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On the 13th January the American Civil Liberties Union (ACLU) filed a Freedom of Information request asking the US government to disclose the legal basis for the use of predator drones to conduct 'targeted killings.' From the very outset of the war on terror US administrations have used unmanned drones to target and kill terrorists. More recently, use of unmanned drones has expanded within Pakistan. As a result of the expansion of drone activities the ACLU argues that the American public has a right to know whether the programme is compliant with international law. The ACLU is also keen to establish whether the programme seeks to minimise the number of civilian casualties.

The ACLU's case for the disclosure of such information is increasingly compelling. In 2009 the United States' air campaigns in Pakistan's tribal areas exceeded the number of attacks in 2008, with 53 compared to 36. Furthermore, in 2009 the number of US strikes exceeded the previous five years combined. Between 2004 and 2008 there were 46 recorded airstrikes in Pakistan. Alongside the increased regularity of such attacks the number of casualties also increased in 2009. Using combined low-end estimates of casualties, the Long War Journal suggest that airstrikes in Pakistan during 2009 resulted in at least 506 killed compared to 317 the previous year. The Long War Journal suggests that civilian casualties accounted for approximately 8% of all deaths, but acknowledge that determining more accurate estimates of civilian casualties is complicated by the poor coverage of the Pakistani media (as well as Muslim speedy burial practices).

On the 4th January Defence Viewpoints speculated that the killing of 7 CIA personnel in a suicide attack in Afghanistan may slow down the United States unmanned airstrikes. However, they have continued and reflect the increasing intensity of last year's campaign. In the first three weeks of January the United States carried out eleven airstrikes. It is estimated that these have resulted in the deaths of 69 militants associated with al Qaida and the Taliban. The casualties include:

Mansur al Shami – A former ideologue and bodyguard for senior al Qaida leader Mustafa Abu Yazid, the group's commander in Afghanistan and chief financier. Reported date killed: 12th January 2010.

15 Turkistan Islamic Party fighters – Baghdis province, Afghanistan. Date killed: 19th January, 2010.

Despite the most recent attack occurring in Afghanistan US airstrikes continue to be concentrated in North Waziristan. Targets have included Taliban-run training camps, compounds and safe-houses. The Datta Khel region of North Waziristan has been a particular focus for US airstrikes. Administered by associates of the Haqqani Network Datta Khel is a known stronghold of al Qaida and Central Asian jihadi groups.

It is likely that the ACLU's Freedom of Information request became more relevant after the United States announced plans to provide Pakistan with 12 RQ-7 Shadow unmanned aerial vehicles (UAV). In addition to the UAVs the United States will also provide training and other capabilities to ensure that Pakistan's intelligence efforts gain the maximum possible value from this UAV. The RQ-7 is intended to provide coverage of a brigade area of interest for up to four hours at a distance of thirty-one miles from the launch and recovery site. However the RQ-7 is used solely for intelligence gathering rather than offensive purposes.

Some inferences can be drawn from the United States' decision not to supply Pakistan with combat UAVs. Despite recent offensives on the Af-Pak border, elements of Pakistan's armed forces remain implicated with close links to Islamic militants. Such linkages were initially forged to provide an additional foil against the conventional threat posed by India. In this respect, Pakistan has overlooked the asymmetric counter-balance the militants provided within the disputed Kashmir region. Whilst such alleged relationships persist the United States is unlikely to want to provide Pakistan with material that has the potential to be inappropriately used by its armed forces. And the United States wishes to maintain its dominant – currently exclusive – position in the region's UAV strike activities.

It is clear attacks will continue, and probably increase, for a long time. As a senior adviser to the UK Government said recently, "drone strikes work... Al Qaeda is in bad shape in Afghanistan and Pakistanthey can hardly move." And we can expect increased drone operations in Yemen and Somalia as targeting issues start to be resolved.