



Peace and Justice Commission

## ACTION CALENDAR

February 9, 2016

*(Continued from January 12, 2016)*

To: Honorable Mayor and Members of the City Council  
 From: Peace and Justice Commission  
 Submitted by: George Lippman, Chairperson, Peace and Justice Commission  
 Subject: In Support of Ending Drone Warfare

### RECOMMENDATION

Adopt a Resolution urging the U.S. government to:

1. Halt the use of all drones for extrajudicial killing, since extrajudicial killing is illegal under international law,
2. Halt all drone surveillance that assaults basic freedoms and inalienable rights and terrorizes domestic life in Pakistan, Afghanistan, Iraq, Yemen and Somalia,
3. Prohibit the sale, and distribution of drones and drone technology to foreign countries in order to prevent the proliferation of this menacing threat to world peace, freedom and security, and
4. Work with the international community to ban the use of drones for military purposes.

Urge Senators Dianne Feinstein and Barbara Boxer and Representative Barbara Lee to help to end the use of drones in warfare by promoting legislation that will achieve these ends; and

Direct the City Clerk to send copies of this resolution to President Barack Obama, Senator Dianne Feinstein, Senator Barbara Boxer, and Representative Barbara Lee.<sup>i</sup>

### FISCAL IMPACTS OF RECOMMENDATION

Unknown

### CURRENT SITUATION AND ITS EFFECTS

The United States has carried out 20,000 drone strikes in the last four years, including hundreds of strikes in Pakistan killing some three thousand people (hundreds of them civilians including many children)<sup>ii</sup>, as well as in Yemen and Somalia.<sup>iii</sup>

At the regularly scheduled meeting of the Peace and Justice Commission (PJC) on July 06, 2015, the Commission took the following action:

1. M/S/C (Meola/Kenin) that the Peace and Justice Commission recommends that the City Council adopt a resolution in support of ending drone warfare:

Ayes:	Bohn/Blake temp, Kenin, Lippman, Maran, Meola, Nicely, Reyes
Nays:	None
Abstain:	None
Absent:	Herrerra, Nuruddin
Excused:	Mabanta, Bohn

### BACKGROUND

The United States government began using drones to attack Al-Queda targets in Yemen in 2002. An investigative panel of the United Nations Human Rights Council has begun a study of the “exponential rise” in drone strikes to determine if unlawful killings have occurred in the interim 13 years, focusing specifically on “double tap” attacks involving a second missile strike on the same target, which could constitute war crimes as they often affect rescue workers and mourners.<sup>iv</sup>

### ENVIRONMENTAL SUSTAINABILITY

Unknown.

### RATIONALE FOR RECOMMENDATION

According to the New York Times, the U.S. administration “counts all military-age males in a strike-zone as combatants.”<sup>v</sup> Even under this assumption, one in five drone deaths are civilians.

The antiseptic nature of modern drone warfare and the remote targeting of human beings from the other side of the world cause great concern to the people of Berkeley, along with many others around the country and the world.<sup>vi</sup>

In 2013, the Council on Foreign Relations issued a report calling for fundamental reforms in US drone policies. The CFR recommends:

- That the Obama administration’s targeted-killings policy be limited to individuals with a “direct operational” role in terrorist plots against the US;
- Ending the so-called “signature strikes” against individuals or groups who the White House says, “bear the characteristics of Qaeda or Taliban leaders on the run,” and which define “all military-age males in a strike zone as combatants;”
- Far greater transparency and accountability in the definitions of civilian casualties, including aggressive congressional oversight.

The report concludes that of 3,000 killed in drone attacks so far, “the vast majority were neither al Qaeda nor Taliban leaders,” a major difference from the low-to-zero civilian casualty estimates by the Obama administration, including newly-recommended CIA chief John Brennan.<sup>vii</sup>

ALTERNATIVE ACTIONS CONSIDERED

No alternative action considered.

CITY MANAGER

The City Manager takes no position on the content and recommendations of the Commission’s Report

CONTACT PERSON

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Attachments:

- 1: Resolution
- 2: Background Information

RESOLUTION NO. -N.S.

ENDING OF DRONE WARFARE

WHEREAS, the Peace and Justice Commission advises the City Council on all matters relating to the City of Berkeley's role in issues of peace and social justice (Berkeley Municipal Code (BMC) Chapter 3.68.070; and

WHEREAS, the United States has carried out 20,000 drone strikes in the last four years, including hundreds of strikes in Pakistan killing some three thousand people (hundreds of them civilians including many children),<sup>viii</sup> as well as in Yemen and Somalia;<sup>ix</sup> and

WHEREAS, according to the New York Times, the U.S. administration “counts all military-age males in a strike-zone as combatants”, and even under this assumption, one in five drone deaths are civilians;<sup>x</sup> and

WHEREAS, the antiseptic nature of modern drone warfare and the remote targeting of human beings from the other side of the world causes great concern to the people of Berkeley, along with many others around the country and the world;<sup>xi</sup> and

WHEREAS, the United Nations has stated its concern about summary, arbitrary or extrajudicial executions (killing of persons by governmental authorities without the sanction of any [judicial proceeding](#) or legal process), including individuals intentionally killed as part of the ‘war on terror;’<sup>xii</sup> and

WHEREAS, an investigative panel of the United Nations Human Rights Council has begun a study of the “exponential rise” in drone strikes to determine if unlawful killings have occurred, focusing specifically on “double tap” attacks involving a second missile strike on the same target, which could constitute war crimes as they often affect rescue workers and mourners;<sup>xiii</sup> and

WHEREAS, on April 23, 2015, President Obama disclosed that an American aid worker and an Italian, both held hostage by Al Qaeda, were accidentally killed by a January U.S. drone strike in Pakistan; yet despite these recent deaths, it appears clear that the Administration doesn't plan to modify the drone program in a significant way.<sup>xiv</sup>

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley urges the U.S. government to

1. Halt the use of all drones for extrajudicial killing, in light of the fact that the legality of drones is under investigation by legal scholars and practitioners including two successive UN Special Rapporteurs on extrajudicial killings;<sup>xv</sup>
2. Halt all drone surveillance that assaults basic freedoms and inalienable rights and terrorizes domestic life in many countries including Pakistan, Afghanistan, Iraq, Yemen, and Somalia;

3. Halt the production of drones and prohibit the production, sale, and distribution of drones and drone technology to foreign countries in order to prevent the proliferation of this menacing threat to world peace, freedom and security; and
4. Work with others in the international community who seek to ban the use of drones for military purposes.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley urges Senators Dianne Feinstein and Barbara Boxer and Representative Barbara Lee to help to end the use of drones in warfare by promoting legislation that will achieve these ends.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley directs the City Clerk to send copies of this resolution to President Barack Obama, Senator Dianne Feinstein, Senator Barbara Boxer, and Representative Barbara Lee.<sup>xvi</sup>

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<sup>viii</sup> A September 2012 report entitled "Living Under Drones", by researchers from Stanford University and New York University criticized the drone campaign, stating that it was killing a high number of civilians and turning the Pakistani public against the United States.  
and Civilian Deaths: Recent Columbia University Report:  
<http://web.law.columbia.edu/human-rights-institute/counterterrorism/drone-strikes/counting-drone-strike-deaths>  
<http://web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/CountingDroneDeathsPresserFINAL.pdf>  
See also: New America Foundation: "Year of the Drones"  
<file:///Users/user/Desktop/drones%20reso/2012:%20The%20Year%20of%20the%20Drone%20%7C%20NewAmerica.net.webarchive>

<sup>ix</sup> <http://www.guardian.co.uk/news/datablog/2012/aug/02/us-d> US drone strikes listed and detailed in Pakistan, Somalia and Yemen: "35-45 recorded strikes in Yemen and up to nine in Somalia."

<sup>x</sup> <http://www.nytimes.com/2012/05/29/world/obamas-leadership-in-war-on-al-qaeda.html?pagewanted=all> "President wages perpetual war,"  
and: [livingunderdrones.org/report/](http://livingunderdrones.org/report/): "... drone attacks were violations of international law, because the US government had not shown that the targets were direct threats to the US..... The report also noted the US policy of considering all military-age males in a strike zone as militants unless exonerating evidence proves otherwise."

<sup>xi</sup> [ Editorial ] *The Washington Post*, Wednesday, November 7, 2012

<sup>xii</sup> <http://www.ohchr.org/EN/Issues/Executions/Pages/SRExecutionsIndex.aspx>

The mandate of the United Nations Special Rapporteur on summary or arbitrary executions was established by resolution 1982/35 of the UN Economic and Social Council.  
The UN Commission on Human Rights, in its resolution 1992/72, renewed the mandate of the Special Rapporteur and widened the title of the mandate to include "extrajudicial" as well as "summary or arbitrary" executions. This change indicates that the members of the Commission have adopted a broader approach to the mandate on executions to include all violations of the right to life as guaranteed by a large number of international human rights instruments.  
And

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<http://www.un.org/apps/news/story.asp?NewsID=22046&Cr=rights&Cr1=council#.VY78xRNViko>

Philip Alston, the Special Rapporteur on extrajudicial, summary or arbitrary executions, stated on 28 March 2007:

“In recent years the United States has consistently argued that the UN Human Rights Council, and all other international human rights accountability mechanisms, have no legitimate role to play when individuals are intentionally killed, so long as it is claimed that the actions were part of the ‘war on terror,’” said Philip Alston, the Special Rapporteur on extrajudicial, summary or arbitrary executions.

“While this argument is convenient because it enables the US to effectively exempt itself from scrutiny, if accepted it would constitute a huge step backwards in the struggle to promote human rights.”

<sup>xiii</sup> “U.N. Panel to Investigate Rise in Drone Strikes,” *New York Times*, <http://nyti.ms/XAbEMZ>

BY JOHN F. BURNS A prominent British human rights lawyer said the Human Rights Council panel would investigate the exponential rise in drone strikes, focusing on whether there is a plausible allegation of unlawful killing. And

“U.N. enlists expert to examine drone warfare use,” *SF Chronicle*, January 25 “...One of the three countries requesting the investigation was Pakistan, which officially opposes the use of U.S. drones on its territory as an infringement on its sovereignty...”

<sup>xiv</sup> [http://www.nytimes.com/2015/04/24/world/asia/2-qaeda-hostages-were-accidentally-killed-in-us-raid-white-house-says.html?\\_r=1](http://www.nytimes.com/2015/04/24/world/asia/2-qaeda-hostages-were-accidentally-killed-in-us-raid-white-house-says.html?_r=1)

In two New York Times articles dated April 24, 2015, “Obama Apologizes After Drone Kills American and Italian Held by Al Qaeda”,

The Times states, “For all of Mr. Obama’s aching public struggle over the right approach to terrorism and war, he does not seem likely to overhaul his drone-oriented strategy. Reviews of the strike that killed the hostages may yield better ways to conduct the war — officials were already talking about forming a “fusion center” that would link agencies to deal with hostage situations — but aides gave no sense that Mr. Obama would embrace a wholesale shift.”

And : [www.nytimes.com/.../drone-strikes-reveal-uncomfortable-truth-us-is-often-unsure-about-who-will-die.html](http://www.nytimes.com/.../drone-strikes-reveal-uncomfortable-truth-us-is-often-unsure-about-who-will-die.html):

“Drone Strikes Reveal Uncomfortable Truth: U.S. Is Often Unsure About Who Will Die,”

And: San Francisco Chronicle editorial on April 26, 2015, entitled “Obama’s Drone disaster”, stated, “Prior mistakes and political outcry over the clandestine attacks have led to a drop off in drone attacks in the last five years. But drones are now in use in more countries than ever. A remarkable technological tool is becoming a military liability. Far from being precise weapons, drones are turning out to have an unpredictable and indiscriminate side. The air attacks, designed to single out extremist leaders, have become recruiting campaigns for U.S. enemies who note the injuries and deaths to nearby civilians. The death of the American aid worker should lead the president in a new direction and away from drones.”

<sup>xv</sup> <http://www.cfr.org/counterterrorism/targeted-killings/p9627>

<http://www.theguardian.com/world/2013/oct/17/un-rapporteur-heyns-drone-strikes-yemen-pakistan>

UN Document: <A/HRC/14/24/add.6> 28 May, 2010

Resolution in Support of Ending Drone Warfare  
Attachment 2

Background information:

Drone strikes:

Estimated total civilians killed since the strikes began – in Pakistan, Yemen, Somalia, and Afghanistan: 5253  
(Details below)

Articles:

[http://www.nytimes.com/2015/04/25/us/politics/hostage-deaths-show-risk-of-drone-strikes.html?hp&action=click&pgtype=Homepage&module=first-column-region&region=top-news&WT.nav=top-news&\\_r=0](http://www.nytimes.com/2015/04/25/us/politics/hostage-deaths-show-risk-of-drone-strikes.html?hp&action=click&pgtype=Homepage&module=first-column-region&region=top-news&WT.nav=top-news&_r=0)

[http://www.nytimes.com/2015/04/24/world/asia/2-qaeda-hostages-were-accidentally-killed-in-us-raid-white-house-says.html?\\_r=0](http://www.nytimes.com/2015/04/24/world/asia/2-qaeda-hostages-were-accidentally-killed-in-us-raid-white-house-says.html?_r=0)

**Obama Apologizes After Drone Kills American and Italian Held by Al Qaeda**

www.SFChronicle.com

<http://www.thebureauinvestigates.com/category/projects/drones/drones-war-drones/>

Pakistan 2004–2015 CIA Drone Strikes, **Most recent strike: April 12 2015**

Total strikes: **415** Obama strikes: **364** Total killed: **2,449-3,949** Civilians killed: **423-962**

Children killed: **172-207** Injured: **1,144-1,722**

Yemen 2002–2015 US Covert Action, **Most recent strike: April 21 2015**

Confirmed drone strikes: **91-111** Total killed: **436-646** Civilians killed: **65-96** Children killed: **8** Injured: **86-215**

Possible extra drone strikes: **76-92** Total killed: **319-460** Civilians killed: **26-61**

Children killed: **6-9** Injured: **78-105**

Other covert operations: **15-72** Total killed: **156-365** Civilians killed: **68-99** Children killed: **26-28** Injured: **15-102**

Somalia 2007–2015 US Covert Action

**Most recent strike: March 12 2015**

Drone strikes: **9-13** Total killed: **23-105** Civilians killed: **0-5** Children killed: **0** Injured: **2-7**

Other covert operations: **7-11** Total killed: **40-141** Civilians killed: **7-47** Children killed: **0-2** Injured: **11-21**

Afghanistan

**Most recent strike: April 12 2015**

Confirmed strikes: **6** Total killed: **44-57** Civilians killed: **0** Children killed: **0** Injured: **0**

Possible extra strikes: **6** Total killed: **36** Civilians killed: **0-1** Children killed: **0-1** Injured: **9**

**Most recent strike: April 12 2015,**

<http://www.thebureauinvestigates.com/category/projects/drones/drones-graphs/>

<i>CIA strikes Pakistan – Obama 2014</i>	
Total CIA drone strikes	<b>25</b>
Total reported killed:	<b>115-186</b>
Civilians reported killed:	<b>0-2</b>
Children reported killed:	<b>0-2</b>
Total reported injured:	<b>53-76</b>

<i>CIA strikes Pakistan – Obama 2015</i>	
Total CIA drone strikes	<b>7</b>
Total reported killed:	<b>33-45</b>
Civilians reported killed:	<b>2</b>
Children reported killed:	<b>0</b>
Total reported injured:	<b>11-16</b>