

***Bombing Pakistan:
How Colonial Legacy Sustains American Drones***

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In 1897, as revolt spread, a 23-year-old British journalist traipsed through what had come to be known as the North-West Frontier (in what is now Pakistan), describing to his readers the “northern savages impelled by fanaticism” and rationalizing the British policy of burning entire villages as collective punishment. To the colonialists, the problem of the Frontier appeared less as an anti-colonial reaction than an expression of the constitutive lawlessness, religiosity and savagery of the Pashtuns who inhabited that land. The British could not see themselves as part of the problem.

In fact, the governance of the Federally Administered Tribal Areas (FATA) along the Afghanistan-Pakistan border was engineered to produce and legitimize British imperial and state violence — a logic which is now working to sustain the US bombing by drones. The rationale for armed drones operating over FATA does not begin with international law; it is rooted in colonial policies that pre-date killer robots. There are certainly transformations that the technology has wrought but in key respects, drone bombing is not new; it is old.

Wanting to create a bulwark against Afghanistan to the west, imperial Britain established a buffer zone in territory running along what would later become the Afghanistan-Pakistan border. There, the British established control with bribes, coercion, collective punishment and indirect rule through what the colonialists deemed to be local leaders. Over the decades that followed, political exigencies transformed the outline of the North-West Frontier region and its border areas, consolidating it into what is today the “settled” province of Khyber-Pakhtunkhwa and, separately, the “tribal areas”; it is the latter territory that has been bombed by American drones since 2004. The “tribal areas,” known as FATA, have been described as remote, forbidding and perhaps most consistently, as *lawless* — a legacy of accounts written by British soldiers passing through at the turn of the twentieth century as the boots of another empire.

By 1919, Winston Churchill had moved on from journalism to an appointment as Britain’s Secretary of State of War and Air. The airplane was still a fledgling weapon. That year, Churchill ordered the bombing of Jalalabad in Afghanistan during the Third Afghan War, and when rebels from the Frontier rose up, their villages were also bombed. The aerial bombardment was a tool in the

broader development of the use of airplanes to maintain colonial rule. It was a policy that would come to be called “air control” or “air policing,” in which the aircraft was used to police colonized lands from Somaliland, Iraq, Afghanistan, Palestine, Yemen, and Egypt to the British-Indian Frontier.²

The claim — a racialized claim — was that lawlessness on the ground justified aerial policing, and occasionally bombardment, from the skies. However, despite the assertions that there was no law in this territory, British colonialists were in fact heavily involved in structuring particular kinds of laws on the ground.

The British enacted a series of policies on colonized land loosely understood as “imperial policing.” In his guide on the subject, *Imperial Policing*, Major General Charles Gwynn, a British officer, wrote that this policy was largely in place in Waziristan:

Since the policy of maintaining a permanent garrison in the area, and of constructing roads through it, has been adopted, operations, whatever their scale, have acquired essentially a policing character. For although the administrative frontier has not been extended to include Waziristan, we exercise a more direct measure of control than formerly with machinery for maintaining order in normal times, the Army and Air Force giving assistance only on special occasions. Broadly speaking, political control is exercised through the tribal headmen, paid, in addition to other allowances, to maintain irregular forces of their own for which arms are supplied by us. These “Khassadars” are responsible for the safety of the roads and for keeping the turbulent elements of the tribes in order. But the political Resident has also under his own authority a force of levies commanded by British officers — the Tochi and South Waziristan Scouts recruited from border tribes — who to all intents and purposes are a military police.

So, by 1939, a skeletal infrastructure for policing that included rule through “tribal headmen,” or *maliks*, along with various kinds of security forces, had already been established. Devised by colonial officials, it was a system derived from essentialist cultural assumptions about what a “tribe” is, how it functions and what is the role of the malik. Far from being without law, the Tribal Areas were broken up, re-organized and ruled through laws and administrative structures that sometimes subjected the people living there to startling levels of force.³

After independence, the Pakistani state extended and developed this system even as it withdrew its forces and signed treaties with various tribes, promising to economically develop the region and to respect their autonomy. When Mirza Ali Khan, better known as the Faqir of Ipi, who had led anti-colonial insurgencies against the British, attacked outposts in North Waziristan and demanded an independent Pashtun state shortly after Pakistan gained independence in 1947, the

Pakistani state responded by mimicking British colonialists: the Pakistan Air Force was called in to bomb the *lashkar*.

Today, the Tribal Areas are governed through the Frontier Crimes Regulations (FCR), drafted in 1901 by British colonialists who claimed they were establishing laws based on local custom. While there have been revisions to the FCR since then, this legal code remains significantly intact and continues to provide the legal structure for FATA, instead of the Pakistani constitution. Appointed political agents (now Pakistani instead of British) govern each agency on behalf of the president. These agents hold an alarming level of judicial and executive authority with little oversight and almost no accountability. So, even though FATA residents can now formally vote for an elected representative to parliament, it is an almost pointless endeavor, since the promulgations of parliament have no hold in the area. Instead of the constitution, the Pakistani state claims that, “The tribes regulate their own affairs in accordance with customary rules and unwritten codes, characterized by collective responsibility...”

Whether this is true or not is beside the point. The trouble is — irrespective of how people in the Tribal Areas do or do not handle their own affairs — the state gives form to the assumption that collective responsibility is a tribal custom through the FCR. Under the FCR, entire families and kinship groups can be collectively punished on mere suspicion of a crime committed by one “tribal” person, a process that is justified as the custom of the tribes. Collective punishment exposes people to arbitrary detention, economic sanctions, and in the law’s gray zone to corporal punishment, disappearance and even death. Before the fighter Nek Mohammad was killed in a drone bombing in June 2004, the Pakistani state attempted to capture him after the breakdown of peace accords by enforcing economic sanctions and blockades in Wana, South Waziristan. These extended into weeks after his death, as authorities attempted to force locals to fight and to hand over particular insurgents. The sanctions not only damaged businesses and daily life, they also dissipated trust between the government and residents. In another example, when the Pakistani Taliban leader, Hafiz Gul Bahadur, announced a ban on polio vaccinations in late 2012, the political agent of North Waziristan retaliated by suspending the issuance of passports, national identity cards and domicile certificates to residents of the area for not complying with the government’s anti-polio drive.

Thus, in the Tribal Areas, the dark double of collective responsibility is collective punishment by the Pakistani state, and now the US.⁴

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Divided into seven administrative units known as “agencies” and six “frontier regions,” FATA is a slim strip of land alternating between neat, verdant squares of farmland and craggy mountain ranges. Locals draw a living from a mixture of government jobs, sporadic labor, farming and small businesses. Over the decades, there has also been heavy migration to the Gulf States for work. The importance of

the Tribal Areas as a transportation corridor to and from Afghanistan has also produced wealth for many locals, particularly since the 9/11 attacks, although some of these elites are based outside of FATA in other parts of Pakistan. But, while FATA's social and political life has transformed as a result of myriad influences, FATA continues to be governed through colonial regulations set in place by the British.

US journalists have refashioned the Tribal Areas into a place resembling the American "wild west," reviving the old racialized framing of this territory as lawless and in need of government violence as discipline. For the last decade, American armed drones have fired thousands of Hellfire missiles on several towns and villages in the area, incinerating people and homes. Two agencies, North Waziristan and South Waziristan, are the most heavily bombarded. Additionally, the Tribal Areas also confront a violent onslaught by opposition forces as well as by the Pakistani state.⁵

Calling this situation "lawless," however, as an inordinate number of books, articles, and even wire service reports do, seemingly by rote, obscures how colonial legacies structure the conditions in FATA today. "Lawlessness" has become a formulaic, vague rubric that claims to describe what is happening there while saying little of use — except to those who would like to legitimate further bombing to bring "law and order" to "lawless" FATA. And yet, it is not coincidental that every single place currently being bombarded by American drones has a history of colonial rule. Nor is it coincidence that some of these places also served as sites for British colonialists' aerial policing to control people assumed to be bound by their "culture" and "tradition," rather than "modern reason". In effect, that FATA continues to be governed through simplistic ideas about "culture," and that FATA is now on the receiving end of overwhelming Pakistani and American state violence, are deeply related.

The point is not that the colonial history of yesterday screwed things up so badly that FATA is lawless today. Rather, how American drone attacks are conducted — for all the vaunted technical precision and capabilities of armed drones — is bound up with an old colonial game of sorting people into those who are "tribal" and those who are marked out as proper modern citizens. If the latter are viewed as individuals with rights, the former are seen as "backward" and dealt with collectively. Sometimes, that takes the form of giving bribes to the malik to handle or coerce his tribe. At other times, it means total neglect or alternatively, bombing and strafing with impunity.

For example, it is well known that elements of the Pakistani state have acted in collusion with particular groups of opposition forces. Certainly, the strongest rebukes delivered by the Pakistan government to opposition forces tend to come in the wake of either US pressure, or of attacks on the military, government installations or other sites in Pakistan's cities — and not in response to aggression against residents of the Tribal Areas. And when the retaliation does come, it is total,

killing people and destroying livelihoods, homes and infrastructure without regard or distinction. This pattern suggests that what is of concern is less the lives of people in the Tribal Areas than the lives of people in the country's centers and the strategic aspirations of the government. As long as Islamist fighters avoid those tripwires, they are allowed to carry on setting up militias, collecting taxes and dispensing their version of law.

It is this system on which drone bombing now relies. The US, too, has tacit approval to devastate FATA. As of this writing, only one of the 413 [drone bombings](#) has occurred outside of the Tribal Areas. We have no idea of the identities of most of the dead. Still, while Pakistani officials [refused](#) an American request to operate drones over Quetta, the capital of Balochistan, the largest province by landmass, Pakistan's geographical margins continue to be exposed to bombing. And, in the Tribal Areas, the notion of collective responsibility makes certain things possible — whether it is insurgents collecting taxes or the US bombing by drones — that are not part of the bargain elsewhere in Pakistan.

This is why dropping bombs to establish “law and order” is a nonsensical proposition, when it is legal to punish entire groups, arrest them, confine and curfew them, without much recourse to courts. The law, as it is currently constituted in FATA, is itself the problem. The state legitimizes the collective punishment of people in the Tribal Areas as culturally appropriate to their own social mores. This is the fulcrum on which the system turns: people living in FATA are viewed as “customary,” or “traditional” blocs of tribes who can be collectively contained and punished, detained and bombed. Well-meaning discussions centered on discerning the ratios of “civilians” and “militants” killed in this context can also have the effect of concealing the fact that armed drones rely on the organization of the Tribal Areas as a space of collective punishment in order to operate there. This is how the drones fly: with license *not* to distinguish between anyone on the ground there.

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FATA is not lawless. It is legally arranged, however, in such a flexible way that territory that is considered “autonomous” in one instance can be transformed into a space regulated through blockades, curfews and closures (collective punishment) in the next — a system that intensified after 9/11. In this zone, it is entirely acceptable to drop bombs without declaring war, officially or unofficially. Expressing his confidence that the government would be able to keep the US drones over FATA secret, General Pervez Musharraf [told](#) a CIA officer, “In Pakistan, things fall out of the sky all the time.” Here, “Pakistan” really means FATA, or more generally, Pakistan's geo-political margins. In this zone, therefore, 1,147 people have been killed along the way to “precisely” [targeting](#) 41 men. There are no clear guidelines on how people are labeled “militants” because, from the perspective of collective punishment, it does not, in the end, matter.⁶

Thus, the law of armed drones is not just printed in the clinical, secret memos of Washington D.C. It was drafted in the regulations and letters of Englishmen in the colonial era, written in the reports of British and Pakistani political agents documenting the punishments and compensations they have doled out any given week, and recorded in the stories about curfews published as small items in the back pages of local papers.

Rather than simply focusing on the textual and bureaucratic secrets of the American government's drone policy and practice, it is also useful to ask how the continued use of colonial era practices of using "culture" to diagnose the people of FATA interact with the politics of drone technology to make bombing by armed drones possible. Particularly as the US begins to move towards exporting the technology, it is also worth asking how other colonial legacies will be re-invigorated in tandem with the rise of armed drones. In fact, this is also tied to the politics of precision: Obama's declaration that any military-age male killed in the bombing zone will be counted as a "militant" is perhaps the most honest articulation of the old colonial schema embodied in new killer robots.

Endnotes

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² On Winston Churchill, see his autobiography, Churchill, Winston. (1901). *The Story of the Malakand Field Force: An Episode of Frontier War*. Longmans Green and Company. On the development of air warfare, see Omissi, David E. (1990). *Air Power and Colonial Control: The Royal Air Force, 1919-1939*. Manchester: Manchester University Press. On cultural politics and air warfare, see Satia, Priya. (2014).

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³ On FATA and colonial rule see Haroon, Sana. (2007). *Frontier of Faith*. Oxford: Oxford University Press; Nichols, Robert (2001). *Settling the Frontier: Land, Law and Society in the Peshawar Valley, 1500-1900*. Oxford: Oxford University Press.

⁴ On the transformation of policing, small wars and counterinsurgencies and the development of confinement as a strategy, see Khalili, Laleh. (2012). *Time in the Shadows: Confinement in Counterinsurgencies*. Stanford: Stanford University Press.

⁵ On the use of "lawlessness" in travel writing and journalism, see Fowler, Corinne. (2007). *Chasing Tales: Travel writing, Journalism and the History of British Ideas about Afghanistan (Vol. 12)*. Rodopi.

⁶ On collective punishment and containment, see my forthcoming chapter, Tahir, Madiha. (Forthcoming). "The Containment Zone." In Lisa Parks and Caren Kaplan (Eds.), *Life in the Age of Drones*. Duke University Press.