

# Risk-Free And Above The Law: U.S. Globalizes Drone Warfare

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Theme: [US NATO War Agenda](#)

Last week the Washington Post, the New York Times and other major American newspapers reported that the U.S. launched its first unmanned aerial vehicle (drone) missile attack inside Somalia.

The strike was the first acknowledged Pentagon military attack inside the Horn of Africa nation since a helicopter raid staged by commandos in 2009 and the first use of an American drone to conduct a missile strike there. Drones had earlier been used in the country in their original capacity, for surveillance, including identifying targets for bomb and missile attacks, one being shot down in October of 2009. But as Britain's The Guardian reported on July 30, the strike in Somalia marked "the expansion of the pilotless war campaign to a sixth country," as the remote-controlled aircraft have already been employed to deadly effect in Afghanistan, Iraq, Pakistan, Yemen and most recently Libya.

The lethal Somali mission was reportedly carried out by the U.S. Special Operations Command, in charge of executing special forces operations of the respective units of the four main branches of the American military: The Army, Marines, Air Force and Navy. On July 4 the U.S. armed forces publication Stars and Stripes reported that there are currently 7,000 American special forces in Afghanistan and another 3,000 in Iraq, with the bulk of the latter to be transferred to the first country in what was described as a "mini-surge" of special operations troops to compensate for the withdrawal of 10,000 other troops from Afghanistan by the end of this year.

Last week BBC News reported on the proposed transfer of drone aircraft by the U.S. to its military client states Uganda and Burundi for the war in Somalia. Citing American defense officials, BBC disclosed that four drones will be supplied to the two nations who have 9,000 troops engaged in combat operations against anti-government insurgents in the Somali capital of Mogadishu.

According to a New York Times feature of July 1: "[T]he United States has largely been relying on proxy forces in Somalia, including African Union peacekeepers from Uganda and Burundi, to support Somalia's fragile government. The Pentagon is sending nearly \$45 million in military supplies, including night-vision equipment and four small unarmed drones, to Uganda and Burundi to help combat the rising terror threat in Somalia. During the Ethiopian invasion of Somalia in 2007, clandestine operatives from the Pentagon's Joint Special Operations Command initiated missions into Somalia from an airstrip in Ethiopia."

On June 15 a major newspaper in the United Arab Emirates, The National, reported on the escalation of deadly U.S. drone attacks in Yemen, across the Gulf of Aden from Somalia. It

cited an official with the Yemeni Ministry of Defense claiming that the U.S. had launched over 15 drone strikes in the country in the first two weeks of June. The newspaper also quoted the deputy governor of Abyan province, Abdullah Luqman, decrying the attacks and stating: "These are the lives of innocent people being killed. At least 130 people have been killed in the last two weeks by US drones."

The leader of an observation committee created to evacuate local residents added that "more than 40,000 people have left Abyan province because they feared drone strikes."

The same defense official mentioned above warned that the "United States is turning Yemen into another Pakistan." [1]

Recent reports in the American press reveal that the Pentagon will establish a new air base in the Persian Gulf from which to intensify drone strikes in Yemen. According to a Russian source, "The location is kept secret but some say this might be Bahrain as it already has a US base [the headquarters of the U.S. Fifth Fleet] and provides the safest route to Yemen for US drones through American ally Saudi Arabia." [2]

The drone missile assaults in Pakistan, which caused a record number of deaths - over 1,000 - last year, are carried out by the Special Activities Division of the Central Intelligence Agency, whose last director is the new secretary of defense, Leon Panetta, a transfer that presages a yet greater intensification of the deadly attacks inside the South Asian nation.

On June 5 the 40th drone strike of the year killed at least six people in South Waziristan in Pakistan's Federally Administered Tribal Areas, bringing the death toll this year to at least 350.

Late last month the Pakistani government ordered the U.S. to vacate the Shamsi Air Base in the province of Balochistan which had been used for drone strikes inside the nation. Washington has in the interim shifted those operations to upgraded air bases in Afghanistan near the Pakistani border. A recent poll conducted by the Pew Research Center found that only 3 percent of Pakistanis support the drone attacks in the country's tribal belt.

At the end of June, 28 people were reported killed by drone strikes in the South Waziristan Agency, with a local resident quoted by Pajhwok Afghan News as stating "that 20 civilians were killed and several others injured in the second attack." [3]

Some 2,100 of the 2,500 people killed in the strikes since they began in 2004 have lost their lives since 2009, when Barack Obama became the president of the U.S. and Leon Panetta director of the Central Intelligence Agency.

On July 5 a British Reaper drone killed at least four Afghan civilians and wounded two more in a missile attack in Helmand province. The use of the Reaper, rightly referred to as the world's deadliest drone, marks the crossing of an ominous threshold. It is the first of what is described as a hunter-killer - long-endurance, high-altitude - remote-piloted aircraft that can be equipped with fifteen times the amount of weaponry and fly at three times the speed of the Predator used in Iraq, Afghanistan, Pakistan, Yemen, Somalia and Libya. (The U.S. has used Reapers in Iraq since 2008 and in Afghanistan starting the following year. Toward the end of 2009 the Pentagon deployed Reapers to the East African island nation of Seychelles along with over 100 military personnel.)

On June 28 the U.S. lost the third of three drones in Afghanistan in as many days.

A recent Refugees International report stated that over 250,000 Afghans have been forced to flee their towns and villages during the last two years, over 91,000 so far this year: "Not only have NATO-led troops and Afghan forces failed to protect Afghans, but international airstrikes and night raids by U.S. Special Forces were destroying homes, crops and infrastructure, traumatising civilians and displacing tens of thousands of people." [4]

Last month an RT feature suitably titled "US expands drone war, extremists expect new recruits" stated:

"The US has stepped up its drone attacks against militants in the Middle East, but the growing number of civilian deaths in the strikes has sparked public anger, with concern the action is driving up the number of extremist recruits.

"In Pakistan, CIA drone strikes aim at terrorists but end up killing mostly civilians. Public outrage is growing. Hatred and anger foster more terror.

"Washington now sees Yemen as the most dangerous Al-Qaeda outpost, and is planning to step up drone attacks on the country, establishing a base in the Persian Gulf specifically for that purpose."

The source added:

"Americans are likely to have a freer hand going it alone, with the CIA to take a central role.

"As the agency is not subject to the accountability the US military is legally under, one can expect more bombs to fall on Yemen.

"There is fury in Yemen over the killing of scores of civilians by the drone strikes. In one attack there, the American military presumably aiming at an Al-Qaeda training camp ended up killing dozens of women and children. In another strike a year ago, a drone mistakenly killed a deputy governor in Yemen, his family and aides.

"With the expansion of the drone war it seems the US is seeking only a missile solution to fighting Al-Qaeda. Analysts say that some of the main features of this global chase are not having to take into account the voice of the nation that they are bombing and the lack of accountability when it comes to civilian deaths. These features add more paradox to the US strategy, with many asking whether America is fighting and fostering terror at the same time." [5]

Analyst Denis Fedutinov told Voice of Russia last month:

"The US used drones already in the Balkans campaign, then in Iraq and Afghanistan and now in Libya. The US and Israel are the world drone leaders. Now America has several thousand drones of different classes." [6]

In fact, last year U.S. Marine Corps Brigadier General Glenn Walters told an Institute for Defense and Government Advancement conference that ten years ago America had 200 drones in its arsenal, but by 2010 that number had risen to 6,000 and that by next year it

would be 8,000. A fortyfold increase.

And in May of 2010 “NATO representatives from around the world” visited the Camp Atterbury Joint Maneuver Training Center in the state of Indiana to observe drone flight tests.

By transferring control of the 110-day war against Libya from U.S. Africa Command to NATO on March 31 the Obama administration intended to, among other purposes, evade accountability to Congress (and federal law) under provisions of the War Powers Resolution of 1973.

The resolution mandates that Congress must authorize military actions initiated by the president within 60 days of their commencement or grant him a 30-day extension. The 60-day limit was reached on May 20.

The White House responded to Congressional opposition to prolonging military action in Libya by releasing a 38-page report that claimed “US military operations are distinct from the kind of ‘hostilities’ contemplated by the resolution’s 60-day termination provision.”

It also maintained that “U.S. operations do not involve sustained fighting or active exchanges of fire with hostile forces, nor do they involve U.S. ground troops.”

Which is to say, as long as American military personnel are not in harm’s way it is not a war. Legal Adviser of the State Department Harold Koh stated: “We are acting lawfully...We are not saying the War Powers Resolution is unconstitutional or should be scrapped or that we can refuse to consult Congress. We are saying the limited nature of this particular mission is not the kind of ‘hostilities’ envisioned by the War Powers Resolution.”

General Carter Ham, the head of U.S. Africa Command, last month “said a Republican-sponsored bill that would block American Predator drone strikes in Libya would hurt the North Atlantic Treaty Organization alliance,” and “predicted that NATO would be unable to replace certain key U.S. missions, including the drone strikes and attacks to neutralize Libyan air defenses that threaten allied planes, if proposed funding cuts are made.” [7]

The launching of over 200 cruise missiles into Libya in the opening days of the war and the fact that, as the New York Times reported on June 21, “American warplanes have struck at Libyan air defenses about 60 times, and remotely operated drones have fired missiles at Libyan forces about 30 times” since command of the war was transferred from U.S. Africa Command to NATO – after which NATO has conducted over 14,000 air missions, more than 5,000 termed strike sorties – do not constitute armed hostilities in the mind of Mr. Koh, who stated last year that “U.S. targeting practices, including lethal operations conducted with the use of unmanned aerial vehicles (UAVs), comply with all applicable law, including the laws of war.” According to Secretary of State Hillary Clinton’s top legal adviser, deadly drone attacks are “consistent with its [the U.S.’s] inherent right to self-defense.” [8] Koh cagily refers to murdering people on a grand scale by remote activation as targeted killing rather than targeted assassination, as the second is expressly prohibited under international law.

In a rare instance of dissenting from White House war policy, last month the New York Times published the following:

“Jack L. Goldsmith, who led the Justice Department’s Office of Legal Counsel

during the Bush administration, said the Obama theory would set a precedent expanding future presidents' unauthorized war-making powers, especially given the rise of remote-controlled combat technology."

It further quoted Goldsmith directly:

"The administration's theory implies that the president can wage war with drones and all manner of offshore missiles without having to bother with the War Powers Resolution's time limits."

Neither cruise missiles nor Hellfire missile-equipped unmanned aerial vehicles have pilots on board, so the lives of U.S. service members are safe as Pakistanis, Afghans, Libyans, Iraqis, Yemenis and Somalis are torn to shreds by U.S. strikes.

Wars of aggression are now both safe and "legal."

### Notes

1) The National, June 15, 2011

<http://www.thenational.ae/news/worldwide/middle-east/us-makes-a-drone-attack-a-day-in-yemen>

2) Voice of Russia, June 16, 2011

3) Pajhwok Afghan News, June 28, 2011

4) NATO airstrikes, night raids blamed for Afghan IDP crisis - report AlertNet, June 29, 2011

5) RT, June 22, 2011 <http://rt.com/news/us-drone-war-al-qaeda>

6) Voice of Russia, June 16, 2011

7) Wall Street Journal, June 23, 2011

8) Inside Justice, March 26, 2011  
[http://insidejustice.com/law/index.php/intl/2010/03/26/asil\\_koh\\_drone\\_war\\_law](http://insidejustice.com/law/index.php/intl/2010/03/26/asil_koh_drone_war_law)

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