insurgencies.<sup>3</sup> Others observe the historical parallel in the use of air policing by British colonial authorities in precisely this region, observing that a policy of aerial surveillance and bombing was only sustainable because “heavy censorship and secrecy

prevented even officials from perceiving the extent of the damage it was doing. No one knew how many Iraqis and Afghans were killed; casualty counts that did come in lumped women, children, and ‘insurgents’ together.”<sup>4</sup>

Despite the prominence accorded to the issue in public discourse, there is little agreement on such basic questions as the identity of targets, the extent of civilian casualties and the humanitarian impact of drone strikes.<sup>5</sup> Moreover, there has been little effort to analyze the issue from the perspective of Pakistan’s strategic interests, which requires an understanding of the nature of the insurgency Pakistan is facing to determine how US drone strikes help or hinder the state’s counterinsurgency efforts. These two aspects are closely related: both practitioners and critics of counterinsurgency have long recognized how crucial winning public support is to success in insurgencies.<sup>6</sup> Few actions are more detrimental to that effort than the indiscriminate use of force.<sup>7</sup> Thus, the extent of humanitarian impact of drone strikes is relevant not only for its own sake but for how it affects the strategic picture.

In this paper, I analyze these two aspects together. In Part I, I examine several issues relating to the impact of US drone strikes on noncombatants in Pakistan. Section 1 discusses the troubled distinction between ‘militants’ and ‘civilians.’ Section 2 examines the debate on civilian deaths in detail, showing that most estimates likely undercount these deaths. Section 3 provides an overview of humanitarian impacts beyond civilian deaths. Finally, section 4 discusses why these consequences are occurring despite claims of drone precision.

In Part II of the paper, I examine the strategic dimensions of the issue: how US drone strikes help or hinder the Pakistani state in dealing with the Tehrik-i-Taliban Pakistan (TTP)-led insurgency.<sup>8</sup> Section 5 provides an overview of relevant findings in counter-insurgency and revolutionary theory. Section 6 discusses the historic context in which the insurgency originated. Section 7 analyzes the organization and ideology of the Pakistani Taliban. Finally, section 8 discusses the role of US drone strikes in this overall context, show how there is little evidence that, in eliminating insurgent leaders or disrupting insurgent infrastructure, drones offer any significant



strategic value in defeating the insurgency. On the contrary, US drone strikes bolster the insurgent narrative, increase resentment in affected areas and hamper the Pakistani state's efforts to gain support for a viable counterinsurgency strategy.

## **Part I: IMPACT ON NONCOMBATANTS**

### **1. The Problem of Definition**

Determining the extent of harm to noncombatants requires a common understanding of what a noncombatant is. Unfortunately, states, media organizations and drone tracking organizations use divergent definitions of such terms as ‘militant’ and ‘civilian’ when assessing the victims of drone strikes; often, the terms are not defined at all.

A number of studies have already examined these questions from an international law perspective.<sup>9</sup> Such studies have observed that the term ‘militant’ – widely used in media depictions and justifications for the drone strike program – does not exist in international law, and that simply being a ‘suspected militant’ or ‘member of a militant organization’ is not sufficient to be a legitimate target in international law.<sup>10</sup> What constitutes a legitimate target depends in part on the determination of whether an armed conflict between the US and other actors in Pakistan exists according to objective legal criteria. If so, the relevant framework governing the legality of drone strikes is International Humanitarian Law (IHL). Under IHL, civilians can only be targeted if they take a direct part in hostilities; the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Execution has noted that direct participation traditionally excludes forms of support such as “political advocacy, supplying food or shelter, or economic support or propaganda” for an enemy that can be legitimately targeted.<sup>11</sup> If the criteria for an armed conflict are not met, then International Human Rights Law (IHRL) applies, under which lethal force can only be applied if strictly necessary to protect against an imminent threat to life which cannot otherwise be prevented.<sup>12</sup>

For its part, the US government has not disclosed its legal justifications for drone strikes in general, but a Department of Justice White Paper leaked in 2013 revealed its argument for killing a US citizen outside an active war zone overseas. Such an individual, if a “senior operational leader of Al-Qaeda or an associated force of Al-Qaeda... actively engaged in planning operations to kill Americans” could be targeted if a high-ranking official determined that he posed

“an imminent threat of violent attack against the United States;” if capture is infeasible; and if relevant law of war principles are adhered to.<sup>13</sup> The definitions used in the White Paper, however, allow for highly elastic interpretations of critical terms. Thus, ‘associated force’ is left undefined (beyond ‘co-belligerents’) and the paper does not provide a list of associated forces,<sup>14</sup> while ‘imminent threat’ does not require evidence that “a specific attack...will take place in the immediate future.”<sup>15</sup> In any case, it is clear that since at least 2008 the US is not restricting drone strikes in Pakistan to ‘senior operational leaders’ of these organizations (see section 2.1.2), although this definition was continually used in official statements justifying drone strikes until May 2013.<sup>16</sup> Disclosures of US officials have suggested that the US now defines any military-age male in a drone strike zone as a ‘militant,’ absent subsequent countervailing evidence (see section 2.1.3).

Similarly, it is unclear if Pakistani officials, whose anonymous statements to the press constitute an important source of media reporting on drone strike deaths (section 2.2.2), use any clear or consistent definition of ‘militants’ or ‘civilians’ (see also section 2.2.1).<sup>17</sup> Locals in communities targeted by drones may also have variant understandings of the terms. Mirza Shahzad Akbar, a lawyer who represents victims of drone strikes, argued that when he initially started working on the issue in 2010, there was no concept of ‘civilian’ among Waziris: “People would think I had tea with a *talib*, that’s why they hit me.”<sup>18</sup> Drone strike tracking organizations tend to use organizational affiliation as a basis for categorizing victims as militants or civilians;<sup>19</sup> yet loosely organized Pakistani Taliban groups seldom have a defined ‘membership.’ Instead, such groups fluidly gain and lose followers: individuals may fight or offer support at one point in time in response to a particular situation – for example, local grievances, tribal affiliation or personal connections – and not do so at another point.<sup>20</sup> Media organizations, for their part, generally do not define militants, simply relying on the terms provided by sources.

Some critics have argued that such distinctions are inherently blurry and tend to obscure the often legitimate reasons why people take up arms, or may be sympathetic to those who do. Hamzah Saif argues that in trying to quantify the outcome of drone strikes,

“Statistics crowd out descriptions of the historical realities of FATA that would expose the arbitrary underpinnings of the categories of ‘militant’ and ‘innocent’ that exist divorced from American violence. In truth, the dynamics of violence are inextricably linked to American militarism in the region.”<sup>21</sup> Focusing on the numbers of militants killed, rather than on these dynamics of violence, may cause certain assumptions to go unchallenged, for example, that ‘militants’ are by default legitimate targets of drone strikes and that killing them is the only option available.

Yet, if the existence of a decontextualized category of ‘militants’ is problematic, it is nonetheless evident that there is another category of people who, regardless of context, should not be legitimate targets of drone strikes. Clearly, someone who has never had dealings of any kind with any alleged militant group, offered any kind of support for them, or otherwise engaged in any kind of violent activity, is not a legitimate target for a drone strike.

Beyond this obvious case, commentators and others invested in the drones debate differ on a range of situations. For example, should a driver driving a vehicle hired or commandeered by Taliban be considered a legitimate target? What about the wives and children of Taliban commanders?<sup>22</sup> What about someone who, voluntarily or not, pays ‘taxes,’ to the Taliban or rents out a room in his house to Taliban members?<sup>23</sup> If local Taliban members attend a *jirga* convened to settle a local dispute, can everyone there be targeted?<sup>24</sup> When the Taliban establish effective political control over an area, does anyone having dealings with them become a ‘militant’ or ‘militant supporter?’<sup>25</sup> If someone is sympathetic to the Taliban and vocally expresses that opinion to others, is he propagandizing for militants, and if so can he be targeted? What about someone who lives in close proximity to the Taliban?<sup>26</sup>

It is not my intent here to offer a case by case definition, but merely to observe that the reason many of these cases are treated as potential ‘grey areas’ is because we tend to privilege state violence, even that committed by a foreign state, over violence committed by non-state actors. Thus, in media accounts and discussions of the victims of a TTP bombing, the following analogous cases are

generally identified as civilian or otherwise considered non-legitimate targets: drivers of hired trucks which ferry NATO supplies over the border, wives and children of soldiers and policemen, ordinary taxpayers (whose taxes fund military operations against the TTP), individuals who have dealings with political or military authorities, political party workers or unaffiliated individuals who support drone strikes or military action against the TTP, and people who live in the vicinity of military bases and checkpoints. If the latter cases are not valid targets, then neither should the former be. Yet, people in all of the former cases have in fact been victims of drone strikes, and many would be classified as militants in some of the apparent definitions used in the drones debate.

## **2. Estimates of Civilian Deaths: A Contested Debate**

The preceding concerns about the terms ‘militant’ and ‘civilian’ have not prevented a vigorous public debate over the numbers in each category killed by US drone strikes in Pakistan. Engaged in by the US and Pakistani governments, drone strike aggregators (organizations that keep a running tally of reported casualties), and other organizations and commentators, the estimates presented have differed widely between sources. In this section, I assess the credibility of claims presented by the US and Pakistani governments, as well as by three drone strike aggregators: the Bureau of Investigative Journalism (hence Bureau or BIJ), the New America Foundation (NAF), and Pakistan Body Count (PBC).

### ***2.1 The US Government***

The US government does not keep a publicly available count of the total numbers killed in drone strikes in Pakistan and the proportion of those who were civilians, but officials have repeatedly asserted that the overwhelmingly majority of those killed are militants. In June 2011, President Barack Obama’s then counterterrorism adviser, John Brennan, claimed in a public speech that there had not been “a single collateral death” in the last year, owing to the exceptional precision of drone strikes.<sup>27</sup> According to the *New York Times*, this claim of zero civilian casualties was repeated by unnamed CIA officials in August, who added that in the same period, dating from May 2010, drone

strikes had killed 600 militants.<sup>28</sup> The officials also claimed that since 2001, around 2,000 militants had been killed and only 50 noncombatants.<sup>29</sup> In May 2012, the *New York Times* reported a senior administration official as claiming that civilian deaths during the Obama presidency were in the “single digits.”<sup>30</sup> At the same time, US officials have admitted that only a very small minority of those killed in drone strikes have been so-called high value targets (HVTs). A *Reuters* report in May 2010 stated that CIA officials considered 14 of 500 militants killed since 2008 to have been “top tier militant targets,” while another 25 were considered “mid-to-high-level organizers.”<sup>31</sup>

### *2.1.1 Drone Use in Pakistan Up To December 2007*

The US administration has offered no evidence for these claims other than the statements of usually unnamed officials and, as we shall see, all of the above claims regarding civilian casualties are demonstrably false. However, some details of the government’s history of drone use and the targeting protocols and processes it employs have emerged through these disclosures, which are worth reviewing here.

Following the US military intervention in Afghanistan in 2001, a number of Taliban and Al-Qaeda fighters fled across the border into FATA. From 2002 to 2004, the US monitored the area with Predator drones. The first reported drone strike occurred in June 2004, targeting Pakistani Taliban commander Nek Muhammad, who had two months earlier agreed a peace treaty with the Pakistan government.<sup>32</sup> From then until December 2007, under President George W. Bush, drone strikes were generally only carried out in response to specific intelligence on identified HVTs.<sup>33</sup>

This intelligence was very often wrong, as was vividly illustrated by the repeated targeting of insurgent leaders previously claimed to have been killed, a phenomenon which continued into the Obama years. Thus, as reported by Jane Mayer in the *New Yorker*, it took “sixteen missile strikes, and fourteen months, before the CIA succeeded in killing (TTP leader Baitullah Mehsud.) During this hunt, between two hundred and seven and three hundred and twenty-one other people were killed, depending on which news accounts you rely

upon.”<sup>34</sup> Baitullah Mehsud was reported dead on more than one occasion, as was also reported of his successor, Hakimullah Mehsud, and other insurgent leaders such as Ilyas Kashmiri and Mullah Sangeen.<sup>35</sup>

Yet, while faulty intelligence resulted in a relatively high proportion of civilian casualties in these early years,<sup>36</sup> the practice of only carrying out strikes in response to specific intelligence – faulty or not – on HVTs ensured that drone strikes remained infrequent. BIJ reports a total of 11-14 drone strikes in the three and a half years from June 2004 to December 2007;<sup>37</sup> NAF and PBC both count 10.<sup>38</sup>

### *2.1.2 Expansion of Drone Use From 2008 and ‘Signature Strikes’*

In December 2007, however, following internal review in the Bush administration, the scope of the drone program in Pakistan was greatly expanded. Besides the ‘personality strikes’ which were conducted in response to specific intelligence on identified targets, the CIA began to conduct ‘signature strikes’. These latter strikes were based on ‘patterns of life’ analysis of individuals or groups of people whose identities were rarely known, but who exhibited certain characteristics or ‘signatures’ associated with terrorist activity (see also section 4.1.2).<sup>39</sup> Concomitantly, the criteria for targeting were loosened to allow for strikes on suspected low-level militants, as well as militant infrastructure such as training camps and compounds.<sup>40</sup>

The result was an exponential increase in the number of drone strikes: 40-43 in the last year of the Bush administration, according to BIJ figures.<sup>41</sup> The Obama administration largely embraced or expanded these protocols, although President Obama sought to centralize the decision-making process, reportedly demanding personal authorization of any strike that did not have a “near certainty” of no civilian casualties.<sup>42</sup> A report in the *New York Times*, based on interviews with some three dozen current and former advisers of the president, described the ‘nominations’ process by which “more than 100 members of the government’s sprawling national security apparatus gather, by secure video teleconference, to pore over terrorist suspects’ biographies and recommend to the president who should be the next to die.”<sup>43</sup> These large conferences were run by the Pentagon,

which was in charge of drone strikes in Yemen and Somalia; a “parallel, more cloistered selection process at the CIA focuses largely on Pakistan...The nominations go to the White House, where by his own insistence and guided by Mr. Brennan, Mr. Obama must approve any name.”<sup>44</sup> The report estimated that President Obama personally authorized roughly one-third of the strikes in Pakistan.<sup>45</sup>

### 2.1.3 *Method of Counting Combatants*

This centralization of authority did not result in any reduction in the frequency of drone strikes, which continued to rise to a high of roughly one every three days on average in 2010,<sup>46</sup> compared to one (at most) every three months prior to 2008. Former CIA (and previously NSA) Director, Michael Hayden, argued that that was because avoiding civilian casualties was already “a critical consideration.”<sup>47</sup> But as emerged through the *New York Times* interviews with administration officials, the reason had more to do with how deaths were classified:

Mr. Obama embraced a disputed method for counting civilian casualties that did little to box him in. It, in effect, *counts all military-age males in a strike zone as combatants*, according to several administration officials, *unless there is explicit intelligence posthumously proving them innocent.*<sup>48</sup>

It is unclear whether Obama first put this classification into practice, and if so when it came into effect, or if it had always been employed in the drone strike program in Pakistan.<sup>49</sup>

Such an arbitrarily broad definition of combatants very likely accounts for the extraordinarily low claims of civilian casualties by administration officials.<sup>50</sup> There is little evidence to suggest that the US government has conducted any on ground investigations to posthumously establish the identity of those killed, or that information about civilian deaths that emerges from other sources is incorporated into official evaluations or statements. Indeed, US officials have not acknowledged even those cases where there is overwhelming evidence that women or children have been killed.

Thus, to return to the claims with which I began section 2.1, John Brennan’s claim of no collateral deaths in the year leading up to June



2011, is undermined by numerous strikes in the preceding few months, most notably the March 17, strike on a tribal *jirga* adjudicating a chromite dispute in Datta Khel, which left some 42 people dead. An *Associated Press* report, based on interviews with villagers and officials, stated that four of the dead were Taliban representatives, who had been invited to the discussion to ensure Taliban compliance with the ruling.<sup>51</sup> Almost all sources, including the *AP* report, agree that the rest of the attendees were unconnected to the Taliban; some sources claimed that all of the dead were civilians. Brigadier Abdullah Dogar, the Pakistan army's commander in the area, stated that military authorities had been informed of the intended gathering ten days in advance.<sup>52</sup> The dead included pro-government elders and members of FATA's paramilitary *khaskadar* forces (tribal levies).<sup>53</sup> Unlike in most strikes, almost all the dead could be identified by name and many were well-known to local officials.<sup>54</sup> This strike subsequently became the basis of litigation at the Peshawar High Court, in which multiple survivors and family members of the victims provided testimonies.<sup>55</sup> In its judgment of April 11, 2013, the court ruled in favor of the petitioners, declaring drone strikes illegal and a violation of Pakistan's sovereignty, as well as calling on the government to take measures to end them and to compensate the victims.<sup>56</sup> Despite this body of evidence, US officials have continued to claim that the dead were Al-Qaeda linked militants.<sup>57</sup>

Similarly, the claim that up to August 2011, no more than 50 noncombatants had been killed is undermined by a single strike on a *madrassa* in Bajaur as early as October 2006, in which some 80 civilians, the vast majority of them children, were killed.<sup>58</sup> And while officials were claiming that, as of May 2012, civilian deaths under the Obama administration were in the 'single digits,' NAF, by far the most conservative of the three drone strike aggregators when it comes to classifying drone victims as civilians, had counted at least 135 civilian deaths in that period.<sup>59</sup>

#### *2.1.4 Lack of Transparency and Efforts to Undermine Civilian Death Claims*

The systematic undercounting of civilian deaths in claims by US government officials is representative of a broader pattern of

obfuscation and misdirection on the issue of drone strikes in Pakistan. The strikes were not even officially acknowledged by President Obama until January 2012, when he mentioned them in a Google hangout with supporters.<sup>60</sup> Instead, the government, while withholding basic information about the program, has relied on anonymous leaks and unsubstantiated claims by senior officials to present a narrative of drones as a precise technology that cause almost no collateral damage. Reports by a variety of independent organizations have criticized this lack of transparency.<sup>61</sup> At the same time, officials have actively attempted to discredit individuals and organizations that have brought undocumented civilian casualties to light. Thus, Shahzad Akbar, whose Foundation for Fundamental Rights (FFR) provides legal representation to drone strike victims, was accused by anonymous American officials in the *New York Times* of “working to discredit the drone program at the behest of the...ISI.”<sup>62</sup> No evidence was provided in support of any link between Akbar and the ISI. Subsequently, when Rep. Alan Grayson (D-FL) invited several drone survivors to the United States to narrate their experience to Congress, Akbar, their counsel, was denied a US visa.<sup>63</sup> Similarly, when BIJ released a report on the US practice of targeting rescuers at drone strike sites, an anonymous US official responded: “Let’s be under no illusions—there are a number of elements who would like nothing more than to malign these efforts and help Al-Qaeda succeed.”<sup>64</sup>

Observers have noted how this narrative serves the US administration’s political interests. By obscuring civilian casualties, drone strikes in Pakistan can be turned into a “forgotten war,” one which does not risk inspiring domestic opposition because any human costs can be relegated “to the back pages of the newspapers and...[kept] a maximum distance from television cameras.”<sup>65</sup> This goal is already immeasurably aided by the fact that drones obviate the need for American soldiers or pilots to be sent into harm’s way (see section 4.3). Thus, the government obtains maximum freedom of action to pursue the policies it desires. Polls have frequently been quoted showing that as many as eight in ten Americans support drone strikes against suspected terrorists overseas,<sup>66</sup> but as the *Huffington Post* discovered, the level of support is highly contingent on belief in the administration’s narrative. A poll conducted by *Huffington Post* and *YouGov* in February 2013 found that while 56% of respondents

avored drone strikes against high-level terrorists, only 13% supported targeting anyone suspected of association with a terrorist group.<sup>67</sup> Moreover, only 27% favored using the program if there was a possibility of killing innocent people.<sup>68</sup> For all these reasons then, US government claims cannot be considered a credible indicator of the actual extent of harm to civilians from drone strikes in Pakistan.

## ***2.2 The Pakistan Government***

While the US administration has consistently sought to underplay civilian deaths, the Pakistan government's position has been more mixed, although still skewed towards undercounting. In October and November 2013, in successive statements to the National Assembly, the Pakistan Ministry of Defense and Ministry of Foreign Affairs issued widely conflicting accounts of civilian deaths from drone strikes: the Defense Ministry counted 67 deaths from 2008-2013;<sup>69</sup> the Foreign Ministry stated that more than 400 deaths had occurred. The Defense Ministry subsequently withdrew its statement, stating that it was based on reports which were "wrong and fabricated."<sup>70</sup> The confusion nonetheless highlighted the differing attitudes of civil and military officials towards the question of civilian casualties.

### ***2.2.1 Civil Authorities***

In March 2013, the Foreign Ministry provided United Nations Special Rapporteur, Ben Emmerson, with government records of drone casualties since 2004. These records estimated at least 2,200 dead and 600 seriously injured; the number included at least 400 confirmed civilians, plus another 200 probable noncombatants.<sup>71</sup> Officials noted that due to underreporting and obstacles to investigation, including security concerns, "topographic and institutional obstacles to effective and prompt investigation on the ground" by FATA Secretariat officials, and the "cultural tradition of Pashtun tribes...of burying their dead as soon as possible," these figures were likely to be an underestimate.<sup>72</sup>

At other times, civil authorities have provided higher estimates of civilians killed. According to a report, "based on physical verification," submitted to the Peshawar High Court, political

authorities from the tribal agencies estimated 896 “Pakistani civilians” killed in North Waziristan till December 2012, and 553 “local civilians” killed in South Waziristan till July 2012.<sup>73</sup> The court noted in its judgment that “only 47 foreigner[s]” were killed in these strikes, leaving it unclear whether it considered any non-foreigner to be a civilian by default.<sup>74</sup>

Civil authorities are known to commission investigations subsequent to drone strikes in Pakistan, although it is unclear whether such investigations take place in response to every strike. A report published in 2010 by the Center for Civilians in Conflict (CIVIC) observed that “Neither the US, FATA Secretariat or the Pakistani Federal Government have any standard, public procedures for investigating civilian losses from drone strikes, acknowledging or recognizing losses, or providing help for victims to recover.”<sup>75</sup> Officials are often unable to access active battlefields, while the relatively weak administrative structure of FATA, compared to the rest of Khyber Pakhtunkhwa, also hampers their capacity to gather information. Still, the CIVIC report noted that at least in some cases, this capacity exists.<sup>76</sup> Pakistani authorities have instituted compensation mechanisms for civilian victims of terrorist attacks or military operations in FATA which, while subject to shortcomings, involve a verification process in which “Local law enforcement, health officials, community leaders, and tribal elders consult with officials under the PA to compile lists of casualties. The lists are forwarded to the FATA Secretariat, which then releases funds for distribution...through tribal *jirgas* or elders.”<sup>77</sup>

Further details of Pakistani government accounting emerged in a leaked official document obtained by BIJ, in which information about drone strikes conducted from January 13, 2006 to September 30, 2013 had been compiled. The information, presumably culled from local officials’ reports, provides important details including the time, date and location of strikes, the purported target, and the number of dead and injured.<sup>78</sup> While these details are provided more or less consistently, the report also suffers from a number of errors and omissions which prevent it from being a comprehensive official account of civilian casualties. A number of strikes appear to be missing, including all strikes conducted in 2007.<sup>79</sup> No names are

provided of the dead and injured.<sup>80</sup> While victims are sometimes categorized as ‘civilians,’ ‘militants,’ ‘locals,’ ‘foreigners’ (often by nationality or provincial or regional identity), ‘miscreants,’ women, and children, some 184 of 288 strikes (65%) listed through March 13, 2012 do not provide any such information.<sup>81</sup>

Moreover, after January 23, 2009 – the first drone strike of the Obama administration – the document no longer mentions the term ‘civilian,’ although the other categories are still used.<sup>82</sup> After March 13, 2012, the dead and injured are no longer categorized at all.<sup>83</sup> The disappearance of the term ‘civilian’ does not mean the government concluded that civilian casualties were no longer occurring, because civil authorities are known to have submitted reports confirming civilian deaths during this period.<sup>84</sup> Rather, as the Bureau observed in its coverage of the document, it is possible that the decision was political. The Bureau quotes a local source as saying that: “As a matter of policy, deaths in drone strikes were classified as locals and non-locals, because [the term] civilians was found to be too vague and contradictory.” This helped to “avoid controversy.”<sup>85</sup> At least in some cases, it appears the term ‘local’ is used as a proxy for civilian: for example, in the March 17, 2011 Datta Khel strike, the document notes, “it is feared that all those killed were local tribesmen.”<sup>86</sup>

If Pakistani estimates of at least 400-600 civilian deaths to March 2013 are based on such reports as above, then it is very likely, as Pakistani officials admitted, that these numbers are indeed an underestimate. On the other hand, if the higher number of 1,449 civilians dead in North and South Waziristan (to December and July 2012, respectively) presented to the Peshawar High Court is based on the assumption, as the language of the judgment implies, that locals are by default civilians, then local militants may be mischaracterized, leading to an overestimate of civilian deaths.

### *2.2.2 Military and Intelligence Officials*

While the various estimates provided by Pakistani civil authorities may alternately underestimate or overestimate civilian deaths, military and intelligence officials have played a central role in civilian death tolls being underestimated by the media. Military and intelligence

authorities have been known to gather independent information on drone strikes, or to cooperate with civil investigations, in at least some cases. A high-ranking military officer familiar with the procedure stated that officials are generally reluctant to go to a strike area in the immediate aftermath of an attack, when militants may have sealed off the area and where they are likely to be confronted by an angry crowd.<sup>87</sup> Instead, they rely on local informers to provide reports of the incident.<sup>88</sup> Such procedures take time, and the officer dismissed the notion that the initial statements of military or intelligence officials, which appear in media reports barely a few hours after a strike has taken place, are based on investigation, likening them to an unverified FIR (first incident report).<sup>89</sup>

The extent to which initial statements by generally unnamed military and intelligence officials are accurate is particularly important because they tend to be the initial source for most Pakistani and international news coverage on drone strikes. As many newspapers do not subsequently update or seek alternate sources for their reports, these statements take on a disproportionate role in how drone casualty counts are estimated (see also section 2.3.6). Drone supporters such as Christine Fair of Georgetown University have argued that this dependence results in “exaggerated counts” of the deaths of innocents, as ISI officials manipulate news reports for political reasons in a point-scoring game against the US.<sup>90</sup>

To test Fair’s assertion, I examined NAF data on media reports of drone strikes to see whether military and intelligence sources actually do report exaggerated counts of civilian deaths.<sup>91</sup> Further, I reasoned that if as Fair argues, motives for these sources to report the dead as civilians or militants are politically influenced by Pakistan’s relationship with the US, then they would likely be more committed to report the dead as militants when that relationship is good – given the demonstrated US interest in minimizing civilian deaths (section 2.1). Conversely, we might expect these sources to report civilian deaths more frequently when relations with the US are poor; whether out of frustration with US policies, a desire to embarrass the US or play to nationalist sentiment, or simply owing to reduced willingness to cover-up civilian deaths in the interests of the US government.

Consequently, I selected two periods to study, each of about three months duration, in one of which Pakistan-US relations were especially poor, and in the other of which they were relatively good. The period of better relations is one during which there was considerable talk in both capitals about establishing a new strategic partnership between the two countries. I begin my sample from October 15, 2009 when President Obama signed into law the Kerry-Lugar-Berman Act, which substantially increased economic aid to Pakistan, and extend it for three months through January 14, 2010. US-Pakistan relations had still not deteriorated as of a month later, with the White House hailing Pakistan's cooperation in the capture of Afghan Taliban leader, Mullah Abdul Ghani Baradar, in February 2010.

For the period of poor relations, I begin my sample with February 20, 2011, the first drone strike after Pakistan's arrest of CIA contractor Raymond Davis, and extend it for three months to May 12, 2011, by which point the killing of Osama bin Laden in Abbottabad had plunged relations to a new low. In each period I examined, all accessible media reports on each drone strike from the NAF database and counted the number which cite military, security or intelligence officials reporting deaths of civilians ('Mil/int report civilians'), the number in which these sources report deaths of militants ('Mil/int report militants'), and the number in which these sources simply report that people were killed without classifying them ('Mil/int do not classify'). These figures are in Table 1 below. In the last column of the table, I reference BIJ data, which uses a much broader array of sources not limited to media reports, and show the number of strikes during each period in which the BIJ found credible reports of civilian deaths (and the total number of these deaths).

**Table 1: Statements of Anonymous Military, Intelligence and Security Officials on Victims of Drone Strikes**

<b>Table 1</b>	<b>Number of Strikes</b>	<b>Total Accessible Reports</b>	<b>Number of Reports that Cite mil/int Sources</b>	<b>Mil/int Report Civilians</b>	<b>Mil/int Report Militants<sup>92</sup></b>	<b>Mil/int Do Not Classify</b>	<b>Number of Strikes in Which BJI Counts Civilian Dead</b>
Period One 15/10/09- 14/01/10	18	27	15	1	10	4	8-9 (total 34- 41 civilian deaths)
Period Two 20/02/11- 12/05/11	16	24	22	1	19	2	5-7 (total 35- 84 civilian deaths)

Altogether, out of 37 reports that cite military, intelligence or security officials, in only two reports do these sources make any mention of civilian deaths, as against 29 in which they state that militants or suspected militants were killed? Clearly, the data suggests little to support the hypothesis of military and intelligence sources giving exaggerated accounts of civilian deaths. On the contrary, it is consistent with the claim that these sources minimize civilian deaths in their accounts to the media. While in only one strike in each period is a military source listed as mentioning civilian deaths, BJI finds credible reports of civilian deaths in 8-9 strikes (totaling 34-41 deaths) in period one and 5-7 strikes (totaling 35-84 deaths) in period two. BJI sources for these strikes go beyond official statements to include eyewitness accounts of locals, field investigations by BJI or other researchers, and evidence about victims gathered in legal affidavits. In many cases, BJI is able to identify victims by name, in contrast to the usually terse statements of military and intelligence officials that ‘so many militants were killed.’

Similarly, the data contradicts the hypothesis that Pakistani intelligence officers are more likely to exaggerate accounts of civilian deaths when relations with the US are poor. In period one, these sources reported militant deaths in 10 cases and civilian deaths in only 1 case. In period two, when relations were poor, they reported militant deaths in 19 cases and civilian deaths in 1 case. That single case was



the notorious March 17, 2011 strike on the Datta Khel *jirga*. Remarkably, even though the strike drew public condemnation from Pakistan's Chief of Army Staff (COAS), General Ashfaq Parvez Kiyani, as killing a *jirga* of peaceful civilians, one of the two news reports still cited intelligence officials as stating that only militants were killed.<sup>93</sup> Such cases raise the question of whether there is a default protocol of referencing drone victims as militants in initial statements.

Thus, Fair's assertion that Pakistani military and intelligence officials give exaggerated accounts of the deaths of innocents has no basis in fact. On the contrary, analysis of news coverage shows that military and ISI sources routinely characterize drone victims as 'militants' or 'suspected militants,' even when there is credible evidence of civilian casualties, and even when relations between the US and Pakistan governments are poor. Such statements play an important role in how news reports classify drone victims, leading to underestimates of civilian deaths that feed into the counts accumulated by most tracking organizations (see section 2.3).

There are several reasons for military and intelligence officials to undercount civilian casualties. For one, Pakistani military and intelligence agencies are known to have cooperated with US agencies and approved drone strikes at least in some cases. Former President Pervez Musharraf stated in an interview with *CNN* that while there was no blanket agreement during his time, drone strikes were approved on a case by case basis, "only on very few occasions where the target was absolutely isolated and had no chance of collateral damage."<sup>94</sup> McClatchy's review of internal US intelligence documents covering most strikes in 2006-2008 and 2010-2011 reported close cooperation between intelligence agencies on both sides at times during each period.<sup>95</sup> Minutes compiled by US officials of meetings with the leaders of the succeeding Pakistan People's Party (PPP) government suggest that, at certain times at least, the government tacitly approved of or tolerated drone strikes despite their escalation and despite its public denunciations.<sup>96</sup> And reports indicate that until US personnel were evicted in December 2011, at least some drones were based out of the Pakistan military's Shamsi airbase in Balochistan province.<sup>97</sup>

Second, regardless of whether and when the Pakistan government has favored or opposed drone strikes, it has a strong incentive to limit the fallout from them. From 2004 to 2007, Musharraf’s military-led government frequently attempted to hide the fact of US drone strikes, claiming that they were car bombs, accidental explosions, or even Pakistani military operations.<sup>98</sup> After a strike in Bajaur, one of Musharraf’s aides was reported as saying that the government believed it less damaging to claim it had killed 82 people than to reveal it had let the US carry out strikes on Pakistani soil.<sup>99</sup> Thus, by minimizing civilian casualties, officials likely seek to limit adverse public reaction to the government’s unwillingness or inability to stop US drone strikes. Reports of harassment of individuals involved in bringing civilian casualties to light fit with this trend.<sup>100</sup> Thus, anonymous military, security and intelligence officials have played a central role in the over-reporting of militant deaths and under-reporting of civilian deaths in Pakistani and international media.

### ***2.3 Drone Strike Databases***

Besides the US and Pakistani governments, there are a number of independent tracking organizations which have played a central role in the debate over civilian deaths from drone strikes. Each of these databases keeps a running tally of drone strikes in Pakistan, mainly by aggregating accounts of casualties reported in international and Pakistani news media. I examine three such aggregators here: the New America Foundation, the Bureau of Investigative Journalism and Pakistan Body Count.<sup>101</sup> Table 2 shows the tallies provided by the three aggregators up to October 2, 2014.

**Table 2: Counts of Three Drone Strike Aggregators to October 2, 2014**

<b>Organization</b>	<b>Total Strikes</b>	<b>Total Killed</b>	<b>Militants</b>	<b>Civilians</b>	<b>Unknown</b>	<b>Injured</b>
NAF	379	2,141-3,510	1,684-2,869	258-307	199-334	-
BIJ	392	2,354-3,809	-	416-957	-	1,106-1,661
PBC	357	1,804-3,301	183-567*	1,284-2,530	-	372-1,273

\*. *The sum of PBC’s Al-Qaeda and Taliban categories*

As is evident, the variation in the data is much greater when comparing the number of civilian deaths than it is over such questions as the total number of strikes or total numbers killed. Reasons for these variations include the inherent limitations and uncertainties in the data on which these tallies are based. But the table also illustrates how organization decisions on classification and methodology, even if honestly made, can result in huge differences in numbers when aggregated across hundreds of drone strikes and thousands of deaths. I will discuss first the limitations of the data, before going on to examine the specific methodological biases of each organization.

### *2.3.1 Limitations of News Reports*

All three databases rely heavily on newspaper reports for the numbers and classification of those killed in drone strikes. As in any situation of active conflict, these reports have to contend with competing claims advanced by different sides in the conflict, as well as limitations on access to conflict zones. Furthermore, FATA's status as existing outside normal Pakistani administrative and legal systems (section 6.1) creates some unique obstacles to accessibility. By law, news organizations do not have local offices in FATA.<sup>102</sup> Non-locals face restrictions on entering FATA and few news organizations are able to conduct on site investigations of drone attacks. Locals cannot ordinarily rely on Pakistani courts for redress, limiting opportunities to bring cases to light. Shahzad Akbar recalled how when he began litigation on behalf of drone victims, most colleagues in the legal community were of the opinion that the courts simply did not have the jurisdiction to address cases from FATA.<sup>103</sup> Consequently, most news organizations have to rely disproportionately on military or intelligence authorities for reports on strikes. One organization's bureau chief stated that such reports formed the basis for some 70% of coverage of drone strikes.<sup>104</sup>

In other cases, news organizations rely on local correspondents or 'stringers.' These correspondents regularly face pressures and threats from numerous quarters, including the Taliban, the local administration, and military and intelligence agencies. Such threats can be fatal. Safdar Dawar, former President of the Tribal Union of Journalists, counted 13 FATA journalists killed since the beginning of

the conflict; in most cases, those responsible for the murders remain unknown.<sup>105</sup> FATA-based journalists do manage the pressures in different ways, for example, by being careful to present each side's perspective when reporting. But such measures are not always successful: Mukarram Khan Atif, a journalist working for both Dunya TV and Voice of America's Deewa radio station, was killed by Taliban militants despite his efforts to remain balanced in reporting. A colleague familiar with the case stated that although Atif took care to regularly mention both Taliban and government perspectives in his reports, Deewa station would not by policy report the Taliban version of events.<sup>106</sup> In other cases, the pressures are less extreme. Many of the older generation of FATA journalists work part-time and have other jobs in the Political Agent's office or as government teachers.<sup>107</sup> Reporting that is too critical of their employer could put their jobs at risk. Thus, for a variety of reasons, journalists will in many cases have information that they do not feel they can safely report.<sup>108</sup>

Local correspondents often do not have direct access to drone strike sites. Drone witnesses and survivors similarly face pressures from multiple quarters, and can be reluctant to talk. When local correspondents do provide information, authentication is generally difficult, if not impossible. Where subsequent investigations are possible, they often take time. Some news organizations will update their reports on the basis of new information received; others simply let the original reports stand.<sup>109</sup> As a consequence, news organizations often provide very different and conflicting accounts of drone strikes. Subsequently, each drone strike aggregator faces a number of decisions on which new organizations they consider credible, how to reconcile conflicting reports, and so on. I examine some of these decisions below.

### 2.3.2 *New America Foundation*

The Washington, DC based think tank New America Foundation's *Year of the Drone Project* was until recently the most widely cited database in the US.<sup>110</sup> NAF director Peter Bergen, a CNN security analyst, made headlines in July 2012 with the claim that the civilian death rate from drone strikes was "for the first time...at or close to zero."<sup>111</sup> However, previous studies have noted issues with NAF's

methodology and consistency, the main result of which has been to systematically underestimate civilian deaths and overestimate militant deaths. My own findings largely reinforce this impression.

NAF has not consistently tracked civilian casualties. Until late August 2012, the categories it used were ‘militants,’ ‘militant leaders,’ and ‘others.’<sup>112</sup> ‘Others’ were subsequently split into ‘civilians’ and ‘unknown,’ and data for earlier drone strikes reclassified according to the new categories. The Human Rights Clinic at Columbia Law School, which reviewed the 2011 data of three drone strike aggregators (NAF, BIJ and the Long War Journal), observed that this shift in classification appeared to have resulted in a surprisingly low estimate of civilian deaths in the year, at odds with NAF’s own earlier claims.<sup>113</sup>

NAF relies exclusively on media reports for its drone casualty estimates, drawn from a relatively limited number of English-language international and Pakistani media outlets, which it considers credible.<sup>114</sup> From these sources, NAF typically references only about four articles for each drone strike.<sup>115</sup> This reliance on a small number of articles from a limited field of mostly international media sources is problematic. Given the obstacles to accurate reporting of drone strikes and the frequently conflicting accounts that appear in the media (section 2.3.1), there is a strong probability that other sources will pick up deaths not reported in the articles NAF cites. The Stanford-NYU *Living Under Drones* report uncovered numerous cases where NAF had not picked up on reported civilian death figures, even when they were reported by the same field of media outlets the NAF claims to consult.<sup>116</sup>

Columbia’s *Counting Drone Strike Deaths* report observed that the most significant difference in casualty counts that results from referencing more reports is a much higher upper figure, recommending that “where it is not practically feasible for tracking organizations to collate all relevant reports, their statistics on “reported deaths” are incomplete and should be provided with a qualification.”<sup>117</sup> While incorporating fewer reports could lead to underreporting of both militant and civilian casualty figures, the effect on underreporting civilian deaths is likely to be particularly pronounced, owing to the

widespread media practice of reporting ‘militant’ or ‘suspected militant’ deaths almost by default (section 2.3.6). By contrast, civilian deaths are generally reported only in response to specific information, and hence are less likely to be picked up when only a limited field of reports is consulted. This problem is compounded by NAF’s decision to classify the dead as ‘militants’ or ‘civilians’ only if at least two articles (out of the four or so that NAF cites) classify them accordingly.<sup>118</sup>

NAF’s overreliance on reports featuring anonymous military and intelligence officials further biases its numbers in favor of overestimating militant and underestimating civilian deaths, for the reasons discussed in sections 2.2.2 and 2.1.3. *Living Under Drones* found that for NAF’s claim of no civilian deaths in the first half of 2012, anonymous officials were the sole source of information for 74% of articles, and were cited as a source in 88%.<sup>119</sup> In the strikes I examined in table 1 (section 2.2.2), the corresponding percentages were 65% and 73%.<sup>120</sup> In almost all cases, the anonymous officials did not identify the dead or provide much information beyond the claim that they were ‘militants.’<sup>121</sup>

Despite NAF’s claims, its data do not appear to be regularly and consistently updated. Earlier critiques have noted cases where credible reports of civilian deaths, even when brought to the NAF’s attention by organizations such as BIJ, have taken years to be incorporated in its figures, if at all;<sup>122</sup> a failing that one commentator has criticised as “a fundamental question of honesty.”<sup>123</sup> Presently, the case of TTP Punjab leader, Asmatullah Muawiya, further illustrates this point. Listed as ‘Azmatullah Mawiya,’ he is clearly identified in NAF’s ‘militant leaders’ category as a leader of the TTP Punjab. As of October 9, 2014, he is still denoted as killed in a drone strike on January 15, 2010,<sup>124</sup> even though he has been prominently appearing in newspapers NAF consults: for example, in supporting negotiations with the Pakistan government in August 2013,<sup>125</sup> or most recently in declaring that the Punjabi Taliban would abandon armed struggle inside Pakistan.<sup>126</sup> Such inconsistent updating of data in response to reports that contradict earlier claims compromises the accuracy of NAF’s database. Again, the most significant effect is likely to be an

underreporting of civilian deaths, as these generally take more time to be established.<sup>127</sup>

Other issues include NAF's treatment of the terms 'foreigners' and 'local tribesmen.' As we have observed, Pakistani officials use these terms to refer to militants and civilians, respectively (section 2.2.1), but only inconsistently. While it would be reasonable for NAF to argue that due to this inconsistent usage, these terms should not be used as a basis for classification in either direction, it has chosen to classify 'foreigners' as militants but to treat 'local tribesmen' as a neutral term.<sup>128</sup> Another issue is NAF's decision, in cases where reports do not give a number but state that 'some of the dead were civilians,' to assign 1/3<sup>rd</sup> of the dead to that category – a ratio that may arbitrarily overestimate or underestimate their numbers.<sup>129</sup> Taken together, all these factors suggest NAF's database seriously underestimates civilian deaths and overestimates militant deaths.<sup>130</sup>

### 2.3.3 *Pakistan Body Count*

Pakistan Body Count started as a project of Dr. Zeeshan-ul-hassan Usmani, a PhD graduate in computer science from Florida Institute of Technology, currently working as CEO of Go-Fig Solutions and as Visiting Scholar at Brown University. The website tracks deaths from drone strikes as well as from suicide bombings by militant groups in Pakistan, providing figures on numbers and categories of those killed in each. Besides the figures provided in table 2, PBC also lists total numbers for deaths of Al-Qaeda (5-45) and Taliban (178-522) militants and foreign civilians (61-356),<sup>131</sup> as well as the percentage of strikes in which women have been among the victims (9.8%).<sup>132</sup>

Unlike NAF, PBC does not rely only on media reports for its data. Other sources include contacts (from both official and nonofficial backgrounds) on the ground in Waziristan, several investigations conducted by Dr. Usmani in North Waziristan, and interviews with internally displaced persons (IDPs) from Waziristan in Bannu, who were able to provide first-hand information on a number of strikes.<sup>133</sup> For three strikes, hospital records of victims were also used.<sup>134</sup> PBC's media reports are not restricted to the same field of outlets as NAF; the organization also consults media outlets in Urdu and Pashto, including

some Pashto newspapers which are only distributed locally.<sup>135</sup> Dr. Usmani noted that different sources are prioritized according to reliability, in some cases media sources which were found to have been unreliable were dropped from use, and over time, the database has focused more on media outlets with reporters who live in Waziristan.<sup>136</sup> Dr. Usmani was willing to show me his case files on individual strikes, which he said in some cases were up to 80 pages thick, but as he was travelling out of country shortly after I interviewed him, there was no time to arrange a second meeting.<sup>137</sup>

This reliance on a much wider range of sources than NAF, including local sources and first-hand investigations, potentially makes PBC's count more credible. However, there is an issue of transparency. Its strike-by-strike data only cites online media articles, typically averaging fewer citations than NAF; in some cases, no citations are provided.<sup>138</sup> Dr. Usmani argued that other sources prefer to remain anonymous; hence they are not referenced in the data. Yet such sources could still be listed anonymously or as categories (for example, local journalist, contact in Political Agent's office, etc.) without compromising their anonymity in many cases. Similarly, local papers, if they cannot be accessed online, can still be listed as a source for an individual strike's casualty figures. Ideally, such listings should include a range for the numbers provided by these sources. Otherwise, it is very difficult to tell to what extent PBC is actually utilizing its broader range of sources in the numbers that it provides.

Another issue is that Dr. Usmani left PBC in June 2011, turning the website over to Interactive Group, a Pakistani information technology and telecommunications firm,<sup>139</sup> where he previously worked as Chief Research Officer. Although Interactive Group still updates PBC regularly, it may no longer use the same range of sources. Dr. Usmani has continued his work on drone strikes with another database, Pakistan Drone Count (PDC), which draws the majority of its data from PBC but supplements it with other sources. PDC is not publicly available at present; I was able to examine its strike-by-strike data, but not the sources that were used for each strike.

PBC's civilian death tally is by far the highest of the aggregators examined here. The difference may partially be due to PBC's reliance



on local media and other sources, which may be aware of and able to follow up on stories that do not appear on the national radar. Additionally, Dr. Usmani noted that PBC would follow up on those injured by drone strikes, and where those injuries subsequently were a cause of death, would include those cases as drone fatalities.

However, much of the difference is likely to do with classification. Whereas, as I have argued, some of the individuals and organizations involved in the drone numbers debate appear biased towards classifying victims as militants absent definite evidence of civilian deaths, PBC has the opposite bias. All unidentified victims are classified as civilians because, according to Dr. Usmani, of the principle of “innocent until proven guilty.”<sup>140</sup> Given the difficulties involved in identification, this methodological choice undoubtedly results in an overestimate of civilian deaths and an underestimate of militant deaths. Dr. Usmani did not have a readily available breakdown of the total number of victims classified as civilians on the basis of positive reports to that effect, and the number so classified in absence of information to the contrary.<sup>141</sup>

These shortcomings limit the accuracy of the PBC database. It nonetheless serves to highlight the importance of classification, in a situation where most other contributors to the debate make methodological or political choices that tend to err substantially on the side of underestimating civilian deaths.

#### *2.3.4 Bureau of Investigative Journalism*

The Bureau of Investigative Journalism is a London-based non-profit organization which has become increasingly prominent in the drone numbers debate in the last few years. Independent reviews which compare different tracking organizations have tended to rate the Bureau’s efforts highly.<sup>142</sup>

Like PBC, BIJ does not consult only media sources for its numbers. Additional sources include the Bureau’s own field investigations in Waziristan, leaked official documents obtained by the Bureau, photographic evidence from drone strike sites and the legal depositions of drone survivors and family members.<sup>143</sup> Moreover, BIJ

closely follows developments in the drones debate, cross-referencing its own tally with that of other drone strike aggregators and consistently incorporating new information on strikes. BIJ's strike-by-strike data is regularly updated, even for strikes that occurred years ago; for example, BIJ's account of the June 2004 drone strike that killed Taliban commander Nek Muhammad was updated to include information from a *New York Times* report in April 2013.<sup>144</sup> BIJ references a wide range of English-language media sources and cites significantly more reports on average per strike than NAF or PBC.

BIJ's commitment to transparency is exceptional among the tracking organizations I reviewed. For each drone strike, BIJ references all sources, media and non-media, which form the basis of its casualty estimates. Moreover, BIJ provides a narrative account for each strike, in which it discusses the claims of conflicting sources as well as the broader political context in which the strike occurred.

Despite these efforts, BIJ's database is not free from shortcomings. Like NAF, BIJ's media sources are almost exclusively English-language, although BIJ does occasionally take into account Urdu reports which are brought to its attention by local contacts.<sup>145</sup> This failure to regularly incorporate local Urdu and Pashto media sources, which may be more willing and able to follow up on investigating drone strikes than national or international outlets, is a significant limitation on the field of media sources BIJ consults.<sup>146</sup>

While BIJ discusses the deaths of alleged militants in its strike-by-strike narratives, it does not keep count of a 'militants' category, arguing that the term is undefined in international law.<sup>147</sup> Although this is not an unreasonable decision, it leaves unclear what BIJ's overall assessment is of those cases where it does not find credible reports of civilian deaths: how many are alleged 'militants' and how many are simply unknown?<sup>148</sup> The decision has had the unintended effect, in some media reporting, of BIJ's civilian death count being cited in a way as to suggest that the rest of the dead are militants.

In some cases, BIJ makes questionable decisions in how it counts civilian deaths. Thus, in the case of the March 17, 2011 Datta Khel *jirga* strike, BIJ lists 19-41 civilians killed out of a total of 26-42

dead.<sup>149</sup> The number 26 appears based on an *Express Tribune* report which quotes Taliban sources who “confirmed the death of 26 people including 12 Taliban and 14 Maliks.”<sup>150</sup> But the report does not state that only 26 people in total were killed, just that the Taliban confirmed that many deaths; elsewhere, it states that at least 38 people were killed.<sup>151</sup> As has already been discussed in section 2.1.3, almost all other sources, which include field investigations and the testimonies of survivors in the Peshawar High Court judgment, cite around 42 dead, all or almost all of them civilians. In another case, BIJ lists 3-18 civilians killed (out of 13-24 total) in a series of drone strikes on July 6, 2012, in which the later strikes targeted rescuers.<sup>152</sup> The claim that only three civilians were killed is based on a statement in a *Dawn* report claiming “Other sources said most of the dead were militants.” As against this statement, BIJ cites an Amnesty International field investigation which uncovers the names and, in many cases, ages and occupations of 18 civilians killed in the strikes.

BIJ appears to have revised its minimum civilian death figures downwards subsequent to the recommendations of Columbia’s *Counting Drone Strike Deaths* report, which suggested that aggregators provide a range of deaths that corresponds to the lowest minimum and highest maximum figures appearing in the field of reports they review. Such a suggestion makes sense when, as Columbia argues, there is no way of distinguishing the credibility of different reports.<sup>153</sup> However, if there are only brief statements from unnamed sources on the one hand, and a range of evidence including field investigations and positive identification of the dead on the other, then such a distinction can and should be made.<sup>154</sup> Elsewhere, BIJ does make such a distinction – the organization explicitly excludes casualty numbers provided by Pakistan Observer, viewing them as not credible.<sup>155</sup> Hence, its decision to cite the less credible low end civilian death figures in its range for the cases above is problematic, and suggests that BIJ’s minimum estimate of civilian deaths is an undercount. Particularly in light of this issue, BIJ’s decision to reference only its minimum estimates in its strike visualizations and in some of its reporting on drones is problematic.<sup>156</sup>

Altogether, the BIJ database demonstrates a strong commitment to rigor and transparency on the part of the organization. Nonetheless, the

inherent bias towards undercounting civilian deaths in the field of media reports (section 2.3.6), in conjunction with BIJ's caution in classifying deaths as civilian, suggest that its figures – at least at the low end – are very likely an underestimate. Glenn Greenwald has remarked that BIJ's methodology is “conservative – almost to the point of inaccuracy” because of these issues.<sup>157</sup>

### 2.3.5 *Other Efforts: Columbia and FFR*

Two other efforts which shed some light on the extent of civilian deaths by drone strikes are Columbia's *Counting Drone Strike Deaths* report and the data obtained by the Foundation for Fundamental Rights, which provides legal representation to drone survivors and family members of victims. These two efforts are discussed briefly below.

As mentioned before, the Columbia report reviewed the methodology and counts for the year 2011 of three drone strike aggregators: NAF, BIJ and the Long War Journal. In so doing, the authors developed their own dataset for 2011, which is publicly available and reaches similar conclusions on the range of civilian deaths as BIJ.<sup>158</sup> The most interesting aspect of the Columbia report's analysis is its observation that the quality of evidence by which individuals are classified as civilians or militants varies considerably; consequently, any analysis of numbers killed is incomplete without some discussion of the evidence on which these numbers are based. For its own purposes, the report uses three categories of evidence: ‘weak’ (where only one type of source – for example, anonymous officials – provides the classification), ‘medium’ (where there are multiple types of sources), and ‘strong’ (where the dead are identified by name or where an independent investigation corroborates reports).<sup>159</sup> The authors find that in their 2011 data 102 out of 330-575 militants (32% of the minimum count) are strongly identified, while 56 out of 72-155 civilians (78% of the minimum count) are strongly identified.<sup>160</sup>

Although the Foundation for Fundamental Rights does not track drone strikes, the information it has gathered provides important evidence about civilian deaths. FFR represents around 100 survivors or

family members of victims of drone strikes; altogether, the cases relate to some 40-45 strikes and over 200 dead.<sup>161</sup> While drone victims and their family members have an obvious interest in declaring themselves innocent, the evidence that FFR has to collect to pursue litigation is considerable, and constitutes very strong evidence that its clients and their families are civilians.

FFR's investigations include collecting information on the name, age, address, occupation, and contact information of witnesses and victims.<sup>162</sup> Witnesses have to testify to the time and location of strikes, to describe the scene as it occurred, and to attest to the identity of those wounded or killed.<sup>163</sup> I examined a number of the documents compiled to prove the identity of victims and the circumstances of a drone strike in the FFR files. These included, in various cases: national identity cards, family photographs, passports, the school certificates and student IDs of children, details of injuries from hospitals and doctors' reports, photographs of missile parts and blast sites, official investigation reports issued by the Political Agent's office, and the testimonies of witnesses and survivors.<sup>164</sup>

The cases that FFR is able to take on are not representative. Shahzad Akbar noted that choosing a client is a cumbersome process, and there are many cases in which civilians are killed which do not end up as litigation. If FFR finds a client to be too interested in financial compensation, they usually do not take up his case.<sup>165</sup> Dislocation of the population in South Waziristan since the military operation in 2009 has made it difficult to verify cases from that agency.<sup>166</sup> Verifying the identity of women in court is especially difficult as, for cultural reasons, very few women have documents to prove their identity and men are often reluctant to discuss cases involving women.<sup>167</sup> Some male victims also lack identification. Often, victims are simply unwilling to come forward, or tire of making repeated trips to court.<sup>168</sup> Victims are particularly reluctant to pursue litigation in cases in which both militants and civilians have been killed, fearing for their safety.<sup>169</sup> In many cases, FFR's investigators are convinced civilians were killed in a strike, but are simply unable to find enough corroborating evidence.<sup>170</sup> For all these reasons, it is difficult to project from FFR's subset of drone strikes to conclude how many civilians in total have been killed, but those cases that FFR does

take up constitute very strong evidence of the civilian identity of victims.

### 2.3.6 *Likely Direction of Biases*

The issues discussed in the preceding sections, as well as the definitional concerns in section 1, all limit the accuracy of any count of the numbers of civilians and militants killed by US drone strikes in Pakistan. Nonetheless, there are several reasons to conclude that the direction of bias is likely to be towards undercounting civilian deaths and misclassifying civilians as militants than *vice versa*. These reasons are summarized below, and are in addition to the specific methodological biases of each aggregator discussed previously.

First, a number of drone strikes may simply not have been picked up in media reporting, especially those which occurred in the early years of the program or in remote areas. BIJ has identified a number of drone strikes of this kind.<sup>171</sup> Various investigators have highlighted other cases which remain ambiguous.<sup>172</sup> The effect of missing drone strikes would be undercounting of both civilian and militant deaths in the data.

Second, people injured in drone strikes may subsequently succumb to their wounds, sometimes a long time after a strike has occurred. These deaths are usually not included in drone death tallies, except apparently in the case of PBC. Again, the effect would be to undercount both civilian and militant deaths.

Third, Taliban sources do sometimes comment on drone strikes to the media, and would clearly have an incentive to exaggerate civilian deaths in order to increase backlash against the US and the Pakistani government. However, it is unclear whether they are systematically doing so.<sup>173</sup> Accepting the deaths of militants in drone strikes may not be harmful to their cause, helping build their reputation as willing to sacrifice martyrs in fighting against the US.<sup>174</sup> But even if the Taliban have exaggerated civilian deaths on occasion, they are rarely cited in media reports picked up by aggregators, except when a well-known militant is killed.<sup>175</sup> Thus, any effect of such reports in biasing civilian numbers upwards is likely to be small.

Locals are cited as a source more commonly than the Taliban. Although they face various pressures that may inhibit them from speaking openly (section 2.3.1), when they do share information, it does not appear to be systematically biased in either direction. Indeed, most organizations which have conducted investigations into drone strikes have commented that many locals, even those who were themselves victims of drones, were willing to acknowledge when strikes killed militants.<sup>176</sup>

However, the most common source by far cited in media reports are anonymous military and intelligence officials who, as I have established (section 2.2.2), systematically underestimate civilian deaths.<sup>177</sup> As the claims of these officials constitute the initial source for most reports, and as they may well have a default protocol of reporting deaths as militants in initial statements (section 2.2.2), most media reports also tend to mention victims as militants by default.<sup>178</sup> In contrast, civilian deaths are generally only reported in response to specific information or investigation, raising the possibility that there are other cases which simply do not come to the attention of journalists.

Finally, there are often incentives for journalists to seek out stories on the deaths of high profile militants. Such reports usually receive extensive coverage and are more financially rewarding than stories about civilian deaths.<sup>179</sup> These incentives may play a role in the phenomenon of repeated reported deaths of the same militant leader, and may bias journalists' choices in favour of allocating time to following up such stories, instead of following up on possible civilian deaths.

## ***2.4 Conclusion on Numbers***

It should be evident from the preceding discussion that there is no one number that we can provide of how many civilians have been killed in US drone strikes in Pakistan. However, it is equally clear that the claim of drone supporters that such deaths are exceedingly rare is simply untrue. Beyond this observation, is it possible to narrow the wide and conflicting ranges of deaths that have been put forth by

various groups in the drones debate? Such an exercise may be useful, so long as we recognize that the resulting range is indicative, rather than being any absolute measure of deaths.

We can begin by following the Columbia 2012 report and differentiating between the degree of evidence used to establish a classification of ‘civilian’ or ‘militant.’ Thus, there is very strong evidence of at least 200 civilian deaths, the cases compiled by FFR, in which independent investigations have been conducted and the names and some biographical details of the victims are known. Such details have also been unearthed in other investigations by organizations such as Amnesty International, CIVIC and various news organizations; consequently, the number of strongly identified civilians should be considerably higher than 200.

We next reach the minimum estimate of around 400 civilian deaths (as of March 2013) submitted by the Pakistan government to the UN Special Rapporteur and 416 (as of October 2, 2014) counted by BIJ.<sup>180</sup> Although not all of these civilians are still strongly identified, these numbers are almost certainly underestimates, for the reasons discussed in sections 2.2.1, 2.3.4 and 2.3.6. Next, we reach the higher end estimates of around 600 civilian deaths by the Pakistan government, still considered by officials an underestimate, and 957 by BIJ. The latter number includes many cases in which civilians are weakly identified, but may be closer to a realistic estimate of civilian deaths than any of the preceding cases. Finally, there are PBC’s count of 1,284 to 2,530 civilian deaths (to October 2, 2014), and tribal agency officials’ estimate of 1,449 dead (only in South Waziristan, to July 2012, and North Waziristan, to December 2012) submitted to the Peshawar High Court. While civilian deaths could conceivably be higher than the 1,284 minimum estimated by PBC, they are almost certain to be well short of 2,530, given PBC’s practice of classifying any uncertain case as civilian.

Conversely, we might examine the corresponding numbers for militant deaths. In a number of cases, there is very strong evidence that a militant was killed, for example with most of the estimated 2% of drone victims who were prominent leaders, or when Taliban sources are able to identify the dead by name. NAF lists 58 Al Qaeda or



Taliban leaders killed, with names and often additional information, up to November 1, 2013.<sup>181</sup> Although cases have previously occurred where leaders were erroneously listed as dead,<sup>182</sup> this estimate can still be considered as very strong evidence of militant deaths for our purposes. Next, we consider PBC’s estimate of 183-567 militant deaths (to October 2, 2014). While this estimate includes many deaths which are not strongly identified, particularly at the high end, PBC’s high bar for classifying deaths as militants suggests that it would be an underestimate. Finally, NAF’s high end estimate of 2,869 (to October 2, 2014) almost certainly overestimates militant deaths, given the very weak evidence many of these classifications are based on, and NAF’s demonstrated tendency to underestimate civilian deaths (section 2.3.2). The above discussion is summarized in Table 3.

**Table 3: Possible Ranges of Deaths**

	<b>Very Strong Evidence</b>	<b>Underestimate</b>	<b>Overestimate</b>
Civilian deaths	200+	~ 400-600	2,530
Militant deaths	58+	183-567	2,869

In closing, one final effort worth mentioning is BIJ’s Naming the Dead project, which seeks to identify and categorize as many of the dead by name as possible. As of November 5, 2014, BIJ identifies 709 drone victims, of which it classifies exactly 300 as alleged militants and 322 as civilians, including 99 children under the age of 18.<sup>183</sup> 87 others are named, but their classification is unknown.<sup>184</sup> Three observations may be made in this regard. First, the 322 named civilians constitute 77% of BIJ’s minimum civilian count of 416, emphasizing the relatively high bar it sets for that count. Second, it is interesting (but certainly not sufficient for projecting further) how the numbers of civilians and militants settle into a roughly 50-50 ratio (322 and 300) once the same standard of evidence is applied to each category, a result not dissimilar to that in table 3 above. Finally, the 709 named victims constitute fewer than a third of BIJ’s minimum (2,383) and a fifth of its maximum (3,858) count of drone victims to November 5, 2014. When most of the dead cannot even be named, it is a step too far to claim that ‘most’ were militants or ‘most’ were civilians.

### **3. Beyond Civilian Deaths: The Broader Humanitarian Impact of Drone Strikes**

In the excessive focus on the numbers of militants or civilians killed in the public debate, the broader humanitarian impact of drone strikes is neglected. While a thorough assessment of the extent of this impact is yet to be undertaken and is beyond the scope of this paper, I will here highlight the findings of several studies which examine the different dimensions in which drone strikes affect life in targeted communities.

#### ***3.1 Injuries***

I have lost the full use of one of my feet and had a rod inserted because of the injuries I suffered in this strike. As a result, it is extremely painful for me to walk. There are scars on my face to this day because I had to have an operation on my nose when it would not stop bleeding. I also suffer from a hearing problem because the sound when the missile landed was so loud...To receive medical treatment, it cost me Rs. 400,000 – 500,000...I have never been offered compensation of any kind. Before the strike, I earned money by being a driver. However, because of the surgery on my foot and the pain this caused, I can no longer continue driving for a living. My sons now must work to support the family.

*~ Survivor testimony in FFR files<sup>185</sup>*

Drone tracking organizations have expended considerable effort in categorizing the dead, but have paid surprisingly little attention to those injured in strikes. Of the three organizations surveyed here, BIJ estimates 1,106-1,661 injured while PBC estimates 372-1,273 injured in drone strikes up to October 2, 2014 (table 2, section 2.3). PBC's lower numbers may reflect its practice of following up on injuries and subsequently reclassifying them if they prove fatal; however, the organization does not provide information on how many injuries have been so reclassified. NAF does not keep a tally of those injured, and none of the organizations provides a breakdown of civilians versus militants, although BIJ does mention individual cases in its strike-by-strike narratives. This relative neglect of the injured reflects the

excessive focus on numbers killed in the public debate more than anything else. Certainly, information on them should be easier to obtain: they can still speak, and unlike the dead, they continue to live with the consequences of a strike. These consequences can include permanent disablement, unsustainable medical bills, inability to continue work or education, financial hardship, and susceptibility to depression, anxiety, disease and other injury-related trauma.<sup>186</sup> Due to limited medical services in the area, injuries can easily lead to further complications or prove fatal.<sup>187</sup>

### 3.2 Structural Damage

A drone struck my home...I [was at] work at that time, so there was nobody in my home and no one killed...Nothing else was destroyed other than my house. I went back to see the home, but there was nothing to do...I was extremely sad, because normally a house costs around 10 lakh, or 1,000,000 rupees, and I don't even have 5,000 rupees now. I spent my whole life in that house...my father had lived there as well. There is a big difference between having your own home and living on rent or mortgage...[I] belong to a poor family and...I'm just hoping that I somehow recover financially.

~ *Stanford and NYU, Living Under Drones*<sup>188</sup>

Besides harming people, drone strikes damage houses, vehicles and other property. In recent months, BIJ partnered with Forensic Architecture and Situ Research to analyze the extent of structural damage caused by the drones program in Pakistan. Their data, current to May 2014, is represented in the following table:

**Table 4: Damage to Buildings and Vehicles**<sup>189</sup>

No. of strikes	Domestic buildings damaged	Religious buildings (mosques, <i>madrasas</i> )	Other buildings (public buildings, commercial buildings)	Vehicles (cars, pickup trucks, four-wheel drives, motorbikes)
383	241-372	8-29	6-23	116-226

As is evident, domestic buildings (that is, houses) have been the main structural target of drone strikes. In 203 of these cases, the extent

of damage could be assessed; in others, it was unknown or reports were contradictory. Of the known cases, drones caused minimal structural damage in 2 cases, moderate damage in 13 cases and severe damage in 32 cases. In 156 cases the structure was completely destroyed.

### ***3.3 Psychological Costs***

The mental health impacts of drone strikes include trauma to survivors and family members of victims, as well as others who witness the consequences of a drone strike.<sup>190</sup> Additionally, the persistent overhead surveillance that drones are uniquely able to conduct causes psychological problems of its own. Psychiatrists who have treated Waziris from drone-affected communities speak of ‘anticipatory anxiety,’ the constant fear of future trauma: drones are always overhead and people never know when a strike may be imminent.<sup>191</sup> One survivor commented,

We are always thinking that it is either going to attack our homes or whatever we do. It’s going to strike us; it’s going to attack us... No matter what we are doing, that fear is always inculcated in us. Because whether we are driving a car, or we are working on a farm, or we are sitting home playing...cards – no matter what we are doing, we are always thinking the drone will strike us. So we are scared to do anything, no matter what.<sup>192</sup>

According to a villager’s testimony:

[D]rones hover over our heads constantly and one can always hear the buzzing, mosquito-like sound they make. The men, women and children in my village live in constant fear of being struck by one of these drones...They are all my children think about and they cannot concentrate on their studies or play carefree like children should. They often ask me to buy land elsewhere so we can escape the drones and lead a normal life.<sup>193</sup>

People from drone-affected communities interviewed by Stanford and NYU researchers described emotional breakdowns, running inside or hiding when drones appear, fainting, nightmares, hyper startled

reactions to loud noises, outbursts of anger and irritability, loss of appetite and other physical symptoms, and insomnia.<sup>194</sup>

### ***3.4 Financial Hardship***

Medical costs of treating injured family members, loss of income due to the death of a breadwinner, destruction or damage to houses or other property, and absence of any institutionalized mechanisms of compensation have combined to cause severe financial hardship for many affected families.<sup>195</sup> One survivor commented:

[When we got hit], [m]y father's body was scattered in pieces and he died immediately...[Since then], I am disabled. My legs have become so weak and skinny that I am not able to walk anymore...It has also affected my back...I have two younger brothers, who are both unemployed, and I don't have a father and I am disabled. I have been completely ruined...[My brothers] can't go to school, because I can't afford to support them, buying their books, and paying their fees. They are home most of the day and they are very conscious of the fact that drones are hovering over them. [The presence of drones] intimidates them...If the drones had not become routine and my father had not died and I hadn't lost my leg, today I would have completed my MA in Political Science...I can't dream of going back to college.<sup>196</sup>

### ***3.5 Effect on Educational Opportunities***

Many survivors or family members of victims have been unable to continue their education due to physical or financial hardship. In other cases, children have been unable to concentrate on their studies due to the constant presence of drones, or have been withdrawn from schools by their parents, who fear large gatherings could become a target of drone strikes. One family member of a victim testified:

[T]here were sixty or seventy primary schools in and around my village but only a few remain today due to drone strikes. Few children attend schools these days though because they fear for their lives from hovering drones walking to and from their homes. They are also afraid to gather in groups because they believe they will be targeted by a drone strike...I only attended school as a small child because the drone strikes began in my community about eight years

ago. At this time, I stopped going to school because we were all very afraid that we would be killed...I am 21 years old, my time has passed. I cannot learn now to read or write so that I can better my life. But I very much wish my children to grow up without these killer drones hovering above so that they may get the education and life I was denied.<sup>197</sup>

### ***3.6 Effects on Communities***

Loss of educational opportunities is only one way in which drones have affected entire communities in areas where they are prevalent. Fundamental social activities have been targeted: drones have struck *jirgas*, laborers at work, and mourners at funerals.<sup>198</sup> A family member of a victim testified:

The sudden loss of so many elders and leaders in my community has had a tremendous impact not just on my family, but on my entire area...Everyone is now afraid to gather together in large numbers to hold *jirgas* and solve our problems. Even if we want to come together to protest the illegal drone strikes, we fear that meeting to discuss how to peacefully protest will put us at risk of being killed by the ever present drones.<sup>199</sup>

Fear to come together in social gatherings, go to school, travel for work, convene *jirgas* to resolve local disputes, mourn the dead at funerals; all these consequences erode community solidarity and trust and hamper basic social and economic activities of affected communities.<sup>200</sup>

The basic humanitarian instinct to help others in need has also been punished. So-called ‘double-tap’ strikes have targeted rescuers come to help those wounded or killed from an earlier drone strike.<sup>201</sup> Considered “a war crime” by UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Christof Heyns,<sup>202</sup> such strikes have posed a dilemma for neighbors and humanitarian workers, who have started to delay or hold back from rescue attempts. One humanitarian organization was reported as having a “policy to not go immediately [to a reported drone strike] because of follow up strikes. There is a six hour mandatory delay.”<sup>203</sup> One interviewee narrated an experience to Stanford and NYU researchers, in which:

A missile from a drone was fired at a car approximately three hundred meters in front of him, missing the car...but striking the road close enough to cause serious damage.[He] stopped, got out of his own car, and slowly approached the wreckage, debating whether he should help the injured and risk being the victim of a follow-up strike...when he got close enough to see an arm moving inside the wrecked vehicle, someone inside yelled that he should leave immediately because another missile would likely strike. He started to return to his car and a second missile hit the damaged car and killed whomever was still left inside...nearby villagers waited another twenty minutes before removing the bodies.<sup>204</sup>

Drone strikes can also create danger for communities in other ways. Militants have been known to pursue retaliatory attacks against suspected informers in the aftermath of a strike. In one case:

A shop owner was taken from his shop in Mir Ali by a band of Khorasan [Mujahidin] gunmen, who threw him into a car and...took him to a safe house where they locked up him and others suspected of spying for the US drone program. The Khorasan bludgeoned him with sticks for eight weeks, trying to get him to confess that he was a spy...Unable to determine whether he was guilty, the Khorasan released him to another militant group, which set him free 10 days later.<sup>205</sup>

Some of these humanitarian consequences, such as the effects of persistent surveillance, are unique to drones. Others are common to any situation of conflict, and would undoubtedly occur as a result of military operations, airstrikes or militant attacks. This commonality belies the narrative of alleged precision associated with drone strikes. Drones do not cause the large scale displacement associated with Pakistani military operations in Waziristan and Swat, but in many respects they are responsible for as broad a range of consequences as other forms of violence.

#### **4. Precision and the Question of Alternatives**

Supporters consider drones an exceptionally precise form of warfare superior to existing alternatives, owing to their possession of precision-guided missiles, real-time intelligence-gathering capabilities,

and low financial and political costs. Yet the extent of ‘collateral damage’ discussed in sections 2 and 3 raises doubts about this claim. The reason for this gap is that supporters fail to distinguish between the characteristics of a weapons system and how it is used. Viewed purely in technical terms, drones are indeed superior to many existing weapons systems. Actually hitting the right target, however, depends not only on the characteristics of a weapons system, but the quality of intelligence, the level of training of operators, and the types of engagements in which it is employed.

## **4.1 Intelligence**

### *4.1.1 Human Intelligence*

At times when there has been some cooperation between US and Pakistani intelligence agencies, drone operators may have been able to draw on the human intelligence (HUMINT) networks of the latter.<sup>206</sup> When this relationship broke down in 2009, the US set up parallel intelligence networks, relying on private contractors, often retired ISI officials with preexisting networks in FATA. In both cases, there were serious shortcomings in the quality of intelligence provided by informers.

Neither state has a history of direct, on the ground presence in FATA. The relatively recent and alien presence of the Pakistan army, as opposed to that of the insurgents (see section 6), poses problems both for pursuing inquiries unobtrusively and for identifying insurgents. As a Pakistani Frontier Corps major remarked to counterinsurgent expert David Kilcullen:

[W]e Punjabis are the foreigners here on the frontier. Al-Qaeda has been here 25 years, their leaders have married into the tribes, they have children and businesses here, they have become part of local society. *It’s almost impossible for outsiders, including the Pakistan army, to tell the terrorists apart from anybody else in the tribal areas, except by accident.*<sup>207</sup>

Another high-ranking Pakistan army officer, with extensive experience in intelligence-gathering on the frontier, commented that FATA is very difficult terrain for human intelligence: “if you don’t



live there you stick out like a sore thumb.”<sup>208</sup> The British, he continued, used to pay tribal informers; “Who do you want me to pay? They’ll be killed the next day.”<sup>209</sup>

Taliban insurgents are known to be paranoid about anyone asking too many questions,<sup>210</sup> and frequently carry out reprisal killings of suspected informers subsequent to drone strikes (section 3.5). This danger acts as a substantial deterrent, particularly as most informers are motivated by mercenary incentives rather than active commitment to the US or Pakistani states. Clive Stafford Smith, Legal Director of the UK branch of humanitarian organization Reprieve, observed that:

Just as with Guantánamo Bay, the CIA is paying bounties to those who will identify “terrorists”. Five thousand dollars is an enormous sum for a Waziri informant, translating to perhaps £250,000 in London terms. The informant has a calculation to make: is it safer to place a GPS tag on the car of a truly dangerous terrorist, or to call down death on a Nobody...reporting that he is a militant? Too many “militants” are just young men with stubble. At least 174 have been children.<sup>211</sup>

In other cases, informers may provide the names of tribal rivals or others with whom they have personal vendettas. These dynamics have been frequently observed by US forces in Afghanistan, leading to many operations that have targeted the wrong people.<sup>212</sup> The experience of prisoners at Guantanamo Bay offers further reasons for caution.<sup>213</sup> Overwhelmingly captured by human intelligence tip-offs in exchange for financial incentives, these detainees were regularly referred to by US officials as the “worst of the worst.”<sup>214</sup> Yet by now, over 600 of the 779 prisoners have been released without charge. According to a report which analyzed Defense Department data on the detainees, only 8% of those held at Guantanamo were in fact categorized by US officials as Al Qaeda fighters.<sup>215</sup>

#### *4.1.2 Surveillance and Signals Intelligence*

Limitations on human intelligence have led to increasing reliance on electronic surveillance to identify insurgent targets, especially with the introduction of signature strikes that accompanied the escalation of drone use in 2008. As discussed in section 2.1.2, these strikes rely on

the target possessing certain characteristics associated with terrorist activity, rather than on being able to identify the target. The limitations of this approach are best illustrated by the response of US officials to the botched March 17, 2011 strike on the Datta Khel *jirga*. Responding to reports which provided the names and identities of those killed, a US official stated, “There’s no question the Pakistani and U.S. governments have different views on the outcome of this strike. The fact is that *a large group of heavily armed men*, some of whom were clearly connected to Al-Qaeda and all of whom *acted in a manner consistent* with A.Q.-linked militants, were killed.”<sup>216</sup>

The statement says a great deal about the extraordinary faith reposed in technology by US officials, as well as the fallacies inherent in that belief. Even when confronted with the identities of the dead, many of whom were employed by the Pakistan government or were prominent pro-government elders in the community (section 2.1.3), US officials – who were unaware of the identities of most of those they were killing – still felt able to reiterate their position out of conviction that the dead ‘acted in a manner consistent with militants.’

The statement’s reference to ‘a group of heavily armed men’ further raises questions about whether the ‘signatures’ used in such strikes are capable of providing meaningful intelligence. As anyone remotely familiar with FATA could attest, tribesmen very commonly carry weapons, which are considered an indispensable part of a man’s honor, and heavy weapons are prized as status symbols.<sup>217</sup> More generally, insurgents come from the same population, dress the same way, do not wear uniforms and do not live apart in military cantonments.<sup>218</sup>

Ordinary houses in the region are indistinguishable from militant hideouts, and may possess many of the same characteristics that cause the latter to be viewed as suspect in surveillance footage. Counterinsurgent expert, David Kilcullen observes:

Villages are tight clusters of dwellings and compounds, often located in valleys. Every house is a fortress, surrounded by its crenellated stone or mud-brick wall, with rifle loopholes instead of windows, and every approach is covered by observation and fire. Many compounds have a 20-foot-tall watchtower or thick-walled central

keep, and some have a fortified gatehouse. Some clans have traditional ambush sites, passed from father to son like favorite fishing spots in a Western family. The young Winston Churchill, campaigning here in 1897, wrote that “all along the Afghan border every man’s house is his castle. The villages are the fortifications, the fortifications are the villages. Every house is loopholed, and whether it has a tower or not depends only on its owner’s wealth.”<sup>219</sup>

In this environment, the ability of surveillance to discriminate targets based on a set of identifying characteristics is highly limited.

In other cases, drone operators rely on signals intelligence (SIGINT) to identify specific targets. According to a drone operator working with the Joint Special Operation Command’s (JSOC) High Value Targeting task force, metadata analysis and cell-phone tracking technologies are used by the NSA to “geo-locate the SIM card or handset of a suspected terrorist’s mobile phone.”<sup>220</sup> While the JSOC operator observed that the technology had been responsible for many successful operations, he argued that innocent people had also been killed as a consequence of it. Insurgents adapted to the tactic, utilizing multiple SIM cards or randomly redistributing them among units: “They would do things like go to meetings, take all their SIM cards out, put them in a bag, mix them up, and everybody gets a different SIM card when they leave.”<sup>221</sup> Others, unaware they were being targeted, would lend the phone to children or family members.<sup>222</sup> Consequently, even when the NSA correctly located a phone, it would not necessarily know who was using it. The JSOC drone operator reflected:

The system continues to work because, like most things in the military, the people who use it trust it unconditionally...the most common response I would get [to objections about inaccurate intelligence] was ‘JSOC wouldn’t spend millions and millions of dollars, and man hours, to go after someone if they weren’t certain that they were the right person.’ There is a saying at the NSA: ‘SIGINT never lies.’ It may be true that SIGINT never lies, but it’s subject to human error.<sup>223</sup>

## *4.2 Training, Doctrine and Types of Engagements*

Training of operators and deciding the protocols by which they operate are also crucial determinants of civilian deaths. In a study published by the Center for Naval Analyses (CNA), the federally funded research and development center for the US Navy and Marine Corps, Dr. Larry Lewis observed that statements lauding drone precision tend to confuse “platform precision” with the comprehensive process which determines the likelihood of civilian casualties, which includes such factors as pre-deployment training, mission planning, correctly identifying civilian casualties after the fact, and incorporating those lessons into future planning and doctrine.<sup>224</sup>

The types of engagements in which drones are employed also determine the extent of civilian casualties. One study which compared four US air campaigns – Iraq (1991), Yugoslavia (1999), Afghanistan (2001) and Iraq (2003) – found that higher proportions of precision-guided munitions in the mix of bombs deployed were in fact correlated with a *higher* civilian death rate (per tonnage of bombs dropped).<sup>225</sup> The author relates this phenomenon to the decisions determining where and when airstrikes would be used.<sup>226</sup> Paradoxically, a preexisting belief in the precision of strikes may have led to their adoption in a broader range of situations where the risk of harm to civilians was greater. As a review of studies on drone strikes in Pakistan concluded, “Drones, then, are most useful for counterterrorism in precisely those settings where the challenges of counterterrorism are the greatest, and the ability to collect intelligence is the weakest.”<sup>227</sup>

There is evidence that some combination of these problems is occurring with respect to drone strikes in Afghanistan and Pakistan. A classified study published by Dr. Lewis for the Joint and Coalition Operational Analysis (JCOA) division of the US military, observes in its summary that “drone strikes in Afghanistan were seen to have *close to the same number of civilian casualties per incident as manned aircraft*, and were *an order of magnitude more likely to result in civilian casualties per engagement*.”<sup>228</sup> Based on the terminology used in Dr. Lewis’ CNA study,<sup>229</sup> an ‘incident’ here means a situation in which civilians were killed – thus, drone strikes killed on average as

many civilians as manned aircraft in situations where they killed civilians. An ‘engagement’ means any situation in which strikes were used – thus, drone strikes caused civilian casualties *more frequently* than manned aircraft by ‘an order of magnitude’ – *ten times* as often, as emphasized by CIVIC’s press release in response to the study.<sup>230</sup> The JCOA summary observes that drone strikes in Pakistan similarly “fell short of intended goals” in minimizing civilian casualties.<sup>231</sup>

### ***4.3 Alternatives***

The final argument related to precision is that, regardless of their limitations, drone strikes are more precise than the alternatives. In his May 2013 speech at the National Defense University, President Obama argued that:

*The primary alternative to targeted lethal action would be the use of conventional military options...Conventional airpower or missiles are far less precise than drones, and are likely to cause more civilian casualties and more local outrage. And invasions of these territories lead us to be viewed as occupying armies, unleash a torrent of unintended consequences, are difficult to contain, result in large numbers of civilian casualties and ultimately empower those who thrive on violent conflict. So it is false to assert that putting boots on the ground is less likely to result in civilian deaths or less likely to create enemies in the Muslim world. The results would be more U.S. deaths, more Black Hawks down, more confrontations with local populations...*<sup>232</sup>

In a similar vein, several journalists who interview IDPs from FATA have stated that a minority of their interviewees supported drone strikes.<sup>233</sup> This support, however, is very contextually bound. As one supposedly pro-drone Waziri remarked, “Before this Operation Zarb-e Azb, people...would give two options and ask: are operations better or drones?... I said operations are completely wrong, as they are not serious. They cause a great deal of civilian loss and property damage...*Neither one should be happening, but if there are two options, drones are better as they are targeted.*”<sup>234</sup>

Yet such comparisons are false, because, as is implied by the preceding discussion (section 4.2), those alternatives would not

necessarily be used in the situations in which drone strikes are employed. US airstrikes or deployments of combat troops incur significantly higher political and financial commitments than drone strikes, generally prohibitively high outside a declared war zone. It is precisely the absence of these costs that drone proponents tout in their support for strikes.<sup>235</sup> The Stimson Center's Task Force on US Drone Policy, which was dominated by former members of the US military and intelligence communities, observed in its report that:

[T]he availability of lethal UAV [Unmanned Aerial Vehicle] technologies *has enabled US policies that likely would not have been adopted in the absence of UAVs.* In particular, UAVs have enabled the United States to engage in the cross-border use of lethal force against targeted individuals in an unprecedented and expanding way...The increasing use of lethal UAVs may create a slippery slope leading to continual or wider wars. The seemingly low-risk and low-cost missions enabled by UAV technologies may encourage the United States to...*[pursue] targets with UAVs that would be deemed not worth pursuing if manned aircraft or special operation forces had to be put at risk...*UAVs also create an escalation risk insofar as they may lower the bar to enter a conflict, without increasing the likelihood of a satisfactory outcome.<sup>236</sup>

While obscuring civilian casualties helps to retain popular support for military action (section 2.1.4), the absence of any risk to US military personnel is arguably even more important in that regard. US government agencies have explicitly recognized how this change is affecting the ease of decisions to use lethal force. Thus, one NSA document obtained by Edward Snowden observed:

[By 2009,] for the first time in the history of the U.S. Air Force, more pilots were trained to fly drones ... than conventional fighter aircraft...[leading to a] '*tipping point*' in U.S. military combat behavior *in resorting to air strikes in areas of undeclared wars...*Did you ever think you would see the day when the US would be conducting combat operations in *a country equipped with nuclear weapons* without a boot on the ground or a pilot in the air?<sup>237</sup>

Similarly, Pakistan army troops, in order to launch a military operation, have to build up public support and risk facing backlash in

case of failure, a factor which contributed to delaying the present operation in North Waziristan by years. Such limitations serve to restrain alternative uses of force; ideally, to increase the odds of force being deployed only when strategically necessary.<sup>238</sup> Thus, the 'primary alternative' to drone strikes may simply be no drone strikes. Or it may, potentially, be a more considered, holistic policy with a greater emphasis on nonviolent forms of engagement.

## **Part II: US DRONES AND PAKISTAN'S COUNTERINSURGENCY STRATEGY**

### **5. Theoretical Perspectives on Counterinsurgency and Revolutionary War**

I discussed in Part I of this paper how US drone strikes in Pakistan have had a considerably broader and more damaging humanitarian impact than is usually allowed for by their proponents, and explained some of the reasons for their lack of precision. Yet, as they do kill militants and some militant leaders, are they nonetheless effective? Do they possess value for the Pakistani state's strategy against the Taliban? Here, it must be emphasized that my focus in this part is on Pakistani, rather than US, strategic considerations, although many of my conclusions are relevant to the latter as well.

To answer the questions above, we may begin with the recognition that the various Pakistani Taliban groups, prominently including the TTP, comprise an insurgency against the Pakistani state.<sup>239</sup> The dynamics of this type of war differ substantially from those of conventional war, and there is a considerable body of literature from the perspectives of counterinsurgency practitioners, revolutionary writers and theorists, and other scholars, that seeks to explain those dynamics. In evaluating the position of US drone strikes in a viable Pakistani counterinsurgency strategy, it is necessary to briefly examine the major findings and debates in this literature.

#### ***5.1 Counterinsurgency Theorists***

Counterinsurgency theory had its first heyday in the 1960s as a response to the unconventional struggles waged by nationalist and communist movements against colonial powers or their successors across much of the Third World. During this time, the classics of the genre were penned, such as David Galula's *Counterinsurgency Warfare: Theory and Practice* and Sir Robert Thompson's *Defeating Insurgency: Experiences from Malaya and Vietnam*. More recently, the doctrine has seen a revival, with the post-9/11 involvement of the US in wars in Iraq and Afghanistan.<sup>240</sup> General David Petraeus was instrumental in the US army's formulation of its own



counterinsurgency doctrine in December 2006, which draws heavily from the writings of Galula and Thompson.<sup>241</sup> Colonel David Kilcullen, an Australian adviser to Petraeus, has also written extensively on the subject.<sup>242</sup>

The most fundamental argument of this literature is that unlike in conventional warfare, the main objective for both sides in insurgencies is not to capture a battlefield or defeat the enemy's military, but to win the support of the population. Counterinsurgency theorists argue that in most situations of insurgency, there is a minority actively supporting the government, a minority actively supporting the insurgents, and a large uncommitted majority: "Success [for counterinsurgents] requires the government to be accepted as legitimate by most of that uncommitted middle, which also includes passive supporters of both sides."<sup>243</sup> Conversely, in order to delegitimize the government and establish their own claim to power, revolutionaries or insurgents must possess a popular cause, which forms a core part of their ideology.<sup>244</sup> While counterinsurgents argue that the cause is essential for insurgents to win popular support, there is considerable inconsistency in the literature on whether support for insurgents is genuinely popular or due to coercion.<sup>245</sup>

Popular support becomes the focus of both sides because of the asymmetrical nature of the conflict. Because of the wide disparity in military strength favoring the government, especially in the early stages, insurgent forces cannot afford to engage government troops in conventional battles. But by successfully hiding among the population, they can acquire intelligence and employ guerrilla tactics, sabotage or terrorist attacks to weaken the government's authority. The field manual, echoing Galula almost verbatim, argues: "Insurgents succeed by sowing chaos and disorder anywhere; the government fails unless it maintains a degree of order everywhere."<sup>246</sup> Insurgent propaganda uses these failures to delegitimize the government further. If the insurgent succeeds in dissociating the population from the government and getting its active support, he will win because "in the final analysis, the exercise of political power depends on the tacit or explicit agreement of the population or, at worst, on its submissiveness."<sup>247</sup>

Counterinsurgency theorists provide practitioners with a number of solutions for dealing with these challenges, but perhaps the most prominent one is encapsulated in the phrase ‘clear, hold, build.’ First, a selected area has to be cleared of most insurgent forces through a major military operation that sweeps the area from end to end. Then, a dedicated military and police presence carrying out saturation patrols prevents insurgents from infiltrating into the area again. Finally, development projects are initiated to actively engage the local population (through employment and development benefits) on the side of the government, and local self-defense militias are created to help maintain security. Local elections may also be held to put in place community leaders favorable to the government. Once the population is thus committed (or complicit) and is providing the government with intelligence on insurgent activities, the final insurgent remnants in the area can be brought over to the government side or eliminated and the focus of counterinsurgent activities can move elsewhere.<sup>248</sup>

Counterinsurgent theorists are careful to stress that while eliminating hardcore insurgents is useful and even necessary, ultimately the success of counterinsurgency depends on activities that will build popular support – and too much emphasis on the former task can hurt that overall aim: “An operation that kills five insurgents is counterproductive if collateral damage leads to the recruitment of fifty more insurgents.”<sup>249</sup>

## ***5.2 Revolutionary and Alternate Perspectives***

Theorists who have studied or participated in revolutionary movements agree with counterinsurgents that the main struggle in such a war is political and that military matters are secondary. The goal of each side is for the population to see their claim to power as legitimate. Legitimacy here is defined by Pakistani intellectual Eqbal Ahmad as:

That crucial and ubiquitous factor in politics which invests power with authority. It comes to states and other institutions of power when their constituents recognize their claim to authority in some principles or sources beyond their mastery of the means of coercion or when citizens actively and meaningfully participate in the process of government.<sup>250</sup>

Establishing support for a particular principle or source, or creating mechanisms that allow for meaningful participation, can be an onerous task. Claims to legitimacy may include appeals to sources such as tribe, religion or other ideological or particular frames of reference that can relate to how society should be governed and ordered.<sup>251</sup>

Revolutionary scholars find laughable the counterinsurgent claim that insurgents have it easier because they have only to destroy, while the government has to build. Rather, the revolutionaries have to demonstrate, not only by rhetoric but by deed, that their vision of a new order is better than that which exists. Key to this aim is the establishment of parallel administrative structures which tangibly demonstrate the revolutionaries' ability to govern on a more just, equitable and participatory basis than the government. Eqbal Ahmad spells out the process in some detail:

[The] central objective is to confirm, perpetuate, and institutionalize the moral isolation of the enemy by providing an alternative to the discredited regime through the creation of "parallel hierarchies." The major task of the movement is not to outfight but to out-administer the government. The main target in this bid is the village, where the majority of the population lives and where the government's presence is often exploitative...The government is systematically eliminated from the countryside by the conversion or killing of village officials, who are then controlled or replaced by the political arm of the movement. The rebels must then build an administrative structure to collect taxes, to provide some education and social welfare, and to maintain a modicum of economic activity.<sup>252</sup>

Notably, he goes on to warn that a revolutionary movement which does not have these structures and concerns towards the population "would degenerate into banditry."<sup>253</sup>

Revolutionary scholars similarly reject the claim inconsistently advanced by counterinsurgents, namely that insurgent support is primarily coerced. They argue that the highly committed, covert support necessary to sustain a protracted revolutionary struggle cannot be obtained at gunpoint. The cause is indeed vital; the most effective ones have both national and social components.<sup>254</sup> Gerard Chaliand

notes in his study of guerrilla warfare that the ‘simplest’ struggle, in the sense of galvanizing popular support on a national level, is against a foreign occupier, particularly – given the anti-colonial context – a Western one.<sup>255</sup> It is far harder to win if the insurgents cannot broaden support beyond a particular ethnic or social group.<sup>256</sup>

Finally, while revolutionary scholars agree with counterinsurgents that there is generally a minority actively committed on either side at the beginning of the struggle, they note that the credibility of these minorities with the general populace may not be the same. If the government’s support comes from landlords and urban elites, groups that are remote from the rural majority and hostile to their interests, while the insurgent cadres are drawn from that majority and advocate its interests, then the insurgents have potentially a much stronger basis from which to expand their support.<sup>257</sup>

Both of these perspectives, of those who have practiced counterinsurgency and those who have studied revolutionary or insurgent movements, will be employed in analyzing the characteristics of the TTP-led insurgency and the state’s response to it.

## **6. The Pakistani Taliban in Context**

Before analyzing the organization and ideology of the Pakistani Taliban, a basic understanding of the context in which they emerged is necessary. It should be noted that neither this section nor section 7 aims at a conclusive analysis of all facets of the insurgency. Rather, the aim is to highlight only as much of this context as is necessary to evaluate the effectiveness of US drone strikes in this situation.

### ***6.1 Historic Role of the State in FATA***

#### ***6.1.1 The Pashtun Tribes***

In the Pashtun regions straddling either side of Pakistan’s northwest frontier with Afghanistan, state authority has historically been weak or absent. While these regions were sometimes incorporated in empires or states – Mughal, Afghan, British – state bureaucracy and governance seldom extended to them.<sup>258</sup> Rather, the

focus of political authority remained the tribe, and tribal norms (such as the code of *pashtunwali*) and institutions (such as the *jirga*, an assembly of male elders sometimes extending to the whole tribe), provided the basis for the legitimate organization of society.<sup>259</sup> Tribal structures have generally been characterized by anthropologists as egalitarian and non-hierarchical, with conduct essential to standing in society and high value placed on such ideal concepts as honor (*nang*), hospitality (*melmastia*) and revenge (*badal*, more literally ‘exchange’).<sup>260</sup> These norms and institutions were at the centre of society, while the state remained on the periphery. Interactions with the state were thus seldom driven by any conviction in its legitimacy, but rather by the dual aim to obtain desirable services, such as subsidies, while limiting the expansion of state influence and authority.<sup>261</sup>

For the Pashtun tribesmen, tribal and Islamic sources of legitimacy were generally seen as complementary, but the tribal structure did not allocate positions of authority for religious figures such as *‘ulama* or sufis. In practice, they tended to fulfill two political functions. First, they would act as mediators, sometimes in disputes within tribes, but more prominently in disputes between different tribes or between tribes and the state. In the latter two cases, their role was particularly valuable, as while internal disputes could be adjudicated by tribal norms, in disputes between tribes or with the state the religious leader was more easily accepted as neutral arbitrator. Second, in times of crisis the *‘ulama*, by appealing to an Islamic universalism that crossed tribal boundaries, played an important role in rallying the tribes to unite against a common threat, especially one posed by a non-Muslim adversary. If such threats were persistent, as with the British presence in the tribal areas, they could result in the rise of charismatic religious leaders to positions of political prominence.<sup>262</sup>

### 6.1.2 *British Administration of FATA*

British expansion into the tribal areas that became FATA occurred in the backdrop of imperial rivalry with Russia in the so-called ‘Great Game.’ After the failure of more expansive military ventures, the British claimed the areas of FATA in the Durand Line border agreement with Afghanistan in 1893, but did not extend administrative

control to these areas. Rather, they adopted the policy of treating the tribes as corporate groups, concluding treaties with tribal elders and *maliks*. The tribes were left to their own laws and customs and were paid regular subsidies; in return they were to refrain from harming British interests.

The Frontier Crimes Regulations (FCR) enshrined the responsibility of a tribe for the actions of its members, allowing for collective sanctions in case of a breach of the peace, unless the tribe turned over or dealt with the individuals responsible. Such sanctions could involve withdrawal of subsidies, levying of fines, arrests of family members of the accused or destruction of tribal property. The highest British authority in a tribal agency was the Political Agent (PA), “half-ambassador and half-governor,” in the words of one commentator,<sup>263</sup> who was chiefly responsible for protection of British outposts, roads and personnel. In addition, the PA would provide allowances and other benefits to individual *maliks* and other tribesmen, building up leaders seen as amenable to British interests. Yet, in part because of the egalitarian tribal structure, such leaders never exercised unquestioned authority, and British troops – including British Indian army regiments garrisoned in the frontier as well as two paramilitary forces, the *khasadar* (tribal levies) and Frontier Corps – were frequently involved in quelling rebellions. Major revolts in the tribal areas occurred in 1897-8, 1919-20 and 1936-39.<sup>264</sup> Minor raids, skirmishes and British punitive expeditions are too numerous to list.<sup>265</sup>

### 6.1.3 *The Pakistani State*

After 1947, this dynamic changed in two important ways. First, perceiving that British attempts to maintain security in the frontier had in fact increased insecurity and fears of British domination among the tribesmen, Pakistan withdrew its regular troops and garrisons from FATA. Second, the fact that the new state was governed by Muslims and had been born as an expression of Muslim self-determination diminished the religious rationale for opposition to state presence. Differences between tribe and state persisted, and some religious opposition figures like the Faqir of Ipi continued to oppose the Pakistani state, but their influence diminished significantly. These changes combined to reduce tensions on the frontier significantly; in

contrast to the British record, the Pakistani state seldom felt the need to commit regular troops in FATA before 9/11.<sup>266</sup>

Besides these changes, Pakistan largely retained the British system of indirect rule in FATA. At the time, this decision was probably necessary and even desirable, for the historical record suggests state attempts to expand control in FATA would likely have been resisted by tribesmen concerned with retaining their traditional autonomy.<sup>267</sup> However, critics have argued that it was also self-serving; for although the Pakistani state limited its authority in FATA, it also absolved itself of responsibility for developing FATA on par with other provinces.<sup>268</sup> And in situations where state authority was exercised, it could often be in an unrepresentative and arbitrary way. Anthropologist-administrator Akbar Ahmed notes that already in the 1970s, there was some discontent among younger tribesmen with the system and the authority it imbued to *maliks* and elders as exclusive intermediaries with the state.<sup>269</sup> The strength of this sentiment, as against that wary of greater state involvement, was and remains a matter of debate.<sup>270</sup>

## ***6.2 Emergence of Taliban Groups***

The emergence of the Taliban as a political phenomenon is related to the Soviet invasion of Afghanistan and the decision of the Pakistani state and its allies to support the indigenous resistance movement against Soviet occupation.<sup>271</sup> As a consequence, there were several changes in the prevailing political dynamic in FATA.

First, while the demarcation of the Durand Line in 1893 had never prevented free movement and the existence of family and occupational ties between Pashtun tribes on either side of the border, mass waves of Afghan refugees fleeing communist and Soviet rule further reinforced these ties. Pakistani Pashtuns in FATA could not help but become involved in the conflict: as hosts of Afghan relatives and other refugees; as smugglers and entrepreneurs; as supporters or, more rarely, critics of the Afghan resistance; and, in some cases, as *mujahidin*. During this period, a smaller number of foreign fighters or sympathizers of the *mujahidin*, often of Arab or Central Asian extraction, also settled and established ties in FATA. The Pakistani

state's support for the *mujahidin* helped provide an enabling environment for these developments.

Second, the flight of many tribal *khans* and much of the old Afghan political elite into exile,<sup>272</sup> as well as the development of the narrative of the war as a religious *jihad* against an atheist occupier,<sup>273</sup> both contributed to increasing the political importance of religious leaders in Afghanistan. In many places, tribal structures retained salience, but the new leaders that emerged were generally younger and more battle-hardened than their predecessors. These changes, particularly marked in Afghanistan, were also reflected across the border among Pakistani Pashtuns who hosted and supported their Afghan cousins.

Third, the mass waves of refugees included many youth who developed close, cross-tribal bonds in exile studying in religious schools in FATA alongside Pakistani Pashtuns. These students (*taliban*) often fought in the *mujahidin* organizations, sometimes forming separate fronts which tried to maintain a high degree of discipline, continue religious studies while fighting, and offer judicial functions in areas they controlled.<sup>274</sup> After the Soviet withdrawal, as Afghanistan descended into chaos amidst a multi-pronged factional struggle among rival *mujahidin* and ethnic factions, these groups coalesced into the Afghan Taliban. Central to their founding narrative was the aim to restore peace to Afghanistan and establish a genuine Islamic order in the country.<sup>275</sup> The Taliban's political rise in Afghanistan was aided by the networks they had formed in exile, including Pakistani students from the same schools.<sup>276</sup> The Pakistani state, seeking to back a faction that could end the civil war in Afghanistan, also provided assistance.<sup>277</sup>

### **6.3 The US Invasion of Afghanistan**

Despite conquering most of the country, the Taliban had little experience of governance or understanding of Afghanistan's diverse cultural and political traditions. Their harsh and restrictive rule lost them considerable support among those who otherwise welcomed their ascent as an alternative to the lawless depredations of former *mujahidin* commanders. When confronted with the US invasion after



Al-Qaeda's terrorist attacks of 9/11, the regime crumbled quickly. Many Taliban and Al-Qaeda leaders and fighters fled across the border into FATA. There, they slowly began to reorganize, using their old networks, relying on the region's tradition as a sanctuary,<sup>278</sup> and gaining sympathy from those receptive to the comparison of struggle against the US-led coalition with that of the *jihad* against Soviet occupation in the past.<sup>279</sup> As the Taliban began to successfully carry out cross-border attacks, the Pakistan government, which had already deployed troops along the border, came under severe US pressure to conduct military operations in the tribal areas.

By doing so, the government broke the compact which had undergirded the limited legitimacy of the Pakistani state in the tribal areas. Since 1947, the Pakistani state had provided few services in FATA but had also limited its interference, allowing the region to remain largely autonomous. Now it was involving itself, not through the extension of its laws and administration, which may still have aroused opposition from segments of society, but through the hard edge of its military power. Curfews, checkpoints, raids and other restrictions became a regular feature of life in areas where the military was deployed, creating considerable resentment among the local population.<sup>280</sup> When the military faced casualties, it often responded with untargeted suppressive fire, resulting in considerable collateral damage and fuelling further opposition.<sup>281</sup>

Second, by supporting a non-Muslim occupying power in Afghanistan and forcing the tribes to hand over those who were trying to fight it, the state appeared less 'Islamic' than at any point since the British withdrawal to those segments of society sympathetic to the notion of *jihad* against US forces in Afghanistan. Speaking on both these developments, counterinsurgent expert David Kilcullen observes:

The implicit agreement that underpinned the FCR system was that if the tribes sat down quietly under the political agents, *maliks*, and Frontier Corps, then they would be left alone to govern themselves, and the central government and the army would stay out of their affairs. Now the army had broken the government's end of the deal, attempting (at the behest of *kafir* foreigners, no less) to force the tribes to break two key tenets of Pashtunwali: *melmastia* (hospitality

to a guest) and *nanawatei* (protection of a defeated combatant seeking refuge). Tribal honor and Islamic principle, especially the Qur'anic injunction against siding with any infidel against any fellow Muslim, alike combined to ensure that the tribal leaders would utterly reject these demands. The army, also, had first broken the deal, not the tribes: why then should they remain quiet?<sup>282</sup>

Resentment manifested in ambushes and skirmishes, culminating in a major pitched battle at Azam Warsak near Wana in South Waziristan in March 2004. 55 tribal fighters were killed and 149 captured, while on the other side the Pakistan army lost 93 soldiers killed, wounded or captured.<sup>283</sup> After the killing of Taliban commander Nek Muhammad in a drone strike in June 2004, the insurgency escalated.<sup>284</sup> Following the bloody siege of the Lal Masjid in Islamabad in 2007, Pakistan's major urban centres began experiencing bombings and suicide attacks.

## **7. Characteristics of the Pakistani Taliban**

To assess the strengths and weaknesses of the Pakistani Taliban as an insurgent movement, it is necessary to understand their political development in two major respects: organization and ideology.

### ***7.1 Organization***

#### ***7.1.1 Fragmentation***

The chief organizational characteristic of the Pakistani Taliban has been its fragmentation, which greatly exceeds that of the decentralized, yet coherent Afghan Taliban.<sup>285</sup> Initially, various Pakistani Taliban commanders ran their operations autonomously, without regard to any organization, central command or strategy. In December 2007, the Tehrik-i Taliban Pakistan was formed as an umbrella organization comprising some forty Taliban groups, with a central leadership council and a consultative *shura* with members from all tribal agencies of FATA, as well as districts of Khyber Pakhtunkhwa.<sup>286</sup> Yet in practice coordination remained loose, more operational than strategic, and the TTP was often affected by factional rivalries. As of writing in November 2014, these rivalries had grown particularly intense, with several important TTP factions announcing their withdrawal from the organization.

Even at their most coordinated, however, the Pakistani Taliban remained a loose coalition of groups with diverse agendas. Insurgents from the agencies of North and South Waziristan, which were particularly affected by conflict from 2002, played a central role. Groups from other agencies sometimes brought particular agendas to the TTP, such as in the conflict between Lashkar-e Islam and Ansar al-Islam in Khyber agency.<sup>287</sup> Another faction was the ‘Punjabi Taliban,’ splinters of several traditionally pro-state and Kashmir-focused groups who joined the TTP after the Musharraf government banned their organizations and cracked down on infiltration into Indian Kashmir.<sup>288</sup>

Other groups remained independent of the TTP while cooperating to different degrees. Sunni sectarian groups, newly revived after the US invasion of Iraq and the resulting sectarian conflict in that country, provided operational cooperation. Although the TTP as a whole did not embrace a sectarian agenda, it found considerable logistical advantages in drawing on the experience and technical skills of such groups.<sup>289</sup> Similarly, the TTP cooperated with distinct foreign militant groups operating in FATA, including Al-Qaeda, the Afghan Taliban-allied Haqqani network, the East Turkistan Islamic Movement and the Islamic Movement of Uzbekistan. Important Wazir commanders like Hafiz Gul Bahadur and Maulvi Nazir, while supporting fighting against US troops in Afghanistan, remained separate from the TTP and reluctant to challenge the Pakistani state directly. In their degree of fragmentation, the Pakistani Taliban resemble the *mujahidin* organizations of the 1980s rather than the contemporary Afghan Taliban.

Fragmentation provides certain advantages to insurgents: dealing with a diverse array of insurgent groups poses significant obstacles to lasting military success against an insurgency, as autonomous groups can continue to operate regardless of setbacks elsewhere.<sup>290</sup> However, it also limits the ability of insurgents to develop their own military strategy. Shifts in insurgent policy, as well as decisions on which targets to attack, become difficult without effective enforcement mechanisms to ensure discipline, hampering insurgent political aims. Thus, in negotiations with the government in early 2014, the TTP proved unable to control attempts by some of its constituent

organizations to sabotage talks by carrying out attacks during an agreed ceasefire.<sup>291</sup> Similarly, while TTP leaders have inconsistently recognized the importance of avoiding purely civilian targets, in practice this aim has been difficult to enforce.<sup>292</sup>

### 7.1.2 *Parallel Administration*

The Pakistani Taliban, like their Afghan counterparts, have sought to position themselves in the context of Pashtun tribal society in the historically advantageous role of both tribal and religious actors.<sup>293</sup> They have been ruthless in attacking the pillars of tribal society, killing hundreds of – not exclusively pro-government – tribal elders, and have contributed to the weakening of the old *malik*-PA system.<sup>294</sup> But, as the centrality of the Mehsud and Wazir tribes to the TTP attests, they have also sought to replicate the function of these elders, relying extensively on tribal networks for recruitment. Concurrently, they have presented themselves as transcending tribal limitations, taking on the guise of the traditional religious leader who provides arbitration between and among tribes (section 6.1.1). Although this dual role offers significant potential as a source of political legitimacy for the Taliban, their attempts to claim it have not always been successful.

The Pakistani Taliban's attempts to develop parallel administrative structures for governing the population have been very uneven, with the main focus being on provision of justice. Various reports suggest some successes in this respect. One account of the Taliban's rise in North Waziristan highlighted how, in the early 2000s, the agency had become prey to a powerful mafia called the Hakim Khan group, comprised of some 60-80 members involved in drug trafficking, car theft and extortion.<sup>295</sup> During an attempted extortion of members of a local tribe, Taliban commander Mullah Sangeen intervened on behalf of the tribesmen. A shootout ensued, and a wounded Sangeen called on his Taliban comrades for help. So hated had the Hakim Khan group become in the agency, that this call received widespread popular backing, and the Taliban were hailed as saviors for their role in ridding the agency of the gang.<sup>296</sup> In another case, after signing a peace agreement with the government in February 2005, TTP leader Baitullah Mehsud launched operations against the notorious Abdul Rasheed gang in South Waziristan, recovering scores of stolen cars

and kidnapped men.<sup>297</sup> Such accounts of saving locals from the depredations of criminal gangs closely echo the founding narrative of the Afghan Taliban.

Another focus of providing justice was the expeditious resolution of local disputes. Some reports spoke of long-stalled land disputes both inside and outside FATA being resolved by the Taliban.<sup>298</sup> Taliban groups moved to establish courts across the tribal agencies; according to news reports, one court in Bajaur agency had registered some 1,400 cases by August 2008 and decided a thousand of them.<sup>299</sup>

However, in many cases the imposition of Taliban control over an area was resented by the population. Accounts of IDPs and residents from conflict affected areas speak of often arbitrary punishments, an atmosphere of fear and paranoia, and harsh and restrictive practices.<sup>300</sup> While providing some justice, the Pakistani Taliban have scarcely fulfilled other basic functions of a parallel government; often, schools and other public buildings were destroyed or occupied with nothing being built to take their place.<sup>301</sup> Judged as a revolutionary movement, this must be considered a central failing of the Pakistani Taliban (see also section 7.2.3).

### *7.1.3 Fundraising*

Discussion of the sources of Pakistani Taliban funding generally centers on the question of how to prevent groups from fundraising. Far less attention has been paid to how different sources of funding have distinct effects on how the Taliban develop as an insurgent movement. Although these sources have not been precisely quantified, they are known to be diverse, including voluntary donations (from both local and foreign supporters), imposition of taxes, extraction of natural resources (from marble mines in Mohmand Agency, timber in Swat), kidnapping for ransom, smuggling and drug trafficking.<sup>302</sup> Where Taliban groups have to rely on local donations and taxes and have limited capacity to force compliance, we may expect them to be more sensitive to the concerns of the local population, rely more on bargaining than coercion, and try to provide services such as security or justice to offset the demands they are making. By contrast, where their sources or funding are autonomous, such as through resource

extraction or external funding, or are obtained through criminal activities, we may expect them to have relatively little concern for the local population. They would also be more likely to attract opportunistic recruits, driven by mercenary incentives, who would be more willing to prey on the population to ensure a continuing resource flow.

An insightful comparative study of insurgent violence found such dynamics at play across diverse movements.<sup>303</sup> Those groups which started with substantial autonomous economic endowments were more likely to draw opportunistic recruits, have weak structures for enforcing discipline, and use violence against the population, whereas those which possessed more ‘social endowments,’ such as ideological commitment or strong ethnic ties with the population, were more likely to demonstrate discipline and restraint.<sup>304</sup>

An equivalent study has yet to be conducted with respect to the Pakistani Taliban. We have seen that in at least some areas Taliban groups initially set themselves against criminal gangs and gained support for their reputation of justice provision (section 7.1.2). However, in other cases Taliban groups have cooperated with or replaced criminal networks. In Karachi in particular, long utilized as a fundraising center, Pakistani Taliban groups have become increasingly involved in extortion, kidnapping and turf wars with other gangs, with little concern for providing countervailing security.<sup>305</sup> Continued development of the Pakistani Taliban in this direction would weaken their popular support further, and consequently their prospects as a political insurgency, although they could remain active as a criminal mafia. If the statements of one of the breakaway TTP factions are to be believed, such activities were a factor in the TTP’s recent splits.<sup>306</sup>

## **7.2 Ideology**

The ideology of the Pakistani Taliban, like its constituent groups, is heterogeneous. Nonetheless, four distinct aspects can be identified, each of which differs in the extent of its potential appeal. These four aspects are: calls to an international *jihad* (beyond Afghanistan), resistance to state intrusion, establishment of a *shari’a* based social

order, and resistance (*jihad*) against the US occupation of Afghanistan.<sup>307</sup>

### 7.2.1 *International Jihad*

Appeals to international *jihad* extending beyond Afghanistan reflect the influence of groups like Al-Qaeda on the ideology of the Pakistani Taliban. Valid targets include regions where Muslims are oppressed by governments that are either non-Muslim, US-associated, or seen as ostensibly (but not genuinely) Muslim.<sup>308</sup> Rhetorically, at least, the TTP has consistently displayed a more internationalist bent in this respect than the Afghan Taliban.<sup>309</sup> Contradictory news reports in 2013 suggested that Pakistani Taliban fighters may have travelled to battlefields in Iraq and Syria.<sup>310</sup> However, in terms of generating practical support for the movement this aspect has the weakest appeal, mainly limited to a subset of fighters of the TTP and its affiliates. Within its own ranks, the TTP has exhibited significant differences of opinion on such conflicts.<sup>311</sup>

### 7.2.2 *Resistance to State Intrusion*

As we have seen (section 6.1, 6.3), resistance to state intrusion forms a powerful part of the Pakistani Taliban's appeal in FATA, where state legitimacy has historically been weak, and the post-9/11 military operations have generated resentment and considerable suffering in the form of checkpoints, curfews, disappearances, displacement, indiscriminate killings and bombardment.<sup>312</sup> However, this appeal, in terms of generating actual support for the Taliban, is limited by the extent to which the Taliban's own presence is seen as harmful and intrusive.<sup>313</sup> As a basis of support it is moreover limited to FATA and does not extend to other parts of the country where the state has a long established presence. Scholars of insurgencies have observed that insurgent movements unable to expand their appeal beyond a geographically or ethnically circumscribed minority group have historically had much greater difficulty in challenging the state.<sup>314</sup> The examples of contemporary South Asian insurgent movements reinforce this observation. Minority movements, like the Liberation Tigers of Tamil Elam (LTTE), the Baloch separatists and the Naxalites, have generally been unsuccessful despite repeated

insurgencies; groups that were able to nationalize their support, like the Nepali Maoists, have witnessed greater success.<sup>315</sup>

### 7.2.3 *Establishment of Shari'a*

The demand to establish a just Islamic order based on the *shari'a* is in theory uncontroversial for most Muslim Pakistanis. As such, it is the first aspect of the Taliban's ideology discussed so far that has potentially a national appeal, based on religious legitimacy. Within the movement, the demand is one that Taliban from FATA and Punjab can both identify with. In FATA more generally, such a demand capitalizes on frustration with economic deprivation and lack of representation in the increasingly ineffectual *malik-PA* system. And across the rest of the country, the increasing failure of the state to provide basic infrastructure and security, to provide justice to the underprivileged, or to check the rising tide of inequality, inflation and alleged corruption, has resulted in a national mood highly impatient with the old order and in search of alternatives.

However, as revolutionary scholars have observed, simply claiming a popular cause may produce a temporary windfall of support, but it is rarely sufficient for success in an insurgency unless the state is so weak it cannot defend itself. The sustained and committed support necessary for success requires an insurgent movement to credibly demonstrate its ability to establish a more equitable order, generally through the medium of parallel administration (section 5.2).

Unlike the older generation of political Islamists – such as the Muslim Brothers, the Jama'at-i Islami and the Iranian revolutionaries – the Pakistani Taliban have not seriously theorized about the nature of the Islamic state, expressing instead a very limited, culturally particular understanding of the religious law.<sup>316</sup> Consequently, they have had very uneven success in establishing parallel hierarchies, with civilians recoiling from the harshness and violence that has in many cases accompanied their rule (section 7.1.2). Suicide bombings and terrorist attacks,<sup>317</sup> and association with criminal groups (section 7.1.3), also carry significant costs for the credibility of a Taliban-established order. The prior experience of mainstream religious parties



in Pakistan suggests that while religious slogans have power, they do not necessarily translate into effective governance or success in elections. The extent to which the Taliban's claim to Islamic legitimacy can survive its brush with power is therefore limited. Indeed, political developments over the last two years have suggested the focus of support of those disillusioned with the old order is instead centered on anti-incumbent parties within the political system (Pakistan Tehrik-i Insaaf, PTI, in Khyber Pakhtunkhwa, Punjab and nationally), or to those that are outside it but use nonviolent agitation (Pakistan Awami Tehrik, PAT, in Punjab).

#### *7.2.4 Jihad Against US Occupation of Afghanistan*

The final aspect of the Pakistani Taliban's ideology was also the core reason they initially turned against the state, namely the claim to legitimate resistance – identified as *jihad* – against the US-led foreign forces in Afghanistan. The centrality of this claim to the Taliban's ideology, and its effectiveness as a unifying force, is evident when we recognize that unlike many insurgent movements, the Taliban have experienced multiple rifts over the question of whether a policy of targeting Pakistani state forces is legitimate. The issue divided TTP leader Baitullah Mehsud from commander Abdullah Mehsud,<sup>318</sup> commanders Qari Zainuddin and Turkistan Bhattani from Baitullah,<sup>319</sup> and the TTP from the Hafiz Gul Bahadur and Maulvi Nazir groups.<sup>320</sup> These rifts emphasize that overthrowing the Pakistani state was not initially – and may still not be – the Taliban's central goal, in contrast to fighting against foreign troops in Afghanistan, which all groups have consistently subscribed to.

More broadly, this aspect has been the Taliban's strongest claim to legitimacy and is the only component of their ideology that retains potentially national appeal. The strength of this appeal rests in the historic perception of the US as an imperialist and anti-Muslim force in the region, a perception reinforced in the recent past by the invasions of Iraq and Afghanistan after 9/11, as well as continuing US support for Israel against the Palestinians, among other policies. Even among those segments of society that are not hostile to the US and that have no sympathy for any other aspect of Taliban ideology, the claim

that the US presence in Afghanistan is occupation and that resistance to it is legitimate carries considerable weight.

Opinion polls in Pakistan tend to be urban-biased and can suffer from sampling problems and omission of representative viewpoints from more inaccessible or insecure areas. Keeping these caveats in mind, we may observe that polls have consistently shown high levels of opposition to the US. Thus, in the latest Pew Research Center survey, 14% of respondents expressed a favorable view of the US (2% very favorable), while 59% expressed an unfavorable view (42% very unfavorable).<sup>321</sup> In almost yearly polling since 2002, unfavorable views have never been below 56%, reaching a high of 80% in spring 2012.<sup>322</sup> Similarly, the percentage of respondents considering the US 'more of an enemy' of Pakistan than a partner ranged from 59-74% in polling conducted from 2008-2012.<sup>323</sup> Support for US and NATO troops remaining in Afghanistan did not exceed single digits when the question was asked from 2007-2010, while 65-75% favoured their removal as soon as possible.<sup>324</sup>

Such polls do not include FATA, but a few attempts have been made at conducting surveys in that region. Polling in conflict regions is undeniably a controversial technique.<sup>325</sup> Survey teams are seldom able to access more insecure areas, which are generally where insurgents have greater control and where opinions of respondents may systematically differ from other areas, although to degrees and in ways that may be difficult to predict.<sup>326</sup> Even in areas where polling is possible, respondents may suspect that survey teams are working for the government or intelligence agencies and tailor their answers accordingly, for example by expressing pro-government and anti-insurgent opinions. In other cases, they may be reluctant to express opinions against insurgents, fearing that the information may somehow reach them. Moreover, it is generally a principle of revolutionary warfare that the population's support for insurgents should remain covert so as to avoid government reprisals; thus, those most actively in support of the insurgents may be least likely to express that opinion.<sup>327</sup> Such factors limit the accuracy of polls; in particular, claims about the level of support for the Taliban may be unreliable and prone to understate support. Still, given how little effort has been made to involve the people of FATA in discussions about the conflict and their

future, such polls can serve as a useful, if qualified, indicator of their views.

Accordingly, we may consider the findings of a poll covering all seven agencies of FATA conducted by the Community Appraisal and Motivation Programme (CAMP), an NGO with a history of polling in that region, for NAF and Terror Free Tomorrow (TFT) in 2010. 77% of respondents consider the goal of the US-led 'war on terror' to be to ensure American domination or to weaken and divide the Islamic world.<sup>328</sup> 40% considered the US as most responsible for the violence in FATA, by far the highest proportion for any actor.<sup>329</sup> While respondents overwhelmingly opposed suicide bombings in general, 59% of respondents considered such attacks against US military forces to be either 'often' or 'sometimes' justified.<sup>330</sup> That opposition to the US was tied to its policies in the region was evident, with strong majorities willing to revise their opinions of the US for the better in response to a range of suggested policy changes. 83% of respondents said withdrawal of US troops from Afghanistan would improve their opinion of the US; in North and South Waziristan, the numbers were 96% and 100% respectively.<sup>331</sup>

Such outcomes are in keeping with Gerard Chaliand's general conclusion that guerrilla resistance against a foreign, Western occupier is the simplest cause for which to rally support (section 5.2). In this case, the historic interconnectedness of Pashtun tribes on both sides of the Pakistan-Afghanistan border, as well as the more recent experience of *jihad* against the Soviet occupation of Afghanistan (section 6.2), lends this cause a greater immediacy and legitimacy than would normally be accorded to a struggle against foreign occupation in a neighboring country.

The Pakistani Taliban have capitalized on this sentiment by portraying the Pakistan government as a US collaborator in Afghanistan, for its role in supporting the invasion, turning over Taliban and Al-Qaeda leaders to the US, and facilitating NATO supply lines. By contrast, they have sought to portray themselves as fighting a legitimate struggle, only reluctantly striking back against the Pakistani state when it attempts to suppress them. These portrayals have not translated into any widespread support for attacks on government

targets, either in FATA or the rest of Pakistan.<sup>332</sup> However, they have contributed to skepticism about military operations against the insurgents, the belief that the conflict is externally imposed (reflected in the much repeated ‘our war’ versus ‘America’s war’ reductionism in popular debate), and similar dynamics that hamper the state’s efforts against the insurgency.

## **8. Role of the Drone**

Within this overall context then, it remains to establish the strategic value of US drone strikes. There are several dimensions that are important to discuss here, namely: the role of US drone strikes in killing insurgent leaders, their role in disrupting networks and killing low-level insurgents, their effect on the state’s legitimacy, their effect on recruitment and on potentially pro-government individuals, and finally the question of how US and Pakistani priorities differ.

### ***8.1 Military Value of Killing Leaders***

One of the few figures on which there is relative agreement among drone aggregators and the US government is that the number of HVTs killed by drone strikes have amounted to some 2% of total deaths.<sup>333</sup> Low as this percentage is, do these killings offer outsized strategic benefits to counterinsurgents? There is some evidence that leadership targeting strategies can be of use in weakening centralized or at least centrally-coordinated insurgencies. Many analysts, for example, attribute the collapse of the Shining Path movement in Peru to the sudden capture of its central leadership in raids.<sup>334</sup> The capture of Kurdish Workers Party (PKK) leader Abdullah Ocalan has been credited with contributing to the decline of that organization.<sup>335</sup>

However, evidence that such strategies are effective against decentralized or fragmented insurgencies, such as the Afghan and Pakistani Taliban (section 7.1.1), respectively, is very limited. The main reason is that fragmented insurgencies do not in any case develop high level coordinated strategies. Most actions are carried out autonomously, at the initiative of local commanders, without direction from a central leadership. Eliminating an especially capable leader may provide temporary tactical benefits in a particular area of

operation; it does not by itself make more than a marginal difference to insurgent capabilities. Thus, for example, most studies of Israel's extensive campaign of targeted killings against Palestinian militant organizations have concluded that such killings did not reduce the ability of these organizations to subsequently carry out terrorist attacks.<sup>336</sup>

In Afghanistan, Soviet attempts to quell the insurgency by eliminating *mujahidin* commanders similarly failed. Milt Bearden, the CIA Station Chief in Pakistan from 1986-1989, had a unique, hands-on position from which to assess the capabilities of the Afghan *mujahidin*.<sup>337</sup> Confessing "I'm not a big fan of the drone," Bearden argues that Pashtun tribal structures are resilient to leadership targeting strategies:

[The Soviets] also missed the point. Today we're talking about all these drone strikes...and going out...on night operations to kill the leadership of the Taliban – they don't have a leadership. The reality is...the Pashtuns...have a very strange egalitarian tribal structure. So leadership is synthetic. You have all these kids sitting around here in a circle and each one thinks "I'm as good a leader as they are." So they don't have a leader. Except a guy comes in who's a *mullah* or he's an engineer. In that world of *jihad*, if you're not a *mullah* you'd better be an engineer or you're not a leader...And if you kill him they'll just get another *mullah* or another engineer. It doesn't really matter because all these cousins and brothers are the same. So there's a strange egalitarian nature of the Afghans or the Pashtuns that you can't go after [the] leadership. Soviets...killed lots of people, they sort of had [a] "Let's kill them all and let God sort them out" [attitude]...I watched commander after commander after commander die. It never made any difference...they bury him, you know within 24 hours. It's over. And the new guy's there. And it never changed anything.<sup>338</sup>

## ***8.2 Military Value of Disruption and Killing Low-Level Militants***

As Bearden's experience suggests, simply killing low-level militants may be even less effective in defeating an insurgency. Counterinsurgent theorists have consistently acknowledged that as long as insurgents are capable of replenishing their ranks, body counts are meaningless in this type of war.<sup>339</sup> US officers in Afghanistan have

experienced similar dynamics at play. A critical review of US intelligence efforts in Afghanistan authored by Lt. Gen. Michael T. Flynn, Director of the Defense Intelligence Agency until August 2014, observes that:

[The] inescapable truth...[is] that merely killing insurgents usually serves to multiply enemies rather than subtract them. This counterintuitive dynamic is common in many guerrilla conflicts and is especially relevant in the revenge-prone Pashtun communities whose cooperation military forces seek to earn and maintain. The Soviets experienced this reality in the 1980s, when despite killing hundreds of thousands of Afghans, they faced a larger insurgency near the end of the war than they did at the beginning.<sup>340</sup>

The ability to replenish is dependent on the popular legitimacy of the movement, which is directly linked to its cause. My own study of the Soviet war in Afghanistan bears out the observations of most analysts that the *mujahidin* were consistently able to maintain high levels of support so long as the unifying cause of opposing Soviet occupation remained. It was only after the Soviets withdrew, leaving in place the pro-Soviet Afghan government, which had itself retreated from its earlier communist zeal, that the fighting spirit of the *mujahidin* began to wane.<sup>341</sup> In the case of the Pakistani Taliban, legitimacy is linked to opposing the US presence in Afghanistan (section 7.2.4), a point which will be discussed further in the following section.

Similarly, drone strikes have only limited use in disrupting insurgent networks and infrastructure. Airpower can be highly effective against regular armies which rely on crucial infrastructure and logistics to operate. Guerrilla fighters do not and there is little evidence to suggest that airpower is useful in insurgencies, unless insurgent forces take on the characteristics of a regular army. One study of the US' use of airpower against the Taliban in Afghanistan found no evidence that airstrikes reduce the capability of insurgents to mount attacks; in fact, airstrikes were positively correlated with subsequent insurgent violence in targeted areas.<sup>342</sup> Instead, the findings were consistent with the study's hypothesis that insurgents may use airstrikes as a reputation-building mechanism: by intensifying attacks

in the aftermath of a strike, insurgents demonstrate to the population their resilience to such attacks and their resolve to continue fighting.<sup>343</sup>

A review of existing studies on US drone strikes in Pakistan, conducted by James Walsh for the US Army War College's Strategic Studies Institute, questions a central purpose of the strikes, namely the aim of reducing insurgents' ability to mount attacks in Afghanistan. The studies reviewed consistently found no evidence that drone strikes had any effect on insurgent violence in Afghanistan.<sup>344</sup> Within Pakistan, one study found a small associated reduction in terrorist attacks in FATA, but others which focused on attacks across Pakistan found that insurgent violence was unaffected or actually increased.<sup>345</sup> It is important to caution that ability to mount attacks is only a proxy for insurgent capability, and does not rule out the possibility that drone strikes may be damaging insurgent organizations in ways that cannot be easily measured. But conversely, there are reasons to believe such effects would not be significant, and no evidence to suggest that they are.<sup>346</sup>

### ***8.3 The Question of Legitimacy***

If targeting insurgent leaders, killing low-level fighters and disrupting infrastructure through drone strikes are not strategically significant actions, what approach can then form the basis of a viable strategy by the state? We may recall that the crucial battlefield in insurgencies and revolutionary wars is for each side to establish its legitimacy, that is, the exclusive acceptance of its authority to govern, among the populace (section 5.1, 5.2). We observed that in this respect the Pakistani state was in a weak position to begin with, given its historically limited involvement in FATA, and compounded its difficulties by relying on a hastily contrived, coercion-driven approach to establishing control after the US intervention in Afghanistan (section 6).<sup>347</sup> Moreover, that in supporting the US invasion and trying to compel tribesmen to surrender Taliban and Al-Qaeda fighters against local traditions of sanctuary and at the behest of the US, it ceded ground to the strongest aspect of the Taliban's ideological narrative, namely their claim to legitimate resistance against the US occupation of Afghanistan (section 7.2.4).

Serving and retired officials with experience of FATA have criticized the government for its military emphasis and failure to adequately explore traditional means of dispute resolution at the outset of the conflict. Brigadier Shaukat Qadir argues:

The state should have used interlocutors and tribal elders to launch a concerted campaign explaining why support to the insurgency in Afghanistan was counterproductive for the FATA tribes and for the Pakistani state. At that point, the state might have made a case for how the Pakistani government could use peaceful means to affect the foreigners' withdrawal from Afghanistan over time.<sup>348</sup>

More radically, the state could have withheld support from the US-led coalition so as to credibly distance itself from the claim of being a collaborator to occupying forces, while simultaneously taking the above measures to prevent infiltration to Afghanistan from its territory. Such approaches may not have been successful, given the weakening of the traditional system since the 1980s, but they would at least have tried to address the root causes of support for the insurgency and to involve the inhabitants of FATA in reaching a legitimate solution. Instead, the state was soon forced to retreat from its aggressive policy in the face of a widespread backlash, and found itself oscillating between inconclusive military operations and inconclusive peace deals with insurgents for some years thereafter.

In this dynamic, US drone strikes have played into the insurgent narrative, deepening anti-American sentiment and compromising the state's claim to legitimacy both inside and outside the conflict region. Across much of the country, the reaction has been a powerful, nationalist one: hostility to a foreign superpower violating Pakistani sovereignty at will. Thus, in a poll on drone strikes conducted by Gallup Pakistan in 2013, 75% opposed US drone strikes on Pakistani soil, as against 11% who supported them.<sup>349</sup> 66% favored blocking NATO supply routes if the US did not stop drone strikes,<sup>350</sup> a blockade which was carried out by party activists of the ruling PTI in Khyber Pakhtunkhwa, a party which campaigned heavily against drone strikes in the lead-up to its election victory in the province in May 2013.

In the regions most directly affected by the conflict, the reaction is at least as strong. The NAF-TFT FATA poll found that 76% of



respondents opposed drone strikes (71% strongly opposing) as against 21% who supported them (10% strongly supporting).<sup>351</sup> CAMP's larger 2010 survey, which interviewed 4000 people in the seven tribal agencies, as well as the six Frontier Regions of Bannu, Dera Ismail Khan, Kohat, Lakki Marwat, Peshawar and Tank, asked a slightly different set of questions. Respondents were asked whether drone attacks were 'always justified,' 'sometimes justified, if properly targeted and excessive civilian casualties are avoided,' or 'never justified'.<sup>352</sup> Overall, 59% of respondents across the agencies and regions stated that drone strikes were never justified, 25% that they were sometimes justified and 4% that they were always justified.<sup>353</sup> The survey did not ask whether respondents felt drones were actually being properly targeted; when NAF-TFT asked if 'American drone strikes for the most part accurately kill militants or mostly kill civilians,' only 16% responded that they accurately killed militants, against 81% who said that they either killed civilians or killed both.<sup>354</sup>

The variations in responses to the CAMP survey are worth highlighting. The strongest support for drone strikes came from respondents in Kurram (63% sometimes justified, 17% always justified) and FR Dera Ismail Khan (60% sometimes justified, 0% always justified).<sup>355</sup> The dynamics of conflict in Kurram are arguably unique to the tribal areas; the agency has been the scene of intense sectarian clashes between Sunni and Shi'i tribes. Drone strikes have rarely been conducted there; of 383 strikes tracked by BIJ to May 2014, only 7 had taken place in Kurram.<sup>356</sup> DI Khan, for its part, has witnessed no drone strikes.<sup>357</sup> The qualified opinion of the majority of its respondents that drone strikes are sometimes justified if properly targeted may reflect the reasoning, advanced to journalists by some IDPs, that they are the best alternative (discussed in section 4.3). In general, the CAMP report observed that IDPs were more supportive of drone strikes and military operations than non-displaced people in the same agencies, perhaps reflecting the view that these operations may offer their only chance to return home.<sup>358</sup>

Some of the strongest opposition to drones came from those agencies which have been at the epicentre of strikes. According to BIJ's count, by May 2014, some 91 strikes had taken place in South Waziristan and 270 in North Waziristan, totaling 361 of the 383 strikes

until then.<sup>359</sup> 75% of survey respondents in South Waziristan stated that drone strikes were never justified. In North Waziristan, that proportion was 99%.<sup>360</sup>

Widespread opposition to drone strikes affects the Pakistani state's legitimacy in a number of ways. First of all, the state's authority to govern is deeply compromised if it cannot prevent outside actors from using violence in its territories.<sup>361</sup> This failure has fed into broader perceptions of the state's increasing inability to deal with a host of national problems over the last several years (section 7.2.3). To the extent that the state is perceived to covertly support drone strikes, the narrative that it is morally bankrupt, interested only in enriching itself at the expense of its citizens, is reinforced. As one Waziri commented, "Are we not citizens of Pakistan? We feel like our government has sold us to the Americans to play out their fantasies of war. And it has sold us so cheap that...really we feel ourselves worthless."<sup>362</sup>

Second, drone strikes play a critical role in deepening anti-American sentiment in the region, increasing the political cost of several of the government's policies, including its support for the US and NATO in Afghanistan and its attempt to build closer relations with the US. Given the direct military involvement of the US in the conflict, they further increase skepticism about Pakistani military operations in FATA, seeing them as driven by US interests ('America's war'). Instead, the strikes increase support for those seen to be taking a stand against America, which directly benefits the narrative of the Pakistani Taliban (section 7.2.4). This point will be discussed further in the following section.

Third, we may recall that legitimacy requires that citizens recognize the state's claim to authority through participation in government or in principles *beyond* mastery of the means of coercion (section 5.2). Since the outset of the conflict, the Pakistani state has struggled to find ways to increase its legitimacy in the region. It has initiated numerous development projects, many supported by USAID funding.<sup>363</sup> It has periodically tried to involve the people of FATA in solutions, for example by negotiating with the Taliban through tribal elders, forming peace committees, or constituting tribal *lashkars* (militias) to defend villages and other areas from the Taliban. These

measures are necessary but inadequate. Aid programs, while important, may be most useful in building legitimacy before the actual onset of violent conflict.<sup>364</sup> Many of the government's negotiations have taken the shape of ultimatums, denying local arbiters self-respect and reducing their standing in the community.<sup>365</sup> Peace committees and *lashkars* have not been consistently supported once formed, nor sufficiently defended from Taliban attacks.<sup>366</sup> Still, the state has at least inconsistently engaged with these efforts, recognizing the need to win local support.

Few actions can set back such attempts more quickly than the use of force against the same people. Commenting on Pakistani efforts up to 2008, counterinsurgent expert Kilcullen observed that "Significant effort is going into medical civic action, school construction, road-building, and health extension," but that the "hearts-and-minds" benefits of these activities were "continually undermined" by the resentment created by the army's excessive reliance on firepower.<sup>367</sup> Kilcullen describes one incident in which "Two Frontier Corps soldiers were killed in [an] ambush; the Pakistani army response was to bombard built-up areas in the town of Miranshah with heavy artillery fire, destroying several hotels, markets, and houses and killing several civilians in the process."<sup>368</sup> Drone strikes, which are not so targeted as is often assumed (section 2 and 3), and which in any case generate strong opposition, have a similar effect. As Kilcullen argues,

to imagine that killing or capturing Usama bin Laden, Ayman al-Zawahiri, or any of the other AQ leaders thought to be hiding in this area will help stabilize the situation is also unrealistic: intrusive actions, especially punitive raiding and air strikes targeting AQ senior leadership, may or may not be justified on other grounds, but their effect on local stability is unarguably and entirely negative.<sup>369</sup>

The political fallout of the strikes has been recognized by State Department officials who have often expressed frustration with how their CIA colleagues' reliance on drones deepens opposition to the US and makes diplomatic efforts more complicated.<sup>370</sup> According to an embassy cable obtained by Wikileaks, former US Ambassador to Pakistan Anne Patterson warned that "Increased unilateral operations in these areas risk destabilizing the Pakistani state, alienating both the civilian government and military leadership, and provoking a broader

governance crisis in Pakistan without finally achieving the goal [of forcing Al Qaeda out of FATA].<sup>371</sup>

#### ***8.4 Effect on Recruitment and on Pro-Government Individuals***

A concern often expressed in such warnings is that due to the resentment they generate, drone strikes increase recruitment for Taliban groups. The argument is that killing and destruction generates grievances against the US, which lead to a greater willingness to aid those opposing the US. Such a reaction would be natural anywhere, but may be particularly so in FATA due to the traditional value attached to such concepts as honour and revenge.<sup>372</sup>

Measuring the magnitude of any such effect, however, is very difficult, not least because drone strikes would only be one of multiple factors any individual would weigh when deciding whether to join or support an insurgent group. Thus, the Pakistani Times Square bomber, Faisal Shahzad, cited drone strikes in Pakistan as a reason for his attempted bombing, but also cited other grievances with US policy towards the Muslim world, including drone strikes in Somalia and Yemen, and the US occupation of Iraq and Afghanistan.<sup>373</sup>

Second, because of the clandestine nature of these organisations, recruitment information is difficult to access. A working paper by James Walsh and John Szmer used the number of terrorist attacks as a proxy for recruitment and found that deaths of civilians in drone strikes was unrelated to subsequent terrorist attacks, implying that no increases in recruitment were resulting from these deaths.<sup>374</sup> There are at least two problems, however, with drawing a definitive conclusion from these findings. First, the number or frequency of terrorist attacks is a very weak proxy for recruitment. Insurgent groups engage in a variety of very different activities and recruitment effects may be manifested in different ways, or may eventually translate into terrorist attacks in a much longer time frame than can be allowed for by such a study. Second, as the paper is unpublished, it is unclear which dataset it relies on for its classification of civilians and militants. If, for example, it uses the NAF database (as most similar studies do)<sup>375</sup> or relies on BIJ's minimum count of civilian deaths, then it is possible that the paper's militants sample included misclassified civilians – and

the study did find that militant deaths in drone strikes, as well as drone strikes on the whole, were associated with subsequent increases in terrorist attacks.<sup>376</sup>

While the magnitude of any recruitment effect may be difficult to assess, Taliban and Al Qaeda propagandists certainly believe that drone strikes have some recruitment value: the strikes frequently appear in their videos and literature. One militant organizer boasted, “The Americans and the Pakistani government do our work for us. With the drone attacks targeting the innocents who live in Waziristan and the media broadcasting this news all the time, the sympathies of most of the nation are always with us. Then it’s simply a case of converting these sentiments into action.”<sup>377</sup> Researchers and activists who have worked with drone victims have mentioned a number of cases in which survivors or family members felt obligated to avenge the strikes, or where drone strikes have explicitly been cited as motivation for an attack.<sup>378</sup>

A related effect, which may be more widespread than direct recruitment, is the extent to which drone strikes dissuade individuals who would otherwise be willing to work with the state. In some cases, the effect may be very direct. For example, the March 17, 2011 Datta Khel jirga strike eliminated an entire community of pro-government elders, some of whom were working actively as political liaisons for the government.<sup>379</sup> More commonly, individuals may simply withhold support, or lose credibility in their community, particularly if the Pakistani government is seen as complicit in allowing drone strikes. Commenting on US counterinsurgency efforts in Afghanistan, Admiral Mike Mullen, former Chairman of the Joint Chiefs of Staff, warned that

Each time an errant bomb or a bomb accurately aimed but against the wrong target kills or hurts civilians, we risk setting out strategy back months, if not years. Despite the fact that the Taliban kill and maim far more than we do, civilian casualty incidents such as those we’ve recently seen in Afghanistan will hurt us more in the long run than any tactical success we may achieve against the enemy.<sup>380</sup>

Drone strikes may thus contribute to alienating the very groups the state needs to further its legitimacy.

## *8.5 US vs. Pakistani Priorities*

The final strategic issue related to US drone strikes is one where US and Pakistani interests diverge: the question of who is ‘pulling the trigger.’ Part of the reason that the limitations and costs discussed in sections 8.1 – 8.4 have not been properly assessed is that unlike in Afghanistan, the US government has been using drone strikes in Pakistan as a counterterrorism tactic which has remained largely divorced from any broader counterinsurgency strategy, even as its targets have expanded exponentially beyond the original set of identified HVTs. Strikes have followed their own logic and timing, regardless of their political ramifications, a fact which led to considerable tension between the CIA and State Department in the past.<sup>381</sup>

There has, moreover, been little reason to assume that US priorities would accord with Pakistan’s. The US government’s primary interest, given its belief that drones are an effective tactic, has been to target militant groups focused on fighting US forces in Afghanistan, rather than those fighting the Pakistani state.<sup>382</sup> Arguably, this interest could diminish once the bulk of US troops are withdrawn from Afghanistan by the end of 2014. However, it is equally possible that the absence of a significant military presence may result in a redoubled focus on drone strikes to compensate.

Pakistan’s strategic priority, on the other hand, has been to focus on militants carrying out attacks against state and civilian targets within the country. This policy has been criticized as an attempt to preserve certain insurgent groups as ‘strategic assets’ to be used against neighbouring countries – an admittedly bankrupt strategy whose limitations have been brutally exposed in the last decade. Yet there is another, more valid, reason for adopting such a focus: by differentiating between Taliban factions, the state seeks to avoid giving fragmented groups reasons to unite and pose a more dangerous threat.<sup>383</sup> Thus, the government made peace deals with the Hafiz Gul Bahadur and Maulvi Nazir groups, which opposed carrying out attacks against the state.<sup>384</sup> More recently, the government has had some success in exploiting the TTP’s recent rifts to split off certain factions and woo them from an anti-state agenda. Reports suggest that

following its recent military operation in North Waziristan, the government has initiated negotiations with Khan Said Sajna's Mehsud Taliban.<sup>385</sup>

Such a strategy has evidently not been in US interests. Those groups which agree to truces or are left alone by the Pakistan government are freer to focus on targeting US and government forces in Afghanistan. Hence, drone strikes have often coincided with Pakistani attempts at negotiations. The first reported drone strike in June 2004 killed Nek Muhammad barely two months after he had agreed a peace deal with the government; that strike became the catalyst for the escalation of the insurgency in Waziristan (section 6.3).<sup>386</sup> In October and November 2013, drone strikes killed TTP leader Hakimullah Mehsud and his deputy Waliur Rehman just as both had agreed to explore negotiations with the government, leading Pakistan's Interior Minister to accuse the US of "a conspiracy to sabotage the peace talks."<sup>387</sup> It was only after considerable pushback from the federal government and the provincial government in Khyber Pakhtunkhwa, including a blockade of NATO supplies by PTI activists, that drone strikes were suspended for six months from December 26, 2013, while the government pursued negotiations with the TTP.

At other times, drone strikes have targeted groups with existing peace deals with the Pakistan government. In January 2013, a drone strike killed Maulvi Nazir, threatening the stability of his faction's peace deal with the government.<sup>388</sup> One security official termed the strike "a setback... He was one of those who were keeping his area under effective control and preventing the TTP from operating there."<sup>389</sup> In another case, a drone strike in Wana eliminated a pro-state Taliban commander whom Pakistani intelligence was hoping would "sort out" Baitullah Mehsud.<sup>390</sup> In March 2011, Hafiz Gul Bahadur threatened to terminate his peace deal with the government after one of his commanders was killed in a drone strike.<sup>391</sup>

The point here is not to argue that all such agreements were necessarily the best policy at all times, but to observe that making agreements and then being unable to prevent drone strikes, particularly amidst allegations of the government's tacit approval of these strikes,

creates a legacy of mistrust and costs the government crucial credibility in future negotiations. Such strikes may also have increased the willingness of relatively pro-state insurgents to retaliate against the Pakistani state or to increase their cooperation with TTP factions.<sup>392</sup> As drone strikes are outside the government's control, they cannot be reliably subordinated to any strategy it is pursuing.

An important caveat concerns the latest round of strikes, carried out since June 2014. As I mention in the conclusion, there are indications of greater coordination between both governments in the conduct of these strikes. If true, such coordination would, at least in the short-term, address some of the issues raised in this section. However, it does not address most of the broader strategic and humanitarian concerns discussed in preceding sections.

## **9. Conclusion**

As of writing in November 2014, the frequency of US drone strikes in Pakistan has reduced substantially from its 2010-2011 high. Recently, the strikes may have become less indiscriminate.<sup>393</sup> After Christmas day 2013, drone strikes were suspended altogether for six months, amid reports that the US government had come to see them as no longer so vital for its policies in the region.<sup>394</sup> Since then, however, the strikes have resumed, with 20-21 strikes carried out between June 11 and November 21, 2014, according to BIJ tracking.<sup>395</sup> As these drone strikes have generally taken place in areas where Pakistani military forces are concurrently engaged in operations, and as their recurrence does not appear to have significantly affected relations between the two governments, many commentators suspect that the Pakistan government, despite its routine denunciations, is in fact cooperating with the strikes at present.<sup>396</sup>

If these suspicions are correct, the government is pursuing the wrong policy. I have shown in this study that US drone strikes in Pakistan cause substantial harm to individuals and communities in affected areas. Moreover, that they generate intense resentment across the country, further the Pakistani Taliban's ideological narrative, and are strategically counterproductive. The tactical benefits they offer are of marginal relevance towards the goal of bringing an end to the



insurgency. Given these conclusions, reducing the frequency of strikes or increasing coordination with the US government in conducting them can at best mitigate their most negative effects; it is not a viable solution.

Rather, the government should seek a complete and permanent end to US drone strikes in its territory. The Peshawar High Court judgment of April 2013 suggested a range of measures it could take towards that end. The judgment directed the government to challenge the legality of the strikes in the United Nations.<sup>397</sup> If such a challenge did not change US behaviour, the government was directed to apply pressure via bilateral measures, such as denying logistics facilities, imposing diplomatic costs and, if necessary, using force to prevent drone strikes.<sup>398</sup> Additionally, the government was directed to institute effective mechanisms to investigate strikes and compensate drone victims.<sup>399</sup> The incumbent PML-N government subsequently took the matter to the UN, obtaining resolutions from the UN General Assembly and the UN Human Rights Council which required the use of drone strikes to comply with international law.<sup>400</sup> However, such steps can still be taken further. Moreover, the government has done little to ensure effective investigation and compensation of drone victims nor, since the resumption of drone strikes, has it applied direct pressure to the US government. Such pressure has some precedent of success; at least twice, for example, drone strikes have been suspended subsequent to blockades of NATO supply routes through Pakistan.<sup>401</sup>

What is clear is that rhetorical condemnation of drone strikes is simply not enough. The practice of the PPP and Musharraf governments all but ensures that many Pakistanis will continue to doubt the government's sincerity on US drone strikes if it does not take more substantive measures to try to bring an end to them. The contrast between the state's response to the November 26, 2011 Salala incident, where it blockaded NATO supply routes for seven months and evicted US forces from Shamsi airbase in response to the killing of 24 Pakistan army soldiers, and its routine inaction in response to drone strikes, is all too clear. It is not yet too late for the present PML-N government, with its pre-election opposition to drones and its recent success in putting a temporary halt to the strikes, to take a principled,

credible stand on drones. It should make every effort to disassociate itself from their harmful legacy.

## Notes and References

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- <sup>1</sup> From a high in 2010-11, the frequency of strikes has subsequently reduced, with a six month hiatus from December 26, 2013 until strikes resumed on June 12, 2014.
- <sup>2</sup> James Igoe Walsh, *“The Effectiveness of Drone Strikes in Counterinsurgency and Counterterrorism Campaigns,”* (Carlisle: Strategic Studies Institute and U.S. Army War College Press, September 2013), 7.
- <sup>3</sup> Ibid, 8.
- <sup>4</sup> Priya Satia, “From Colonial Air Attacks to Drones in Pakistan,” *New Perspectives Quarterly*, vol. 26, no. 3 (Summer 2009), <[www.digitalnpq.org/archive/2009\\_summer/08\\_satia.html](http://www.digitalnpq.org/archive/2009_summer/08_satia.html)>, accessed November 10, 2014.
- <sup>5</sup> The confusion was highlighted on October 30, 2013, when a report released by the Pakistan Ministry of Defense claimed that only 67 civilians had been killed in drone strikes since 2008, a figure that was contradicted within days by the Pakistan Foreign Ministry, which countered that over 400 civilians had been killed. Mubashir Zaidi, “Drones killed 67 civilians in five years: Pakistan,” *Dawn*, October 30, 2013, <[www.dawn.com/news/1052933](http://www.dawn.com/news/1052933)>, accessed October 1, 2014.
- <sup>6</sup> See section 5 of this paper.
- <sup>7</sup> Walsh, *“Effectiveness of Drone Strikes,”* 11.
- <sup>8</sup> It is necessary to clarify that I am not directly examining the strategic value, or lack thereof, that these strikes offer the US government, although that aspect will be touched upon at many points during my analysis.
- <sup>9</sup> For example, United Nations Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions: Study on Targeted Killings*, A/HRC/14/24/Add.6 (May 28, 2010); United Nations Human Rights Council, *Report of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism*, A/HRC/25/59 (February 28, 2014); 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); Amnesty International, *“Will I Be Next?”: US Drone Strikes in Pakistan* (2013); The Stimson Center, *Recommendations and Report of the Task Force on US Drone Policy* (June 2014); Ahmad Nazir Warraich, “The Use of Drones: Legal Grey Area?” *Strategic Studies*, Vol. 33, No. 3 & 4 (Institute of Strategic Studies Islamabad, Autumn & Winter 2013).
- <sup>10</sup> Stanford and NYU, *Living Under Drones*, 44.

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- <sup>11</sup> *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, A/HRC/14/24/Add.6, 19.
- <sup>12</sup> These concerns are separate from the question of whether drone strikes are illegal because they violate Pakistan’s sovereignty. Most studies tend to dispute the notion that tacit consent on the part of the Pakistan government – as is alleged by US officials – is sufficient to show that sovereignty is not being violated, particularly in the face of public denials of consent by that government. For example, see United Nations General Assembly, *Report of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Countering Terrorism*, A/68/389 (September 18, 2013), 14-15.
- <sup>13</sup> Department of Justice, White Paper, “Lawfulness of a Lethal Operation Against a U.S. Citizen Who is a Senior Operational Leader of Al-Qaeda or Associated Forces,” 1. Downloaded October 29, 2014 from Michael Isikoff, “Justice Department Memo Reveals Legal Case for Drone Strikes on Americans,” *NBC*, February 4, 2013, <[http://investigations.nbcnews.com/\\_news/2013/02/04/16843014-justice-department-memo-reveals-legal-case-for-drone-strikes-on-americans](http://investigations.nbcnews.com/_news/2013/02/04/16843014-justice-department-memo-reveals-legal-case-for-drone-strikes-on-americans)>.
- <sup>14</sup> *Ibid.*
- <sup>15</sup> *Ibid.*, 7.
- <sup>16</sup> Lesley Clark and Jonathan S. Landay, “Obama Speech Suggests Possible Expansion of Drone Killings,” *McClatchy DC*, May 23, 2013, <[www.mcclatchydc.com/2013/05/23/192081\\_obama-promises-anew-to-transfer.html?rh=1](http://www.mcclatchydc.com/2013/05/23/192081_obama-promises-anew-to-transfer.html?rh=1)>, accessed October 29, 2014.
- <sup>17</sup> The Center for Civilians in Conflict (CIVIC)’s analysis of Pakistan military procedures suggests that family members of militants may be denied compensation otherwise offered for victims of terrorist attacks or military operations, raising the question of whether these family members are seen as suspected militants in official eyes. CIVIC, *Civilian Harm and Conflict in Northwest Pakistan* (2010), 69.
- <sup>18</sup> Author interview with Mirza Shahzad Akbar, August 5, 2014. Since then however, according to one researcher, drone survivors who have had repeated interactions with media and activist organisations deploy such terms readily to argue their innocence. Author interview with researcher and drone activist, July 17, 2014.
- <sup>19</sup> “Covert US strikes in Pakistan, Yemen and Somalia – our methodology,” *The Bureau of Investigative Journalism (BIJ)*, <[www.thebureauinvestigates.com/2011/08/10/pakistan-drone-strikes-the-methodology2/](http://www.thebureauinvestigates.com/2011/08/10/pakistan-drone-strikes-the-methodology2/)>, accessed November 19, 2014.
- <sup>20</sup> As will be discussed further in section 6, ‘militants’ are not simply one-dimensional ‘extremists’ whose sole purpose is to fight the Pakistani state or US forces in Afghanistan. More often than not, they are local to FATA and have long-established families, social networks and positions in the communities in which they reside. As one villager commented to Amnesty

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- International investigators, “At first most of the locals were happy to give their houses in order to help their Muslim brothers, and many militants rented houses from the locals in the nearby streets. But with the passage of time we started hating them but now cannot get them out from the region because of the local Taliban who also support them.” Amnesty International, “*Will I Be Next?*”, 34.
- <sup>21</sup> Hamzah Saif, “Accounting for the Drone Debate,” *Tanqeed*, February 2013, <[www.tanqeed.org/2013/02/accounting-for-the-drone-debate-hamzah-saif/#sthash.yYTrNU77.uNYvsZ6b.dpbs](http://www.tanqeed.org/2013/02/accounting-for-the-drone-debate-hamzah-saif/#sthash.yYTrNU77.uNYvsZ6b.dpbs)>, accessed November 10, 2014.
- <sup>22</sup> For example, drone supporter Christine Fair of Georgetown University, commenting on the strike that killed TTP leader Baitullah Mehsud, along with his wife and parents-in-law while he was resting at their house, asserted that “It would take a new definition of ‘innocent’ to conclude that Mehsud’s wife, an obvious aider and abettor of mass murder, was innocent.” C. Christine Fair, “The Problems of Studying Civilian Casualties from Drone Usage in Pakistan: What We Can’t Know,” *The Monkey Cage*, August 17, 2011, <<http://themonkeycage.org/2011/08/17/the-problems-with-studying-civilian-casualties-from-drone-usage-in-pakistan-what-we-can%E2%80%99t-know/>>, accessed November 19, 2014. Fair does not elaborate on how Baitullah Mehsud’s wife ‘aided and abetted mass murder,’ other than stating that she was giving her husband a massage when killed.
- <sup>23</sup> In interviews with Amnesty International investigators, a number of Waziris stated that “they did not choose to host members of armed groups but dared not refuse them out of fear of reprisals and social pressure in areas with a strong presence of Taliban and al-Qaeda-linked groups like Mir Ali and Datta Khel.” Amnesty International, “*Will I Be Next?*”, 32.
- <sup>24</sup> See section 2.1.3 for a specific case.
- <sup>25</sup> Shahzad Akbar observes that Taliban-affiliated *mullahs* have become local notables in many areas in Waziristan, replacing traditional tribal elders and chiefs. Owing to the indirect system of governance in FATA (section 6.1), ordinary Waziris who need any official documentation, such as a character certificate or National Identity Card, would be required to obtain a stamp of approval from their local intermediary. Waziris in these areas thus cannot avoid meeting with Taliban commanders, and may consequently be viewed as suspected militants in drone surveillance (section 4.1.2). Author interview with Mirza Shahzad Akbar, August 5, 2014.
- <sup>26</sup> The justification advanced by US officials for the Obama administration’s apparent classification of all military-age males in a strike zone as combatants, namely that “people in an area of known terrorist activity, or found with a top Qaeda operative, are probably up to no good.” Jo Becker and Scott Shane, “Secret ‘Kill List’ Proves a Test of Obama’s Principles and Will,” *New York Times*, May 29, 2012, <[www.nytimes.com/2012/05/29/world/obamas-leadership-in-war-on-al-qaeda.html](http://www.nytimes.com/2012/05/29/world/obamas-leadership-in-war-on-al-qaeda.html)>, accessed November 19, 2014. See section 2.1.3.

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<sup>27</sup> Ken Dilanian, “U.S. counter-terrorism strategy to rely on surgical strikes, unmanned drones,” *Los Angeles Times*, July 29, 2011, <<http://articles.latimes.com/2011/jun/29/news/la-pn-al-qaeda-strategy-20110629>>, accessed September 16, 2014.

<sup>28</sup> “The CIA. and Drone Strikes,” *New York Times*, August 13, 2011, <[www.nytimes.com/2011/08/14/opinion/sunday/the-cia-and-drone-strikes.html](http://www.nytimes.com/2011/08/14/opinion/sunday/the-cia-and-drone-strikes.html)>, accessed September 16, 2014.

<sup>29</sup> Ibid.

<sup>30</sup> Becker and Shane, “Secret ‘Kill List,’” accessed September 16, 2014.

<sup>31</sup> Adam Entous, “Special Report: How the White House learned to love the drone,” *Reuters*, May 18, 2010, <[www.reuters.com/article/2010/05/18/us-pakistan-drones-idUSTRE64H5SL20100518](http://www.reuters.com/article/2010/05/18/us-pakistan-drones-idUSTRE64H5SL20100518)>, accessed September 16, 2014.

<sup>32</sup> Stanford and NYU, *Living Under Drones*, 11. The attack was initially claimed by the Pakistan army.

<sup>33</sup> David Kilcullen and Andrew McDonald Exum, “Death From Above, Outrage Down Below,” *New York Times*, May 19, 2009, <[www.nytimes.com/2009/05/17/opinion/17exum.html](http://www.nytimes.com/2009/05/17/opinion/17exum.html)>, accessed September 17, 2014; Gareth Porter, “Cover-Up of Civilian Drone Deaths Revealed by New Evidence,” *Truthout*, August 17, 2012, <<http://truthout.org/news/item/10907-cover-up-of-civilian-drone-deaths-revealed-by-new-evidence>>, accessed September 17, 2014.

<sup>34</sup> Jane Mayer, “The Predator War: What are the risks of the CIA.’s covert drone program?” *New Yorker*, October 26, 2009, <[www.newyorker.com/magazine/2009/10/26/the-predator-war](http://www.newyorker.com/magazine/2009/10/26/the-predator-war)>, accessed September 16, 2014.

<sup>35</sup> Muhammad Idrees Ahmad, “The magical realism of body counts,” *Al Jazeera*, June 13, 2011, <[www.aljazeera.com/indepth/opinion/2011/06/2011613931606455.html](http://www.aljazeera.com/indepth/opinion/2011/06/2011613931606455.html)>, accessed September 16, 2014.

<sup>36</sup> BIJ for example counts 167-211 total deaths during this period, of which it counts 113-156 as civilians, a significantly higher proportion than the proportion of civilians in its overall count. “The Bush Years: Pakistan strikes 2004 – 2009,” *BIJ*, <[www.thebureauinvestigates.com/2011/08/10/the-bush-years-2004-2009/](http://www.thebureauinvestigates.com/2011/08/10/the-bush-years-2004-2009/)>, accessed October 29, 2014.

<sup>37</sup> Ibid, accessed September 16, 2014.

<sup>38</sup> “Drone Wars: Pakistan Analysis,” *New America Foundation (NAF)*, <<http://securitydata.newamerica.net/drones/pakistan/analysis>>, accessed September 16, 2014, and *Pakistan Body Count (PBC)*, <[http://pakistanbodycount.org/drone\\_attack](http://pakistanbodycount.org/drone_attack)>, accessed September 16, 2014.

<sup>39</sup> Stanford and NYU, *Living Under Drones*, 12-13.

<sup>40</sup> Becker and Shane, “Secret ‘Kill List.’”

<sup>41</sup> “The Bush Years: Pakistan strikes 2004 – 2009,” *BIJ*. The three databases that I will discuss further in this section – BIJ, NAF and PBC – have substantial agreement over the number of drone strikes, although little to no agreement over the number of civilian deaths.

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<sup>42</sup> Stanford and NYU, *Living Under Drones*, 13-15.

<sup>43</sup> Becker and Shane, “Secret ‘Kill List.’”

<sup>44</sup> Ibid.

<sup>45</sup> Ibid. Presumably not including signature strikes, for which no identified individual was targeted.

<sup>46</sup> BIJ counts at least 128 strikes in 2010; NAF 122; and PBC 109. “Obama 2010 Drone Strikes,” *BIJ*, <[www.thebureauinvestigates.com/2011/08/10/obama-2010-strikes/](http://www.thebureauinvestigates.com/2011/08/10/obama-2010-strikes/)>, accessed September 18, 2014; “Drone Wars: Pakistan Analysis,” *NAF*, accessed October 29, 2014; and *PBC*, <[http://pakistanbodycount.org/drone\\_attack](http://pakistanbodycount.org/drone_attack)>, accessed October 29, 2014.

<sup>47</sup> Becker and Shane, “Secret ‘Kill List.’”

<sup>48</sup> Ibid. My italics.

<sup>49</sup> Gareth Porter suggests that this classification policy came into effect after a lengthy debate sometime in 2009, or by start of 2010 at the latest. Porter, “Cover-Up of Civilian Drone Deaths Revealed by New Evidence.” Investigative journalist Chris Woods, formerly of the Bureau, was of the opinion that it had always been in effect. Author interview with Chris Woods, August 26, 2014.

<sup>50</sup> See the discussion on definitions in section 1; see also section 4.1 for more concerns with this definition.

<sup>51</sup> “Report sheds new light on drone war’s death toll,” *Al Arabiya News*, February 26, 2012, <<http://english.alarabiya.net/articles/2012/02/26/197138.html>>, accessed October 30, 2014.

<sup>52</sup> Akbar S. Ahmed, *The Thistle and the Drone: How America’s War on Terror Became a Global War on Tribal Islam* (Silver Spring: Brookings, 2013), 86.

<sup>53</sup> Author research in Foundation for Fundamental Rights (FFR) files; “Obama 2011 Pakistan strikes,” *BIJ*, <[www.thebureauinvestigates.com/2011/08/10/obama-2011-strikes/](http://www.thebureauinvestigates.com/2011/08/10/obama-2011-strikes/)>, accessed October 30, 2014.

<sup>54</sup> Akbar S. Ahmed, *The Thistle and the Drone*, 86; “Obama 2011 Pakistan strikes,” *BIJ*.

<sup>55</sup> Author research in FFR files.

<sup>56</sup> Writ Petition no. 1551-P/2012 (2013), Peshawar High Court, Judgment of April 11, 2013.

<sup>57</sup> “Obama 2011 Pakistan strikes,” *BIJ*. See section 4.1.2 for further discussion related to this claim.

<sup>58</sup> Pakistani daily *The News* subsequently published the names, ages and places of residence of almost 80 victims, 70 of them under the age of 18. Yousaf Ali, “Most Bajaur victims were under 20,” *The News*, November 5, 2006, <[www.thenews.com.pk/TodaysPrintDetail.aspx?ID=4043&Cat=13&dt=11/5/2006](http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=4043&Cat=13&dt=11/5/2006)>, accessed October 30, 2014.

<sup>59</sup> “Drone Wars: Pakistan Analysis,” *NAF*, accessed October 30, 2014. For NAF undercounting of civilian deaths, see section 2.3b.

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- <sup>60</sup> “Obama admits Pakistan drone attacks,” *Al Jazeera*, January 31, 2012, <[www.aljazeera.com/news/americas/2012/01/201213135626588871.html](http://www.aljazeera.com/news/americas/2012/01/201213135626588871.html)>, accessed October 29, 2014.
- <sup>61</sup> See, for example, Stanford and NYU, *Living Under Drones*; Stimson Center, *Recommendations and Report of the Task Force on US Drone Policy*; Columbia Law School Human Rights Clinic, *Counting Drone Strike Deaths* (October 2012); Amnesty International, “*Will I Be Next?*” Unusually, even former CIA and NSA Director Michael Hayden, a figure hardly noted for his commitment to transparency, criticized the Obama administration on this count, arguing “Democracies do not make war on the basis of legal memos locked in a D.O.J. safe.” Becker and Shane, “Secret ‘Kill List.’”
- <sup>62</sup> Scott Shane, “CIA. Is Disputed on Civilian Toll in Drone Strikes,” *New York Times*, August 11, 2011, <[www.nytimes.com/2011/08/12/world/asia/12drones.html?\\_r=1&](http://www.nytimes.com/2011/08/12/world/asia/12drones.html?_r=1&)>, accessed October 30, 2014.
- <sup>63</sup> “Drone strikes: tears in Congress as Pakistani family tells of mother’s death,” *Guardian*, October 29, 2013, <[www.theguardian.com/world/2013/oct/29/pakistan-family-drone-victim-testimony-congress](http://www.theguardian.com/world/2013/oct/29/pakistan-family-drone-victim-testimony-congress)>, accessed October 30, 2014.
- <sup>64</sup> Stanford and NYU, *Living Under Drones*, 34.
- <sup>65</sup> The quote is from a critique of a much earlier effort to obscure war from the American public; namely, President Nixon’s belated attempt at mechanizing the Vietnam War. See Eqbal Ahmad, “Counterinsurgency,” in Carollee Bengelsdorf et al, eds., *The Selected Writings of Eqbal Ahmad* (New York: Columbia University Press, 2006), 41.
- <sup>66</sup> Chris Cillizza, “The American public loves drones,” *Washington Post*, February 6, 2013, <[www.washingtonpost.com/blogs/the-fix/wp/2013/02/06/the-american-public-loves-drones/](http://www.washingtonpost.com/blogs/the-fix/wp/2013/02/06/the-american-public-loves-drones/)>, accessed November 11, 2014.
- <sup>67</sup> Emily Swanson, “Opinion on Drones Depends on Who’s Being Killed,” *Huffington Post*, <[www.huffingtonpost.com/2013/02/15/drones-opinion\\_n\\_2689813.html](http://www.huffingtonpost.com/2013/02/15/drones-opinion_n_2689813.html)>, accessed November 11, 2014.
- <sup>68</sup> Ibid.
- <sup>69</sup> Zaidi, “Drones killed 67 civilians in five years: Pakistan.”
- <sup>70</sup> Ahmad Noorani, “Defence ministry admits sending wrong drone numbers to PM,” *The News*, November 6, 2013, <[www.thenews.com.pk/Todays-News-13-26495-Defence-ministry-admits-sending-wrong-drone-figures-to-PM](http://www.thenews.com.pk/Todays-News-13-26495-Defence-ministry-admits-sending-wrong-drone-figures-to-PM)>, accessed October 1, 2014.
- <sup>71</sup> *Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism*, A/68/389, 8.
- <sup>72</sup> Ibid.
- <sup>73</sup> Writ Petition no. 1551-P/2012 (2013), Peshawar High Court, Judgment of April 11, 2013, para. 3.
- <sup>74</sup> Ibid.

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- 75 CIVIC, *Civilian Harm and Conflict in Northwest Pakistan*, 82. The Pakistan government has offered compensation on an *ad hoc* basis in some cases, such as to the victims of the March 17, 2011 Datta Khel jirga strike.
- 76 Ibid, 82-83.
- 77 Ibid, 65.
- 78 “Details of Attacks by NATO Forces / Predators in FATA,” downloaded September 19, 2014 from “Leaked official document records 330 drone strikes in Pakistan,” *BIJ*, <[www.thebureauinvestigates.com/2014/01/29/leaked-official-document-records-330-drone-strikes-in-pakistan/](http://www.thebureauinvestigates.com/2014/01/29/leaked-official-document-records-330-drone-strikes-in-pakistan/)>
- 79 Ibid.
- 80 Ibid. Official reports on individual strikes that I have been able to access suggest that such identifying information is compiled by local officials in at least some cases.
- 81 Ibid.
- 82 Ibid. The single exception is a reference to a ‘civilian pickup’ being targeted.
- 83 Ibid.
- 84 For example, in an official report relating to the death of an elderly woman, Maimana Bibi, in a drone strike on October 24, 2012. Author research in FFR files.
- 85 “Leaked official document records 330 drone strikes in Pakistan,” *BIJ*, accessed September 30, 2014. The report also quotes investigative journalist Chris Woods, who initiated the Bureau’s drone investigation, as stating “One of my sources, a former Pakistani minister, has indicated that local officials may have come under pressure to play down drone civilian deaths following the election of Barack Obama. It’s certainly of concern that almost all mention of non-combatant casualties simply disappears from this document after 2009, despite significant evidence to the contrary.”
- 86 “Details of Attacks by NATO Forces / Predators in FATA.”
- 87 Author interview with high-ranking Pakistani officer associated with military and intelligence circles, October 5, 2014.
- 88 Ibid. At times when Pakistani intelligence authorities were cooperating with the CIA, they may also have been able to rely on drone surveillance footage. See the end of this section.
- 89 Ibid.
- 90 For example, Fair, “The Problems of Studying Civilian Casualties from Drone Usage in Pakistan,” accessed October 30, 2014. Fair’s arguments lack credibility not least in that, after claiming that Pakistani media, FATA locals and official Pakistani accounts lack any credibility since they cannot be ‘independently verified,’ she goes on to conclude that drones cause very few civilian casualties – based on her conversations with some “U.S. officials...as well as Pakistani military and civilian officials.”
- 91 I chose NAF data as previous studies have noted that a relatively high proportion of media reports compiled by NAF quote military or intelligence



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officials as sources; hence I expected to find a sizable sample of statements by these sources in the data.

92 One report in each period cited officials as reporting militant deaths without specifying if they were military or civilian officials. I have included those reports in the table; their exclusion would not significantly alter the results.

93 “Dozens die as US drone hits Pakistan home,” *Al Jazeera*, March 17, 2011, <[www.aljazeera.com/news/asia/2011/03/20113178411386630.html](http://www.aljazeera.com/news/asia/2011/03/20113178411386630.html)>, accessed October 2, 2014.

94 Nic Robertson and Greg Botelho, “Ex-Pakistani President Musharraf admits secret deal with U.S. on drone strikes,” *CNN*, April 12, 2013, <[www.cnn.com/2013/04/11/world/asia/pakistan-musharraf-drones/](http://www.cnn.com/2013/04/11/world/asia/pakistan-musharraf-drones/)>, accessed November 11, 2014.

95 Jonathan S. Landay, “U.S. secret: CIA collaborated with Pakistan spy agency in drone war,” *McClatchy DC*, April 9, 2013, <[www.mcclatchydc.com/2013/04/09/188063\\_us-secret-cia-collaborated-with.html?sp=99/323/516/&rh=1](http://www.mcclatchydc.com/2013/04/09/188063_us-secret-cia-collaborated-with.html?sp=99/323/516/&rh=1)>, accessed November 11, 2014.

96 “US embassy cables: Pakistan backs US drone attacks on tribal areas,” *Guardian*, November 30, 2010, <[www.theguardian.com/world/us-embassy-cables-documents/167125](http://www.theguardian.com/world/us-embassy-cables-documents/167125)>, accessed November 11, 2014.

97 “US vacates Pakistan base amid drone debate,” *Al Jazeera*, December 12, 2011, <[www.aljazeera.com/news/asia/2011/12/2011121165742903554.html](http://www.aljazeera.com/news/asia/2011/12/2011121165742903554.html)>, accessed November 11, 2014.

98 Stanford and NYU, *Living Under Drones*, 41-42.

99 *Ibid.*, 42.

100 Murtaza Hussain, “Who Tried to Silence Drone Victim Kareem Khan?” *The Intercept*, February 25, 2014, <<https://firstlook.org/theintercept/2014/02/25/tried-silence-drone-victim-kareem-khan/>>, accessed October 30, 2014.

101 Other aggregators include the Pakistan Institute for Peace Studies (PIPS) and the Long War Journal (LWJ). However, PIPS has not tracked civilian deaths in drone strikes consistently, although it lists the names of senior militant commanders killed in drone strikes in its annual security reports. For criticisms of LWJ’s methodology, see Stanford and NYU, *Living Under Drones*, 45-47, and Columbia, *Counting Drone Strike Deaths*, 27-33.

102 Author interview with Safdar Dawar, former President of the Tribal Union of Journalists, September 6, 2014.

103 Author interview with Mirza Shahzad Akbar, September 2, 2014.

104 Author interview with Peshawar Bureau Chief of media organization, September 6, 2014.

105 Author interview with Safdar Dawar, September 6, 2014.

106 Author interview with senior Peshawar-based correspondent, September 6, 2014.

107 *Ibid.*

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- <sup>108</sup> For more, see Mushtaq Yusufzai’s interview in Chris Woods, “Interview: ‘Ask the wrong people about drone deaths and you can be killed,’” *BIJ*, August 1, 2013, <[www.thebureauinvestigates.com/2013/08/01/interview-ask-the-wrong-people-about-drone-deaths-and-you-can-be-killed/](http://www.thebureauinvestigates.com/2013/08/01/interview-ask-the-wrong-people-about-drone-deaths-and-you-can-be-killed/)>, accessed November 18, 2014.
- <sup>109</sup> For example, Chris Woods observed that Pakistan daily The News is very good at sending reporters to the area to obtain more accurate information about a drone strike, but that this process takes two days. By then, owing to the 24/7 nature of news coverage, most media outlets will have moved on to other stories. Author interview with Chris Woods, by telephone, September 26, 2014.
- <sup>110</sup> Stanford and NYU, *Living Under Drones*, 47.
- <sup>111</sup> Peter Bergen and Jennifer Rowland, “Civilian casualties plummet in drone strikes,” *CNN*, July 14, 2012, <<http://edition.cnn.com/2012/07/13/opinion/bergen-civilian-casualties/index.html>>, accessed October 7, 2014.
- <sup>112</sup> Columbia, *Counting Drone Strike Deaths*, 27.
- <sup>113</sup> *Ibid.*, 27-28.
- <sup>114</sup> NAF lists, as its Pakistani media sources, Dawn, Express Times, The News and Geo TV; and as its international sources, AFP, AP, Reuters, Al Jazeera, BBC, CNN, The Guardian, LA Times, New York Times, Telegraph and Washington Post. (Yemen Observer and Yemen Post are consulted for drone strikes in Yemen.) “Drone Wars Methodology,” *NAF*, <<http://securitydata.newamerica.net/drones/methodology>>, accessed October 8, 2014.
- <sup>115</sup> For example, in the two sets of drone strikes I examined in table 1 (in section 2.2b), NAF referenced a total of 120 articles for 34 strikes. Data obtained from “Drone Wars Pakistan: Analysis,” *NAF*.
- <sup>116</sup> Stanford and NYU, *Living Under Drones*, 47-52.
- <sup>117</sup> Columbia, *Counting Drone Strike Deaths*, 18-19.
- <sup>118</sup> “Drone Wars Methodology,” *NAF*.
- <sup>119</sup> Stanford and NYU, *Living Under Drones*, 50.
- <sup>120</sup> 33 and 37 respectively out of 51 reports. The majority (69 out of 120) of the links NAF had cited were broken or incorrectly entered in the database, but did not appear to differ in a way that would systematically change these percentages.
- <sup>121</sup> Stanford and NYU, *Living Under Drones*, 51-52. My own findings were similar.
- <sup>122</sup> *Ibid.*, 49.
- <sup>123</sup> Idrees Ahmad, “The magical realism of body counts.”
- <sup>124</sup> *NAF*, <<http://securitydata.newamerica.net/drones/pakistan/008-2010>>, accessed October 9, 2014.
- <sup>125</sup> “Punjabi Taliban commander welcomes govt’s peace talks offer,” *Dawn*, August 22, 2013, <[www.dawn.com/news/1037600](http://www.dawn.com/news/1037600)>, accessed October 9, 2014.

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- <sup>126</sup> “Punjabi Taliban shift focus to Afghanistan,” *Dawn*, September 5, 2014, <[www.dawn.com/news/1130081](http://www.dawn.com/news/1130081)>, accessed October 9, 2014; and Tahir Ali, “Punjabi Taliban renounce violence,” *The Nation*, September 14, 2014, <<http://nation.com.pk/national/14-Sep-2014/punjabi-taliban-renounce-violence>>, accessed October 9, 2014.
- <sup>127</sup> See sections 2.3a and 2.3f.
- <sup>128</sup> “Drone Wars Methodology,” *NAF*. As PBC’s ‘foreigners’ category highlights, there are foreign civilians in the area who may fall victim to drone strikes.
- <sup>129</sup> *Ibid.* A more reasonable formulation may be to assign 1 to x-1 to each category, where x is the total number of deaths.
- <sup>130</sup> In concluding its review of the NAF (and Long War Journal) databases, the Columbia report observed, “Our close review of the data suggests methodological problems in the civilian casualty tracking of the New America Foundation and the Long War Journal. While in many cases there is room for reasonable disagreement on the methodological approach taken, the total effect of numerous problems we found results in significant undercounting of civilian casualties in particular... Interestingly, the same severity of undercounting compared to strength of reporting is not apparent in the militant casualty counts. The militant casualty counts rely heavily on what we have assessed as very weak reported identifications. New America and the Long War Journal’s lower militant count is higher than our own, and significantly higher than our count of strongly identified militants. While the latter is to be expected, it contrasts sharply with the comparison to our civilian casualty statistics.” Columbia, *Counting Drone Strike Deaths*, 33.
- <sup>131</sup> Dr. Usmani clarified that the foreigner category includes only those foreigners who were not classified as militants. Author interview with Zeeshan-ul-hassan Usmani, by email, September 18, 2014.
- <sup>132</sup> *PBC*, <[http://pakistanbodycount.org/drone\\_attack](http://pakistanbodycount.org/drone_attack)>. Figures provided in the above paragraph are current to October 2, 2014.
- <sup>133</sup> Author interview with Zeeshan-ul-hassan Usmani, September 3, 2014.
- <sup>134</sup> Author interview with Zeeshan-ul-hassan Usmani, by email, September 18, 2014.
- <sup>135</sup> Author interview with Zeeshan-ul-hassan Usmani, September 3, 2014.
- <sup>136</sup> *Ibid.*
- <sup>137</sup> *Ibid.*
- <sup>138</sup> *PBC*, <[http://pakistanbodycount.org/drone\\_attack](http://pakistanbodycount.org/drone_attack)>, accessed October 9, 2014.
- <sup>139</sup> For Interactive Group’s website, see <[www.iacgrp.com/beginning.php](http://www.iacgrp.com/beginning.php)>
- <sup>140</sup> Author interview with Zeeshan-ul-hassan Usmani, September 3, 2014.
- <sup>141</sup> Author interview with Zeeshan-ul-hassan Usmani, by email, September 18, 2014.
- <sup>142</sup> For example, Stanford and NYU, *Living Under Drones*, 53-54, and Columbia, *Counting Drone Strike Deaths*, 27-32.

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- 143 “Covert US strikes in Pakistan, Yemen and Somalia – our methodology,”  
*BIJ*, accessed November 4, 2014.
- 144 “The Bush Years: Pakistan strikes 2004 – 2009,” *BIJ*, accessed November 4,  
2014.
- 145 “Covert US strikes in Pakistan, Yemen and Somalia – our methodology,”  
*BIJ*, accessed November 4, 2014.
- 146 See also Columbia, *Counting Drone Strike Deaths*, 19.
- 147 “Covert US strikes in Pakistan, Yemen and Somalia – our methodology,”  
*BIJ*, accessed November 4, 2014.
- 148 In its Naming the Dead project, BIJ shifts from this stance and categorizes  
some of the dead as ‘alleged militants’ – 300 of 709 dead identified by name  
as of November 5, 2014. “Naming the Dead,” *BIJ*,  
<[www.thebureauinvestigates.com/namingthedead/the-dead/?lang=en](http://www.thebureauinvestigates.com/namingthedead/the-dead/?lang=en)>,  
accessed November 5, 2014.
- 149 “Obama 2011 Pakistan strikes,” *BIJ*, accessed November 4, 2014.
- 150 Manzoor Ali, “Pakistan furious as US drone strike kills civilians,” *Express  
Tribune*, March 18, 2011, <[http://tribune.com.pk/story/133842/drone-strike-  
kills-8-in-datta-khel/](http://tribune.com.pk/story/133842/drone-strike-kills-8-in-datta-khel/)>, accessed November 4, 2014.
- 151 *Ibid.*
- 152 “Obama 2012 Pakistan strikes,” *BIJ*, <[www.thebureauinvestigates.com/  
2012/01/11/obama-2012-strikes/](http://www.thebureauinvestigates.com/2012/01/11/obama-2012-strikes/)>, accessed November 4, 2014.
- 153 Columbia, *Counting Drone Strike Deaths*, 17, 27-28.
- 154 The Columbia report itself viewed 24 civilians from the Datta Khel jirga  
strike as “particularly strongly identified,” in contrast to BIJ’s low figure of  
19 civilians for the strike. *Ibid.*, 32.
- 155 “Covert US strikes in Pakistan, Yemen and Somalia – our methodology,”  
*BIJ*, accessed November 5, 2014.
- 156 *Ibid.*
- 157 Glenn Greenwald, “U.S. drones targeting rescuers and mourners,” *Salon*,  
February 5, 2012, <[www.salon.com/2012/02/05/u\\_s\\_drones\\_targeting\\_  
rescuers\\_and\\_mourners/](http://www.salon.com/2012/02/05/u_s_drones_targeting_rescuers_and_mourners/)>, accessed November 20, 2014.
- 158 Columbia, *Counting Drone Strike Deaths*, 22-23.
- 159 *Ibid.*, 24.
- 160 *Ibid.*, 25-26.
- 161 Author interview with Mirza Shahzad Akbar, September 2, 2014.
- 162 Such information was collected in Drone Investigation Questionnaires and  
Drone Victim Descriptions compiled by FFR’s investigators. Author  
research in FFR files.
- 163 *Ibid.*
- 164 Author research in FFR files.
- 165 Author interview with Mirza Shahzad Akbar, August 5, 2014.
- 166 *Ibid.*
- 167 *Ibid.* For this reason, FFR has only been able to take one case of a woman  
victim to court, as she had had a passport made in order to perform the *hajj*.

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- 168 Author interview with Mirza Shahzad Akbar, September 2, 2014.
- 169 Ibid.
- 170 Ibid.
- 171 “The Bush Years: Pakistan strikes 2004 – 2009,” *BIJ*, accessed November 5, 2014.
- 172 Author interview with Mirza Shahzad Akbar, September 2, 2014; Stanford and NYU, *Living Under Drones*, 42-43.
- 173 Based on his experience with BIJ’s drone tracking project, Chris Woods argued that there was no indication of significant propaganda by the TTP to increase civilian casualty counts. Author interview with Chris Woods, by telephone, August 26, 2014.
- 174 For more on Taliban reputation-building, see section 8.2.
- 175 In the sample of reports cited by NAF that I examined, the number of instances in which Taliban were cited was close to zero.
- 176 For example, CIVIC, *Civilian Harm and Conflict in Northwest Pakistan*, 79-81.
- 177 Similar biases have been reported in national and international media coverage of the ongoing military Operation Zarb-e Azb in North Waziristan. See Mahvish Ahmad and Madiha R. Tahir, “Media Watch: Pak Press Covers Civilian Govt Unlike Foreign Press,” *Tanqeed*, July 2014, <[www.tanqeed.org/2014/07/media-watch-pak-press-covers-civilian-govt-unlike-foreign-press/#sthash.uX451R1A.dpbs](http://www.tanqeed.org/2014/07/media-watch-pak-press-covers-civilian-govt-unlike-foreign-press/#sthash.uX451R1A.dpbs)>, accessed November 11, 2014.
- 178 A number of Pakistani journalists recognized the ‘default’ nature of reporting on drone strikes. Mushtaq Yusufzai, for example, observed: “Every time it is reported that four or five were killed in each and every drone strike.” Chris Woods, “Interview: ‘Ask the wrong people about drone deaths and you can be killed.’” Another senior correspondent stated that ‘three militants killed’ was the most common account provided in initial reporting. Author interview with Peshawar bureau chief of media organization, September 6, 2014.
- 179 Author interview with Noor Behram, Waziri journalist, September 7, 2014.
- 180 NAF’s 258-307 is an evident underestimate – see section 2.3b.
- 181 “Drone Wars Pakistan: Leaders Killed,” *NAF*, <<http://securitydata.newamerica.net/drones/pakistan/leaders-killed>>, accessed November 5, 2014.
- 182 I have excluded the six leaders NAF lists as killed on June 10, 2014 for this reason. The deaths are recent, three of the leaders are unnamed and the ongoing military operation makes verification difficult.
- 183 “Naming the Dead,” *BIJ*, accessed November 5, 2014.
- 184 Ibid.
- 185 Author research in FFR files.
- 186 Stanford and NYU, *Living Under Drones*, 57-73, 79-89.
- 187 Amnesty International, “*Will I Be Next?*”, 41-42.

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- 188 Stanford and NYU, *Living Under Drones*, 77.
- 189 Data downloaded on August 25, 2014 from “Get the data: What the drones strike,” *BIJ*, <[www.thebureauinvestigates.com/2014/05/23/get-the-data-what-the-drones-strike/](http://www.thebureauinvestigates.com/2014/05/23/get-the-data-what-the-drones-strike/)>.
- 190 As one victim told CIVIC investigators: “We fear that the drones will strike us again...my aged parents are often in a state of fear. We are depressed, anxious, and constantly remembering our deceased family members...it often compels me to leave this place.” Another described the anguish of his sister-in-law, who lost her husband and two sons in a drone strike: “After their death she is mentally upset...she is always screaming and shouting at night and demanding me to take her to their graves.” Columbia Law School Human Rights Clinic and Center for Civilians in Conflict, *The Civilian Impact of Drones: Unexamined Costs, Unanswered Questions* (2012), 24.
- 191 Stanford and NYU, *Living Under Drones*, 81.
- 192 *Ibid*, 82.
- 193 Author research in FFR files.
- 194 Stanford and NYU, *Living Under Drones*, 83-84.
- 195 *Ibid*, 77-80; Amnesty International, “*Will I Be Next?*”, 39-41.
- 196 Stanford and NYU, *Living Under Drones*, 148. See also CIVIC, *Civilian Harm and Conflict in Northwest Pakistan*, 79-83.
- 197 Author research in FFR files.
- 198 Usama Khilji, “Living Under Drones: The Psychological, Social, and Economic Impact of Drones in FATA,” *Daily Times*, May 10, 2012, <<http://usamakhilji.wordpress.com/2012/05/27/living-under-drones-the-psychological-social-and-economic-impact-of-drones-in-fata/>>, accessed November 12, 2014.
- 199 Author research in FFR files.
- 200 Stanford and NYU, *Living Under Drones*, 92-101.
- 201 See, for example, Chris Woods, “Bureau investigation finds fresh evidence of CIA drone strikes on rescuers,” August 1, 2013, <[www.thebureauinvestigates.com/2013/08/01/bureau-investigation-finds-fresh-evidence-of-cia-drone-strikes-on-rescuers/](http://www.thebureauinvestigates.com/2013/08/01/bureau-investigation-finds-fresh-evidence-of-cia-drone-strikes-on-rescuers/)>, accessed November 12, 2014; Amnesty International, “*Will I Be Next?*”, 28-29.
- 202 Jack Serle, “UN expert labels CIA tactic exposed by Bureau ‘a war crime,’” *BIJ*, June 21, 2012, <[www.thebureauinvestigates.com/2012/06/21/un-expert-labels-cia-tactic-exposed-by-bureau-a-war-crime/](http://www.thebureauinvestigates.com/2012/06/21/un-expert-labels-cia-tactic-exposed-by-bureau-a-war-crime/)>, accessed November 12, 2014.
- 203 Stanford and NYU, *Living Under Drones*, 76.
- 204 *Ibid*, 75-76.
- 205 Columbia and CIVIC, *Civilian Impact of Drones*, 21.
- 206 Author interview with high-ranking Pakistani military officer, October 5, 2014.
- 207 David Kilcullen, *The Accidental Guerrilla: Fighting Small Wars in the Midst of a Big One* (Oxford: OUP, 2009), 34. My italics.

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- 208 Author interview with high-ranking Pakistani officer associated with  
military and intelligence circles, October 5, 2014.
- 209 Ibid.
- 210 Amnesty International, “*Will I Be Next?*”, 33-34.
- 211 Clive Stafford Smith, “We are sleepwalking into the Drone Age, unaware of  
the consequences,” *Guardian*, June 2, 2012, <[www.theguardian.com/  
commentisfree/2012/jun/02/drone-age-obama-pakistan](http://www.theguardian.com/commentisfree/2012/jun/02/drone-age-obama-pakistan)>, accessed  
November 12, 2014.
- 212 Akbar S. Ahmed, *The Thistle and the Drone*, 7; Lane Hartill, “Sifting  
intelligence tips from vendettas in Afghanistan,” *Christian Science Monitor*,  
January 26, 2005, <[www.csmonitor.com/2005/0126/p07s02-wosc.html](http://www.csmonitor.com/2005/0126/p07s02-wosc.html)>,  
accessed November 7, 2014; Rory Stewart, “Afghanistan: ‘A Shocking  
Indictment,’” *New York Review of Books*, vol. 61, no. 17, November 2014;  
Jane Mayer, “The Predator War.”
- 213 The comparison is particularly relevant as, in the views of some observers,  
the administration focused on drones as an alternative to Guantanamo. Sen.  
Saxby Chambliss (R-GA), ranking Republican on the Senate Select  
Committee on Intelligence, remarked: “Their policy is to take out high-value  
targets, versus capturing high-value targets. They are not going to advertise  
that, but that’s what they are doing.” Becker and Shane, “Secret ‘Kill List.’”
- 214 Stanford and NYU, *Living Under Drones*, 128.
- 215 Seton Hall University School of Law, *Report on Guantanamo Detainees: A  
Profile of 517 Detainees through Analysis of Department of Defense Data*  
(February 2006).
- 216 “Obama 2011 Pakistan strikes,” *BIJ*, accessed November 6, 2014. My  
italics.
- 217 As one villager commented, “Anyone who grows a beard and has a gun and  
drives a car – people think he might be a Taliban fighter...But over here  
every man carries a gun so you cannot tell who is Taliban and who is just a  
local in his village.” Amnesty International, “*Will I Be Next?*”, 28.
- 218 Ibid. Commenting on a reported sighting of Osama bin Laden in 2001, a  
former CIA officer remarked, “It’s like an urban legend...They just jumped  
to conclusions. You couldn’t see his face. It could have been Joe Schmo.  
Believe me, no tall man with a beard is safe anywhere in Southwest Asia.”  
Jane Mayer, “The Predator War.”
- 219 Kilcullen, *Accidental Guerrilla*, 227.
- 220 Jeremy Scahill and Glenn Greenwald, “The NSA’s Secret Role in the U.S.  
Assassination Program,” *The Intercept*, February 10, 2014,  
<<https://firstlook.org/theintercept/2014/02/10/the-nsas-secret-role/>>,  
accessed November 7, 2014.
- 221 Ibid.
- 222 Ibid.
- 223 Ibid.

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- <sup>224</sup> Larry Lewis, "Drone Strikes in Pakistan: Reasons to Assess Civilian Casualties," *Center for Naval Analyses* (April 2014), 17-28. Dr. Lewis argued that it was only after such lessons were successfully integrated into training over time that US forces in Afghanistan were able to reduce civilian casualty rates.
- <sup>225</sup> Marc W. Herold, "'Unworthy' Afghan Bodies: 'Smarter' U.S. Weapons Kill More Innocents," in Stephen J. Rockell and Rick Halpern, eds., *Inventing Collateral Damage* (Toronto: Between the Lines, 2009), 303-304.
- <sup>226</sup> *Ibid*, 308-23.
- <sup>227</sup> Walsh, "Effectiveness of Drone Strikes," 50.
- <sup>228</sup> Joint and Coalition Operational Analysis, "Drone Strikes: Civilian Casualty Considerations," executive summary, June 18, 2013. My italics.
- <sup>229</sup> Lewis, "Drone Strikes in Pakistan," 31.
- <sup>230</sup> "Drones More Likely to Harm Civilians than Manned Aircraft in Afghanistan," *CIVIC*, July 2, 2013, <<http://civiliansinconflict.org/resources/pr/drones-more-likely-to-harm-civilians-than-manned-aircraft-in-afghanistan>>, accessed November 7, 2014. Dr. Lewis and CIVIC Executive Director Sarah Holewinski collaborated on an article in which the finding was referenced. See Larry Lewis and Sarah Holewinski, "Changing of the Guard: Civilian Protection for an Evolving Military," *Prism*, vol. 4, no. 2 (2013), 57-66.
- <sup>231</sup> JCOA, "Drone Strikes." The executive summary recommends that best practices learned in Afghanistan be applied to theatres of undeclared conflict.
- <sup>232</sup> White House Press Office, "Remarks by the President at the National Defense University," May 23, 2013, <[www.whitehouse.gov/the-press-office/2013/05/23/remarks-president-national-defense-university](http://www.whitehouse.gov/the-press-office/2013/05/23/remarks-president-national-defense-university)>, accessed November 12, 2014. My italics.
- <sup>233</sup> For example, Syed Irfan Ashraf, "Drone Strikes: Boon or Bane?" *Dawn*, February 20, 2012, <[www.dawn.com/news/696987/drone-strikes-boon-or-bane](http://www.dawn.com/news/696987/drone-strikes-boon-or-bane)>, accessed November 13, 2014.
- <sup>234</sup> Author interview with Waziri journalist and IDP, September 6, 2014. My translation.
- <sup>235</sup> As one study observed, "The fact that drones are pilotless means that their use does not endanger American military personnel, potentially allowing their use in missions where the benefit of a successful attack is outweighed by the risk of harm to ground troops or pilots of manned strike aircraft. It may also mean that their use would generate less public opposition to the use of force." Walsh, "Effectiveness of Drone Strikes," 7-8.
- <sup>236</sup> Stimson Center, *Recommendations and Report of the Task Force on US Drone Policy*, 10-11. My italics.
- <sup>237</sup> Scahill and Greenwald, "The NSA's Secret Role in the U.S. Assassination Program." My italics.



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- <sup>238</sup> Peter Singer, author of *Wired for War*, observed in January 2012: “now we possess a technology that removes the last political barriers to war. The strongest appeal of unmanned systems is that we don’t have to send someone’s son or daughter into harm’s way. But when politicians can avoid the political consequences of the condolence letter – and the impact that military casualties have on voters and on the news media – they no longer treat the previously weighty matters of war and peace the same way...this operation has never been debated in Congress; more than seven years after it began, there has not even been a single vote for or against it.” Peter W. Singer, “Do Drones Undermine Democracy?” *New York Times*, January 22, 2012, <[www.brookings.edu/research/opinions/2012/01/22-drones-singer](http://www.brookings.edu/research/opinions/2012/01/22-drones-singer)>, accessed November 12, 2014. Since Singer’s article, the issue of drone strikes was raised during Sen. Rand Paul’s (R-KY) Senate filibuster of the appointment of CIA Director John Brennan, and later in Rep. Grayson’s invitation to drone victims to address Congress.
- <sup>239</sup> ‘Insurgency’ is generally defined in political science as an armed revolt against a constituted authority, not recognized as belligerency. One peculiarity of the Pakistani Taliban insurgency is that its initial goal was not to fight against Pakistani ruling authorities but against the US-backed authorities in Afghanistan. However, after the Pakistani state confronted it the Taliban groups that went on to make up the TTP changed their goals.
- <sup>240</sup> In the 1980s, the Soviet military developed its own counterinsurgency doctrines for its war in Afghanistan. See, for example, Artemy Kalinovsky, “The Blind Leading the Blind: Soviet Advisors, Counter-Insurgency and Nation-Building in Afghanistan,” *CWIHP Working Paper Series*, no. 60, January 2010 (Washington, DC: Woodrow Wilson Center for International Studies).
- <sup>241</sup> See Field Manual, 3-24, “Counterinsurgency” (Washington, D.C.: Department of the Army, 2006).
- <sup>242</sup> For example, in Kilcullen, *Accidental Guerrilla*.
- <sup>243</sup> Field Manual, 3-24, para. 1-108.
- <sup>244</sup> Galula argues that the insurgent “cannot seriously embark on an insurgency unless he has a well-grounded cause with which to attract supporters among the population. A cause...is his sole asset at the beginning, and it must be a powerful one if the insurgent is to overcome his weakness.” David Galula, *Counterinsurgency Warfare: Theory and Practice* (Westport: Praeger, 1964), 10.
- <sup>245</sup> The US army field manual retreats to the latter understanding at numerous points; for example, in Field Manual 3-24, para.1-9, 1-12, 1-44, 3-76, 3-91 and 5-57.
- <sup>246</sup> Ibid, para. 1-9.
- <sup>247</sup> Galula, *Counterinsurgency Warfare*, 6.
- <sup>248</sup> Galula outlines the basic operations in *ibid*, 78-97. For the US army’s more technical discussion, see Field Manual 3-24, chapter five.

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- 249 Field Manual 3-24, para. 1-141. See also the paradoxes mentioned in para. 1-150, 1-151, 1-152, 1-153 and 1-156.
- 250 Eqbal Ahmad, "From Potato Sack to Potato Mash: The Contemporary Crisis of the Third World," in Bengelsdorf et al, 120. Max Weber defined legitimacy as the "inner justification" by which men submit to domination, and went on to define three "pure types" of legitimacy: traditional, charismatic and legal. Max Weber, "Politics as a Vocation," in H.H. Gerth and C. Wright Mills, eds., *From Max Weber: Essays in Sociology* (New York: OUP, 1946), 78-79.
- 251 I have discussed this concept in more depth in Ahmad M. Siddiqi, "From Bilateralism to Cold War Conflict: Pakistan's Engagement with State and Non-State Actors on its Afghan Frontier, 1947-1989" (Oxford University: PhD diss., 2014), 19-21. Much of chapter one deals with the application of the concept on the Pakistan-Afghanistan frontier.
- 252 Eqbal Ahmad, "Revolutionary Warfare: How to Tell When the Rebels Have Won," in Bengelsdorf et al, 17-18.
- 253 Ibid, 18. See also Gerard Chaliand, ed., *Guerrilla Strategies: An Historical Anthology from the Long March to Afghanistan*, 12-16.
- 254 The Chinese and Vietnamese revolutionary wars fall into this category.
- 255 Chaliand, ed., *Guerrilla Strategies*, 12.
- 256 Ibid, 11-13.
- 257 For the Vietnamese example in this respect, see Jeffrey Race, "War Comes to Long An," in Chaliand, 302-303.
- 258 I have adapted this section from a lengthier discussion in my PhD dissertation. See Siddiqi, "From Bilateralism to Cold War Conflict," particularly chapters one and two.
- 259 One of the early accounts of *pashtunwali* is in Fredrick Barth, *Political Leadership Among Swat Pathans* (London: Athlone, 1959). Barth's characterizations of the tribal code as immutable and of feuding as endemic to tribal culture have since come under criticism. For variant perspectives in the debate, see Jon W. Anderson, *Doing Pakhtu: Social Organization of the Ghilzai Pakhtun* (Ann Arbor: UMI, 1979); Richard Tapper, ed., *The Conflict of Tribe and State in Iran and Afghanistan* (New York: St. Martin's Press, 1983), 42-75; Lila Abu-Lughod, "Zones of Theory in the Anthropology of the Arab World," *Annual Review of Anthropology*, vol. 18 (1989), 280-87; Akbar S. Ahmed, *Religion and Politics in Muslim Society: Order and Conflict in Pakistan* (Cambridge: Cambridge University Press, 1983); and Sana Haroon, *Frontier of Faith: Islam in the Indo-Afghan Borderland* (London: Hurst, 2007).
- 260 Jon W. Anderson, "Khan and Khel: Dialectics of Pakhtun Tribalism," in Tapper, 119-49.
- 261 Rob Hager, "State, Tribe and Empire in Afghan Inter-Polity Relations," in Tapper, 83-118.
- 262 See Haroon, *Frontier of Faith*, 125-44.

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- <sup>263</sup> James Spain, quoted in Akbar S. Ahmed, *Religion and Politics*, 32.
- <sup>264</sup> The 1897-98 uprising required the deployment of 63,000 troops; in the late 1930s there were over 40,000 troops deployed in Waziristan, more than in the rest of India combined.
- <sup>265</sup> In 1907, 56 tribal raids were reported in the settled districts of the frontier; in 1908, 99 and in 1909, 159. Asta Olesen, *Islam and Politics in Afghanistan* (Richmond: Curzon, 1995), 103.
- <sup>266</sup> Siddiqi, "From Bilateralism to Cold War Conflict," 93-95.
- <sup>267</sup> Thus, Muhammad Ali Jinnah's address to the tribes of FATA was based explicitly on the assurance that existing treaties would be continued until tribal representatives and the Pakistan government agreed new arrangements. Jinnah felt it necessary to emphasize that the government had "no desire whatsoever to interfere in any way the traditional independence of the tribal areas." "Statement made by the Quaid-i-Azam, Mohammad Ali Jinnah assuring the people of the Frontier Province self-government within Pakistan and expressing the desire to have friendly relations with Afghanistan, July 30, 1947," in Mehrunnisa Ali, ed. *Pak-Afghan Discord: A Historical Perspective: Documents 1855-1979* (Karachi: University of Karachi, 1990), 114.
- <sup>268</sup> For example, Maira Hayat, "Still Taming the Turbulent Frontier?" *JASO-online*, vol. 1, no. 2 (Winter 2009), 179-206.
- <sup>269</sup> Akbar S. Ahmed, *The Thistle and the Drone*, 52.
- <sup>270</sup> Various commissions have been formed over the years to recommend possible changes to the administrative structure of FATA, but no systematic means of consultation of all inhabitants (for example, by referendum based on adult franchise) has been undertaken. During the recent conflict, there have been a few attempts to poll inhabitants' views on the political future of the region. For example, see Community Appraisal and Motivation Programme (CAMP), *Understanding FATA: Attitudes Towards Governance, Religion & Society in Pakistan's Federally Administered Tribal Areas, vol. 3* (2009), and CAMP, *Understanding FATA: Attitudes Towards Governance, Religion & Society in Pakistan's Federally Administered Tribal Areas, vol. 4* (2010). In response to CAMP's surveys conducted from 2008-2010, 21-24% favoured either retaining existing arrangements for governing FATA or making amendments to the FCR; 19-34% favoured full integration into Khyber Pakhtunkhwa; and 17-25% favoured establishing FATA as a separate province. See section 7.2d for potential concerns with polling, as well as CAMP's discussion on methodology in CAMP, *Understanding FATA, vol. 4*, 130-76. For a summary of the various arguments on FATA's status, see Zia Ur Rahman et al, "Governing Fata: The big debate," *Dawn*, July 6, 2014, <[www.dawn.com/news/1117447/governing-fata-the-big-debate](http://www.dawn.com/news/1117447/governing-fata-the-big-debate)>, accessed November 13, 2014.
- <sup>271</sup> Some of the best studies of the Soviet war, from an Afghanistan-focused lens, include Barnett R. Rubin, *The Fragmentation of Afghanistan: State*

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- Formation and Collapse in the International System* (New Haven: Yale University Press, 2002); Olivier Roy, *Islam and Resistance in Afghanistan* (Cambridge: Cambridge University Press, 1990); and Gilles Dorronsoro, *Revolution Unending: Afghanistan, 1979 to the Present* (London: Hurst, 2005)
- 272 Dorronsoro, *Revolution Unending*, 119-22.
- 273 For why the narrative of the war developed in this way, see Siddiqi, “From Bilateralism to Cold War Conflict,” 269-77, 286-96.
- 274 Abdul Salam Zaeef, *My Life with the Taliban* (London: Hurst, 2010), 19-29.
- 275 Zaeef, *My Life with the Taliban*; Roy Gutman, *How We Missed the Story: Osama bin Laden, the Taliban, and the Hijacking of Afghanistan* (Washington, D.C.: USIP, 2008), 62-64.
- 276 Ahmed Rashid, *Taliban: Islam, Oil and the New Great Game in Central Asia* (London: I.B. Tauris, 2000), 89-92.
- 277 Gutman, *How We Missed the Story*, 64-68.
- 278 *Nanawatai* (sanctuary) is an important tenet of *pashtunwali*. Historically, fugitives from the law elsewhere in Pakistan would sometimes take refuge in FATA.
- 279 For more on the Taliban’s early recruiting, see Antonio Giustozzi, *Koran, Kalashnikov and Laptop: The Neo-Taliban Insurgency in Afghanistan* (London: Hurst, 2007), 33-72.
- 280 See also section 7.2b.
- 281 Kilcullen, *Accidental Guerrilla*, 242-43.
- 282 *Ibid*, 238-39.
- 283 *Ibid*, 238.
- 284 According to one researcher, Nek Muhammad’s funeral drew thousands of mourners; the sympathy was in large part because the army had initiated a months’ long economic blockade in the area and killed people in skirmishes. Author interview with drone researcher and activist, by telephone, July 17, 2014. Writing about the Pakistani state’s counterinsurgency response, one military observer characterized the death as a “game-changer.” Shaukat Qadir, “The State’s Response to the Pakistani Taliban Onslaught,” in Moeed Yusuf, ed., *Insurgency and Counterinsurgency in South Asia: Through a Peacebuilding Lens* (Washington, DC: USIP, 2014), 136.
- 285 For the case of the Afghan Taliban, see Giustozzi, *Koran, Kalashnikov and Laptop*, 81-93.
- 286 Muhammad Amir Rana et al, *Dynamics of Taliban Insurgency in FATA* (Islamabad: Pakistan Institute of Peace Studies, 2014), 80-81.
- 287 *Ibid*, 51-54.
- 288 Qadir, “The State’s Response to the Pakistani Taliban Onslaught,” 138-39. Maulana Masood Azhar, leader of Jaish-e Muhammad, argued in 2009 that “Many [Taliban] commanders fighting in Swat today were once affiliated with the faithful, spiritual and ethical system of Jaish-e Muhammad and they were not allowed to hurt any Muslim but when the government banned Jaish

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- they parted ways with the organization and became local and regional militant commanders. This is the consequence of banning the Jihad groups in Pakistan.” Rana et al, *Dynamics of Taliban Insurgency*, 165.
- <sup>289</sup> Qadir, “The State’s Response to the Pakistani Taliban Onslaught,” 138-39.
- <sup>290</sup> Analyzing the Afghan *mujahidin*, Eqbal Ahmad argued “The Mujahideen are too disunited to win the war, but they are too spread out to lose it. The Soviets face more than a thousand separate armies that depend not on a central command, which could be wiped out, but upon the initiative of thousands of individual leaders and the bravery of tens of thousands more.” Eqbal Ahmad and Richard J. Barnett, “Bloody Games,” in Bengelsdorf et al, 468.
- <sup>291</sup> Ejaz Haider, “Peshawar church attack and its implications,” *Express Tribune*, September 24, 2013, <<http://tribune.com.pk/story/608636/peshawar-church-attack-and-its-implications/>>, accessed November 13, 2014.
- <sup>292</sup> Ibid. For example, in Mullah Fazlullah’s speech on being chosen leader of the TTP that henceforth the organization would attack military and political party targets. “Pakistan Taliban chief Mullah Fazlullah rejects talks,” *BBC*, November 7, 2013, <[www.bbc.com/news/world-asia-24861008](http://www.bbc.com/news/world-asia-24861008)>, accessed November 13, 2014. When Khan Said Sajna’s group subsequently split from the TTP, they cited a range of TTP practices, including extortion, kidnapping for ransom, and attacks on shrines and religious leaders as reasons for the split. Sailab Mahsud, “Key group breaks away from TTP,” *Dawn*, May 29, 2014, <[www.dawn.com/news/1109280](http://www.dawn.com/news/1109280)>, accessed November 13, 2014.
- <sup>293</sup> For the case of the Afghan Taliban, see Pravin Rajan, “Networks of Faith and Community: The Taliban and Political Mobilization in Contemporary ‘AfPak’” (Oxford University: MPhil thesis, 2009).
- <sup>294</sup> Rana et al, *Dynamics of Taliban Insurgency*, 150-51, 201-30.
- <sup>295</sup> Author interview with Rahmatullah Khan Darpakhel, Waziri journalist, September 7, 2014.
- <sup>296</sup> Ibid.
- <sup>297</sup> Rana et al, *Dynamics of Taliban Insurgency*, 74-75.
- <sup>298</sup> Anwarullah Khan, “Taliban set up Sharia courts in Bajaur Agency,” *Dawn*, July 7, 2008, <[www.dawn.com/news/310667/taliban-set-up-sharia-courts-in-bajaur-agency](http://www.dawn.com/news/310667/taliban-set-up-sharia-courts-in-bajaur-agency)>, accessed November 14, 2014; Kahar Zalmay, “My trip to North Waziristan,” *Project Pakistan*, April 2, 2014 <<http://project-pakistan.com/my-trip-to-north-waziristan-i/>>, accessed November 14, 2014. More in-depth of the extent of justice provision by the Pakistani Taliban have yet to be conducted, but for the Afghan Taliban see Antonio Giustozzi et al, *Shadow Justice: How the Taliban run their judiciary?* (Kabul: Integrity Watch Afghanistan, 2013).
- <sup>299</sup> Rana et al, *Dynamics of Taliban Insurgency*, 163.

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300 Author interview with Waziri journalist, September 6, 2014; author  
interview with Waziri journalist, September 7, 2014; Madiha R. Tahir,  
“Reporter’s Notebook: Swat,” *Tanqeed* (January 2013),  
<[www.tanqeed.org/2013/01/reporters-notebook-swat-madiha-r-tahir/#sthash.AZ6hMkFL.6R0x0uYw.dpbs](http://www.tanqeed.org/2013/01/reporters-notebook-swat-madiha-r-tahir/#sthash.AZ6hMkFL.6R0x0uYw.dpbs)>, accessed October 21, 2014;  
Amnesty International, “*Will I Be Next?*”, 33-34.

301 Rana et al, *Dynamics of Taliban Insurgency*, 152-53.

302 Ibid, 120-22, 128.

303 Jeremy Weinstein, *Inside Rebellion: The Politics of Insurgent Violence*  
(Cambridge: Cambridge University Press, 2007).

304 Ibid.

305 Huma Yusuf, “Conflict Dynamics in Karachi,” *Peaceworks* no. 82 (USIP,  
2012), 15-17; Fahim Zaman and Naziha Syed Ali, “Taliban in Karachi: the  
real story,” *Dawn*, March 31, 2013, <[www.dawn.com/news/799118/taliban-in-karachi-the-real-story](http://www.dawn.com/news/799118/taliban-in-karachi-the-real-story)>; Declan Walsh and Zia ur-Rehman, “Taliban  
Spread Terror in Karachi as the New Gang in Town,”  
<[www.nytimes.com/2013/03/29/world/asia/taliban-extending-reach-across-pakistan.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2013/03/29/world/asia/taliban-extending-reach-across-pakistan.html?pagewanted=all&_r=0)>, March 28, 2013; Kahar Zalmay,  
“My trip to North Waziristan;” all accessed November 15, 2014.

306 “Faction of Pakistani Taliban announces breakaway,” *Guardian*, May 28,  
2014, <[www.theguardian.com/world/2014/may/28/breakaway-faction-splitting-pakistani-taliban](http://www.theguardian.com/world/2014/may/28/breakaway-faction-splitting-pakistani-taliban)>, accessed November 2014; “Khalid Sajna Takes  
Over as the Chief of Mehsud faction of TTP,” *Jafria News*, May 29, 2014,  
<<http://jafrianews.com/2014/05/29/khalid-sajna-takes-over-as-the-chief-of-mehsud-faction-of-ttp-condemns-robberies-extortion-mercenaries-for-hire-under-the-present-set-up/>>, accessed November 16, 2014.

307 These do not include those aspects which motivate some affiliated militant  
groups, but are marginal to mainstream Pakistani Taliban ideology, for  
example, Lashkar-e Jhangvi’s violent sectarian agenda.

308 In his study of *jihād* activists from Saudi Arabia, Thomas Hegghammer  
identifies three strains: ‘classical jihadists,’ who sought to defend Muslims  
being attacked by non-Muslims, and later went on to fight in battlefields in  
Bosnia, Chechnya and elsewhere, ‘socio-revolutionaries,’ who sought to  
overthrow illegitimate Muslim governments, and ‘global jihadists,’ who  
later focused on attacking the US. See Thomas Hegghammer, *Jihad in Saudi  
Arabia: Violence and Pan-Islamism since 1979* (Cambridge: Cambridge  
University Press, 2010)

309 To take a prominent example, in their contrasting reactions to the death of  
Osama bin Laden. The Afghan Taliban, while praising him, emphasized that  
he was not a factor in their struggle; the TTP vowed and carried out a  
number of terrorist attacks in revenge.

310 Zahir Shah Sherazi and Saima Mohsin, “Pakistan Taliban arrive in Syria,  
and more are to come, CNN told,” *CNN*, July 24, 2013,  
<[www.cnn.com/2013/07/15/world/taliban-joining-syrian-fighters/](http://www.cnn.com/2013/07/15/world/taliban-joining-syrian-fighters/)>.

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- accessed November 16, 2014; Saima Mohsin and Joe Sterling, “Syrian opposition questions Taliban rebel role,” *CNN*, July 18, 2013, <[www.cnn.com/2013/07/18/world/meast/syria-pakistan-taliban-claim/](http://www.cnn.com/2013/07/18/world/meast/syria-pakistan-taliban-claim/)>, accessed November 16, 2014.
- <sup>311</sup> For example, see Saud Mehsud, “Pakistan Taliban say back all Syria militants, not just Islamic State,” *Reuters*, October 6, 2014, <[www.reuters.com/article/2014/10/06/us-pakistan-militants-syria-idUSKCN0HV1BB20141006](http://www.reuters.com/article/2014/10/06/us-pakistan-militants-syria-idUSKCN0HV1BB20141006)>, accessed November 16, 2014; and “Jamaatul Ahrar threatens to attack India following Wagah blast,” *Dawn*, November 5, 2014, <[www.dawn.com/news/1142408/jamaatul-ahrar-threatens-to-attack-india-following-wagah-blast](http://www.dawn.com/news/1142408/jamaatul-ahrar-threatens-to-attack-india-following-wagah-blast)>, accessed November 16, 2014.
- <sup>312</sup> For a selection of civilian experiences of military involvement, see: Sailab Mehsud, “Footprints: Dispatches from North Waziristan,” *Dawn*, July 8, 2014 <[www.dawn.com/news/1117751/footprints-dispatches-from-north-waziristan](http://www.dawn.com/news/1117751/footprints-dispatches-from-north-waziristan)>; Madiha R. Tahir, “Waziris Mourn their Dead: Notes from the Ground,” *Tanqeed* (November 2012), <[www.tanqeed.org/2012/11/waziris-mourn-their-dead-after-army-attacks/#sthash.I9N7k7Nb.dpbs](http://www.tanqeed.org/2012/11/waziris-mourn-their-dead-after-army-attacks/#sthash.I9N7k7Nb.dpbs)>; Akram Javed, “Obscuring Empire,” *Tanqeed* (January 2013), <[www.tanqeed.org/2013/01/obscuring-empire-akram-javed/#sthash.8ASoW33N.TyqAbI9a.dpbs](http://www.tanqeed.org/2013/01/obscuring-empire-akram-javed/#sthash.8ASoW33N.TyqAbI9a.dpbs)>; Rashid Khan Aurakzai, “Burying us Alive in Bara,” *Tanqeed* (February 2013), <[www.tanqeed.org/2013/02/burying-us-alive-in-bara-rashid-khan-aurakzai/#sthash.I7wwZE4Y.25tqnzid.dpbs](http://www.tanqeed.org/2013/02/burying-us-alive-in-bara-rashid-khan-aurakzai/#sthash.I7wwZE4Y.25tqnzid.dpbs)>; all last accessed October 21, 2014. My own interviews with IDPs and journalists from Waziristan echoed similar themes.
- <sup>313</sup> Discussed in many of the cases above; see also section 7.1.2 and 7.1.3.
- <sup>314</sup> See section 5.2.
- <sup>315</sup> For a comparison of some of these movements, see Yusuf, ed. *Insurgency and Counterinsurgency in South Asia*. The separatist struggle in East Pakistan is a unique case: the two wings of the country were physically separate, Bengalis constituted the overwhelming majority in the east, and Indian military intervention ensured the success of the revolt.
- <sup>316</sup> I have briefly discussed the theory of the Islamic state in the ideologies of the above Islamist groups, as well as of Afghan Islamists like Hizb-i Islami and Jama’at-i Islami, in Siddiqi, “From Bilateralism to Cold War Conflict,” 277-86. For more on Pakistani Taliban ideology, see Mona Kanwal Sheikh, “Sacred Pillars of Violence: Findings from a Study of the Pakistani Taliban,” *Politics, Religion & Ideology*, vol. 13, no. 4 (December 2012), 439-54.
- <sup>317</sup> Over time, opinion polls in Pakistan have shown that as the Taliban’s suicide bombings became more common, the percentage of respondents who considered suicide bombings and attacks against civilians ‘never justified’ increased substantially, from 38% in 2002 to ranging between 80-87% in

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2008, 2009 and 2010. Pew Research Center, *Concern About Extremist Threat Slips in Pakistan* (July 2010), 51. For more on polling in Pakistan, see the following section.

318 Rana, *Dynamics of Taliban Insurgency*, 44-45.

319 Ibid, 92-95.

320 Ibid, 90-91.

321 Pew Research Center, *A Less Gloomy Mood in Pakistan* (August 2014), 14.

322 Ibid.

323 Pew Research Center, *Pakistan Public Opinion Ever More Critical of U.S.* (June 2012), 54.

324 Pew Research Center, *Concern About Extremist Threat Slips in Pakistan*, 48. In 2014, respondents answered the question of whether US troops withdrawing the same year were a ‘good thing’ (46%) or a ‘bad thing’ (11%) for Pakistan. Research Center, *A Less Gloomy Mood in Pakistan*, 21.

325 For a critique of polls conducted in Afghanistan, see Giustozzi, *Koran, Kalashnikov and Laptop*, 35-37.

326 As the Community Appraisal and Motivation Programme’s (CAMP) 2010 report acknowledges, its survey was restricted to 557 out of a total of 960 villages, as the remaining 403 were too insecure to access. Out of these 557 villages, CAMP sampled 4000 respondents from 400 villages. CAMP, *Understanding Fata*, vol. 4, ix-x.

327 For example, see Eqbal Ahmad, “Revolutionary Warfare,” 19, and Artyom Borovik, *The Hidden War: A True Story of War in Afghanistan* (London: Faber and Faber, 1991), 38-39.

328 New America Foundation and Terror Free Tomorrow, *Public Opinion in Pakistan’s Tribal Regions* (September 2010), 29.

329 Ibid, 7. India was next with 13%, followed by the Pakistani Taliban (11%).

330 Ibid, 28.

331 “FATA: Inside Pakistan’s Tribal Regions,” NAF, <<http://pakistanurvey.org/question/opinion-us>>, accessed November 17, 2014.

332 In the NAF-TFT poll, 79% of respondents said suicide bombings were never justified against the Pakistan military and police, while 87% said they were never justified against Pakistani civilians. Ibid.

333 See sections 2.1.1 and 2.4.

334 Weinstein, *Inside Rebellion*, 87-88.

335 Walsh, “Effectiveness of Drone Strikes,” 14.

336 Ibid, 15-16.

337 As Pakistan Station Chief, Bearden regularly met with *mujahidin* political leaders, provided funding, weapons and training (in concert with the ISI) to the *mujahidin* and closely analyzed their performance on the battlefield, particularly in the Pashtun-dominated south and southwest of Afghanistan.

338 Author interview with Milton Bearden, April 15, 2011.

339 For example, Field Manual, 3-24, para 5-98, A-38. Also see section 5.1 in this paper.



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- 340 Michael T. Flynn et al, “Fixing Intel: A Blueprint for Making Intelligence Relevant in Afghanistan,” *Center for a New American Security* (January 2010), 8.
- 341 See Siddiqi, “From Bilateralism to Cold War Conflict.” Asad Durrani, who as DG ISI tried to maintain the coherence of the *mujahidin* insurgency during this period, reflects that the common sentiment among ordinary fighters was: “Why kill more Afghans?” Author interview with Asad Durrani, April 26, 2010.
- 342 Jason Lyall, “Airpower and Coercion in Counterinsurgency Wars: Evidence from Afghanistan,” downloaded September 20, 2014 from <[www.jasonlyall.com/wp-content/uploads/2013/10/AFGHAN\\_AIRSTRIKES.pdf](http://www.jasonlyall.com/wp-content/uploads/2013/10/AFGHAN_AIRSTRIKES.pdf)>.
- 343 Ibid. This determination to demonstrate resilience and thus demoralize the enemy has also been witnessed in the Afghan Taliban’s strategy of staging relentless, casualty-heavy attacks against the same targets for symbolic value. Giustozzi, *Koran, Kalashnikov, and Laptop*, 107-110.
- 344 Walsh, “Effectiveness of Drone Strikes,” 44-45.
- 345 Ibid, 35-40.
- 346 One study attempted to measure a different aspect of insurgent capability, namely political organization as measured by propaganda output. It found no evidence that drone strikes had reduced the ability of Al Qaeda to engage in propaganda. Ibid, 40-41.
- 347 See also Kilcullen, *Accidental Guerrilla*, 238-44.
- 348 Qadir, “The State’s Response to the Pakistani Taliban Onslaught,” 135. Similar views were expressed in my interviews with retired frontier officials, many of whom had longstanding experience in FATA and were themselves Pashtun.
- 349 Gallup Pakistan, *Perceptions of Pakistanis on Drones* (November 2013), 15-16. See section 7.2d for necessary caveats about polling in Pakistan.
- 350 Ibid, 17-18. In Gallup Pakistan’s previous poll in 2012, 44% opposed opening NATO supply routes even if the US guaranteed to stop drone strikes. Ibid, 27-28.
- 351 “FATA: Inside Pakistan’s Tribal Regions,” *NAF*, accessed November 17, 2014. See section 7.2d for necessary caveats about polling in FATA.
- 352 CAMP, *Understanding FATA*, vol. 4, 59-60.
- 353 Ibid.
- 354 NAF and TFT, *Public Opinion in Pakistan’s Tribal Regions*, 26.
- 355 CAMP, *Understanding FATA*, vol. 4, 60.
- 356 “Get the data: What the drones strike,” *BIJ*.
- 357 Ibid.
- 358 CAMP, *Understanding FATA*, vol. 4, xi.
- 359 “Get the data: What the drones strike,” *BIJ*.
- 360 CAMP, *Understanding FATA*, vol. 4, 60.

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- <sup>361</sup> This observation applies equally to the state’s failure to prevent Taliban violence; the two effects are mutually reinforcing.
- <sup>362</sup> Humeira Iqtidar and Noor Akbar, “Caught between drones and army raids, Pakistanis in ‘tribal areas’ feel betrayed,” *The Conversation*, November 17, 2014, <<https://theconversation.com/caught-between-drones-and-army-raids-pakistanis-in-tribal-areas-feel-betrayed-34216>>, accessed November 18, 2014.
- <sup>363</sup> USAID Office of Inspector General, *Audit of USAID/Pakistan’s Capacity Building for the Federally Administered Tribal Areas Development Program*, report no. 5-391-10-005-P (January 2010); FATA Civil Secretariat, *FATA Sustainable Development Plan, 2007-2015* (2006).
- <sup>364</sup> Yusuf, ed. *Insurgency and Counterinsurgency in South Asia*, 284.
- <sup>365</sup> Frank Kitson, a British counterinsurgency specialist with experience in Malaya, Kenya and elsewhere, emphasized the critical role that honour and dignity play in successfully shifting a man’s political allegiance: “Some people consider that the carrot and stick provide all that is necessary, but I am sure that many people will refuse the one and face the other if by doing otherwise they lose their self-respect.” Frank Kitson, “Counterinsurrection in Kenya,” in Chaliand, 172.
- <sup>366</sup> For example, Rana et al, *Dynamics of Taliban Insurgency in FATA*, 52-53.
- <sup>367</sup> Kilcullen, *Accident Guerrilla*, 242.
- <sup>368</sup> Ibid.
- <sup>369</sup> Ibid, 232.
- <sup>370</sup> Adam Entous et al, “U.S. Tightens Drone Rules,” *Wall Street Journal*, November 2011, <<http://online.wsj.com/news/articles/SB10001424052970204621904577013982672973836>>, accessed November 18, 2014.
- <sup>371</sup> “US embassy cables: ‘Reviewing our Afghanistan-Pakistan strategy,’” *Guardian*, November 30, 2010, <[www.theguardian.com/world/us-embassy-cables-documents/226531](http://www.theguardian.com/world/us-embassy-cables-documents/226531)>, accessed November 18, 2014.
- <sup>372</sup> As observed in General Flynn’s intelligence review (section 8.2).
- <sup>373</sup> Lorraine Adams and Ayesha Nasir, “Inside the Mind of the Times Square Bomber,” *Guardian*, September 18, 2010, <[www.theguardian.com/world/2010/sep/19/times-square-bomber](http://www.theguardian.com/world/2010/sep/19/times-square-bomber)>, accessed November 18, 2014. Commenting on Faisal Shahzad’s case, a foreign-born NYPD intelligence division officer remarked “If I put myself in his shoes, it’s simple. It’s American policies in his country. That’s it. Americans are so closed minded. They have no idea what’s going on in the rest of the world. And he did know. Every time you turn on al-Jazeera, they show our people being killed. A kid getting murdered. A woman being beaten.” Ibid.
- <sup>374</sup> Walsh, “Effectiveness of Drone Strikes,” 39-40.
- <sup>375</sup> Ibid, 34-40.
- <sup>376</sup> Ibid, 39-40.
- <sup>377</sup> Adams and Nasir, “Inside the Mind of the Times Square Bomber.”

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378 Author interview with Mirza Shahzad Akbar, August 5, 2014; author  
interview with drones researcher, September 3, 2014. For a more detailed  
discussion, see Stanford and NYU, *Living Under Drones*, 133-37.

379 Similarly, Anand Gopal describes a US Special Forces raid which targeted  
two district governor's offices in Afghanistan on the basis of false  
intelligence: "The toll from the two attacks: twenty-one pro-American  
leaders and their employees dead, twenty-six taken prisoner, and a few who  
could not be accounted for. Not one member of the Taliban or al-Qaeda was  
among the victims. Instead, in a single thirty-minute stretch the United  
States had managed to eradicate both of Khas Uruzgan's potential  
governments, the core of any future anti-Taliban leadership." Anand Gopal,  
*No Good Men Among the Living: America, the Taliban, and the War  
through Afghan Eyes* (New York: Metropolitan Books, 2014), 123.

380 Stanford and NYU, *Living Under Drones*, 131-32.

381 Adam Entous et al, "U.S. Tightens Drone Rules,"

382 For an example of this reasoning, see Mona Kanwal Sheikh,  
"Disaggregating the Pakistani Taliban," *DIIS Brief* (September 2009).

383 Sri Lanka's defeat of the LTTE is commonly cited in Pakistan as an example  
of how it is necessary for all parties to 'demonstrate resolve' in supporting  
military operations, rather than distinguishing between 'good Taliban' and  
'bad Taliban.' Forgotten in this narrative is the significance of the defection  
of senior commander Colonel Karuna and his forces from the LTTE; their  
cooperation allowed state forces to advance virtually unchallenged into the  
LTTE's eastern province. Karuna subsequently became a Vice President of  
the ruling Sri Lanka Freedom Party.

384 These agreements have been credited with "divid[ing] militant forces that  
had successfully fought off military offensives as a united force until 2006.  
The political division of the militants into two camps was a major factor in  
the military's 2009 capture of South Waziristan, until then the biggest den of  
militancy in Pakistan." Tom Hussain, "Pakistan, U.S. appear once again to  
be cooperating on drone strikes," *McClatchy DC*, October 14, 2014,  
<[www.mcclatchydc.com/2014/10/14/243358\\_pakistan-us-appear-once-again.html?rh=1](http://www.mcclatchydc.com/2014/10/14/243358_pakistan-us-appear-once-again.html?rh=1)>, accessed November 24, 2014.

385 Zahir Shah Sherazi, "Jirga meets Mehsud Taliban to negotiate peace  
agreement," *Dawn*, November 2, 2014, <[www.dawn.com/news/1142003](http://www.dawn.com/news/1142003)>,  
accessed November 21, 2014.

386 According to some reports, this strike was actually approved by the Pakistan  
government. Mark Mazzetti, "A Secret Deal on Drones, Sealed in Blood,"  
*New York Times*, April 6, 2013, <[www.nytimes.com/2013/04/07/world/asia/origins-of-cias-not-so-secret-drone-war-in-pakistan.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2013/04/07/world/asia/origins-of-cias-not-so-secret-drone-war-in-pakistan.html?pagewanted=all&_r=0)>, accessed November 21, 2014. If  
true, the deal took place without informing Pakistan's regional military  
commander Lt. Gen. Safdar Hussain who signed the deal with Nek  
Muhammad. According to a colleague, General Safdar was very bitter about

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- the outcome, remarking that the strike destroyed the government's credibility in negotiations. Author interview with high-ranking Pakistani officer, October 5, 2014.
- <sup>387</sup> Tim Craig, "Drone kills Taliban chief Hakimullah Mehsud; Pakistan accuses U.S. of derailing peace talks," *Washington Post*, November 2, 2013, <[www.washingtonpost.com/world/asia\\_pacific/pakistani-official-accuses-us-of-sabotage-as-drone-targets-taliban-leaders-in-northwest/2013/11/01/1463d0c2-431d-11e3-b028-de922d7a3f47\\_story.html](http://www.washingtonpost.com/world/asia_pacific/pakistani-official-accuses-us-of-sabotage-as-drone-targets-taliban-leaders-in-northwest/2013/11/01/1463d0c2-431d-11e3-b028-de922d7a3f47_story.html)>, accessed November 21, 2014.
- <sup>388</sup> Zia Ur Rehman, "The Significance of Maulvi Nazir's Death in Pakistan," *Combating Terrorism Center*, February 20, 2013, <[www.ctc.usma.edu/posts/the-significance-of-maulvi-nazirs-death-in-pakistan](http://www.ctc.usma.edu/posts/the-significance-of-maulvi-nazirs-death-in-pakistan)>, accessed November 21, 2014.
- <sup>389</sup> "Two attacks leave 12 dead: 'Good Taliban' Maulvi Nazir killed by drone," *Dawn*, January 4, 2013, <[www.dawn.com/news/776143/two-attacks-leave-12-dead-good-taliban-maulvi-nazir-killed-by-drone](http://www.dawn.com/news/776143/two-attacks-leave-12-dead-good-taliban-maulvi-nazir-killed-by-drone)>, accessed November 21, 2014.
- <sup>390</sup> Author interview with high-ranking Pakistani officer, October 5, 2014.
- <sup>391</sup> Akbar Ahmed, *The Thistle and the Drone*, 81-82.
- <sup>392</sup> Walsh and Szmer argue that their finding, that drone strikes which killed militants were associated with increases in subsequent terrorist attacks in Pakistan, is consistent with the theory that such strikes may encourage fragmented insurgent groups to band together in response to a common threat. Walsh, "Effectiveness of Drone Strikes," 20-23, 39-40.
- <sup>393</sup> There are fewer reports of civilian deaths per drone strike in 2013 and 2014, although it is necessary to caution that contrary information may yet emerge, particularly in the latter case where ongoing military operations in North Waziristan and Khyber have substantially limited media access to these areas. BIJ counts only 6 civilians killed from January 2013 to November 11, 2014; however, PBC counts 55-72 civilian deaths in the same period. See "Obama 2013 Pakistan drone strikes," <[www.thebureauinvestigates.com/2013/01/03/obama-2013-pakistan-drone-strikes/](http://www.thebureauinvestigates.com/2013/01/03/obama-2013-pakistan-drone-strikes/)>, *BIJ*; "Obama 2014 Pakistan drone strikes," *BIJ*, <[www.thebureauinvestigates.com/2014/06/11/obama-2014-pakistan-drone-strikes/](http://www.thebureauinvestigates.com/2014/06/11/obama-2014-pakistan-drone-strikes/)>; *PBC*, <[http://pakistanbodycount.org/drone\\_attack](http://pakistanbodycount.org/drone_attack)>; all accessed November 24, 2014. For the methodological biases of these two databases, see section 2.3c and 2.3d.
- <sup>394</sup> Ken Dilanian, "CIA winds down drone strike program in Pakistan," *AP*, May 29, 2014, <<http://bigstory.ap.org/article/cia-drone-strike-program-pakistan-winding-down>>, accessed November 24, 2014.
- <sup>395</sup> "Obama 2014 Pakistan drone strikes," *BIJ*, accessed November 24, 2014.
- <sup>396</sup> Tom Hussain, "Pakistan, U.S. appear once again to be cooperating on drone strikes."

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- <sup>397</sup> Writ Petition no. 1551-P/2012 (2013), Peshawar High Court, Judgment of April 11, 2013.
- <sup>398</sup> *Ibid.*
- <sup>399</sup> *Ibid.*
- <sup>400</sup> “UN General Assembly adopts unanimous resolution against drones strikes,” *The News*, December 19, 2013, <[www.thenews.com.pk/article-130949-UN-General-Assembly-adopts-unanimous-resolution-against-drones-strikes](http://www.thenews.com.pk/article-130949-UN-General-Assembly-adopts-unanimous-resolution-against-drones-strikes)>; Ewan MacAskill and Owen Boycott, “UN report calls for independent investigations of drone attacks,” *Guardian*, March 10, 2014, <[www.theguardian.com/world/2014/mar/10/un-report-independent-investigations-drone-attacks](http://www.theguardian.com/world/2014/mar/10/un-report-independent-investigations-drone-attacks)>; “UN backs resolution presented by Pakistan on drones,” *Dawn*, March 28, 2014, <[www.dawn.com/news/1096194](http://www.dawn.com/news/1096194)>; “UN General Assembly calls for regulation of drone strikes,” *Dawn*, June 14, 2014, <[www.dawn.com/news/1112718](http://www.dawn.com/news/1112718)>; all accessed November 24, 2014.
- <sup>401</sup> For 54 days after the Salala incident and for six months after December 25, 2013. In the latter case, PTI activists began blocking supply routes following a drone strike in Khyber Pakhtunkhwa on November 21, 2013.

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