

DEFENSIE  
LA DÉFENSE



VOORRANG AAN VREDE  
PRIORITÉ À LA PAIX

## Rules of Engagement

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# Overview

1. Definition
2. Influences upon ROE
3. Elaboration Process
4. Use of Force
5. Listed ROE
6. Responsibilities
7. Conclusion



# 1. Definition

“ROE are directives to military forces (including individuals) that define the circumstances, conditions, degree, and manner in which **force**, or actions which might be construed as provocative, may be applied.”

NATO MC 362/1



# 1. Definition

- Create an unity on the use of force
- So that the military action is consistent with the political objectives
- Increase the probability to generate an unwanted reaction or escalation in the conflict
- Not limited to the rules for opening fire.



# 1. Definition

- Provide guidance from command authorities to deployed units on the use of force.
- Act as a control mechanism for the transition from peacetime to combat operations.
- Provide mechanism to facilitate planning.



# 1. Definition

- ROE are NOT:
  - Missions,
  - Tasks,
  - Doctrine
- Assure a convergence between :
  - the political directives,
  - the military imperatives,
  - the legal imperatives



# 1. Definition

Legal qualification?

- ROE are not 'law'
- Have to respect the law
- *Lawful* 'order' (1995)



# History

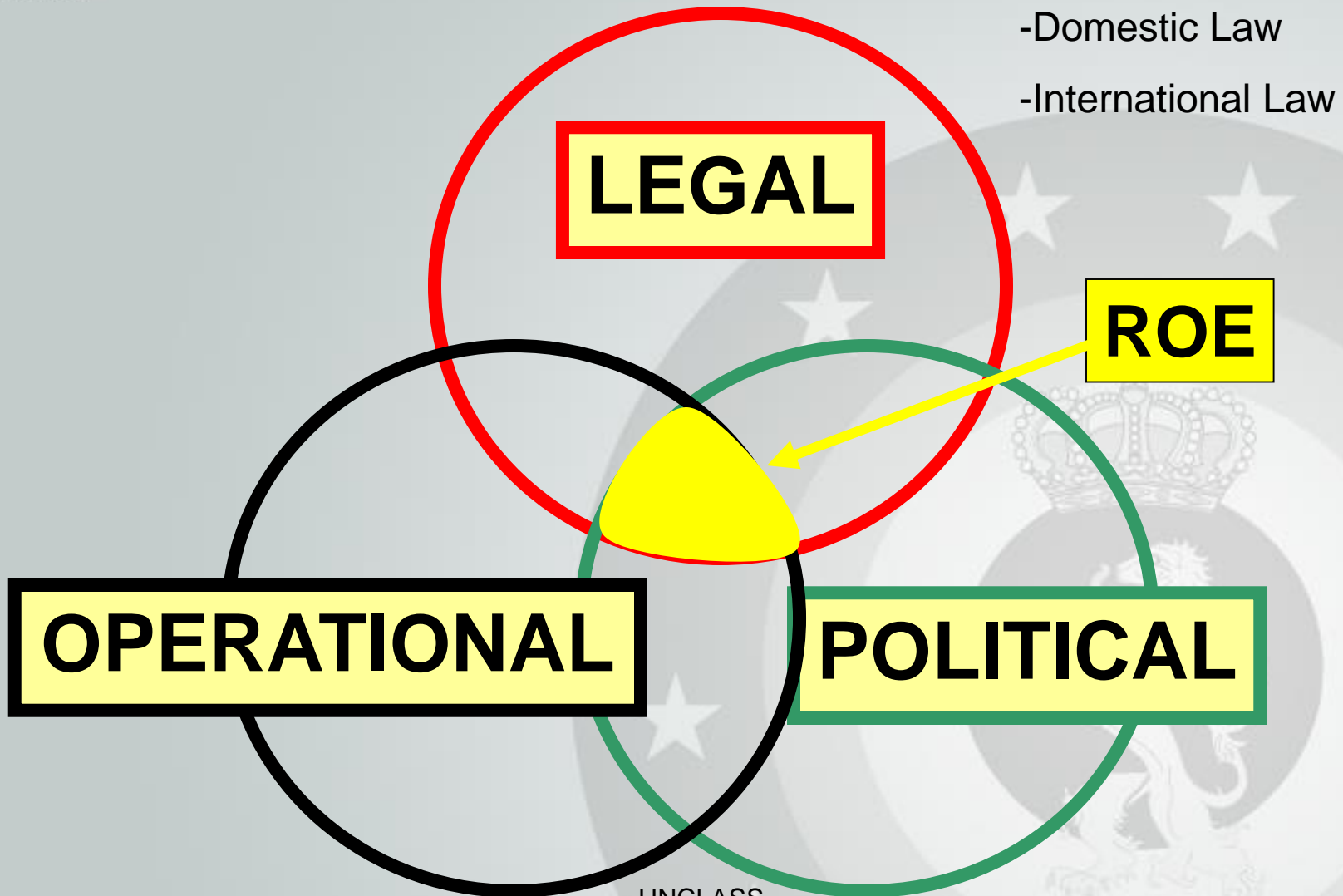
USA

BEL inquiry Rwanda





## 2. Influences upon ROE



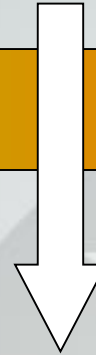


## 2. Influences upon ROE

Every Ops = Different Legal framework

Peace

War



Anderlecht-Club Brugge

WWII

Bom Spotting

Different ROE

Korea

Libya

Paris/London

ISAF

CN Ops

Rwanda

Piracy

UNIFIL

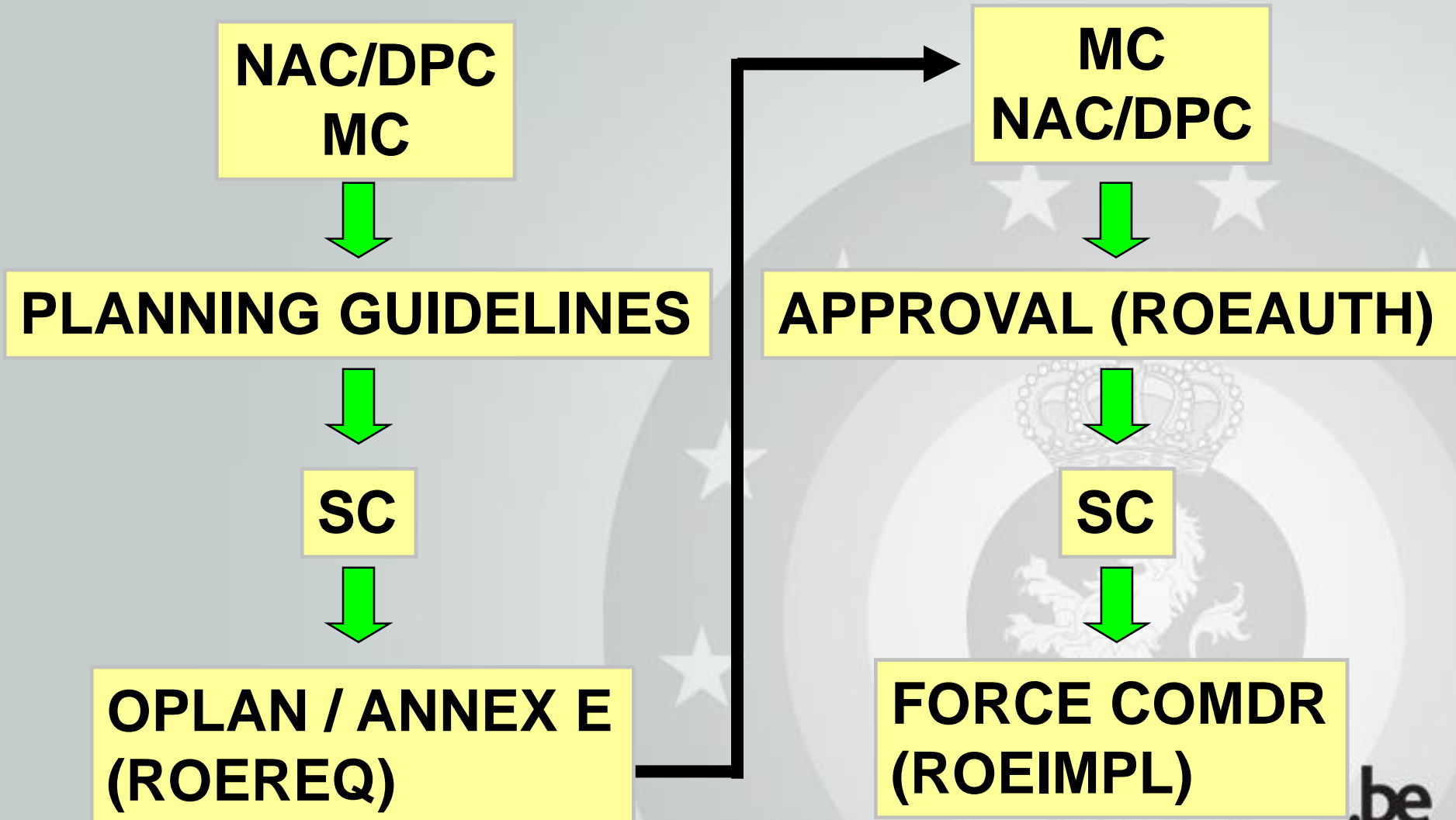


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# 3. Elaboration Process



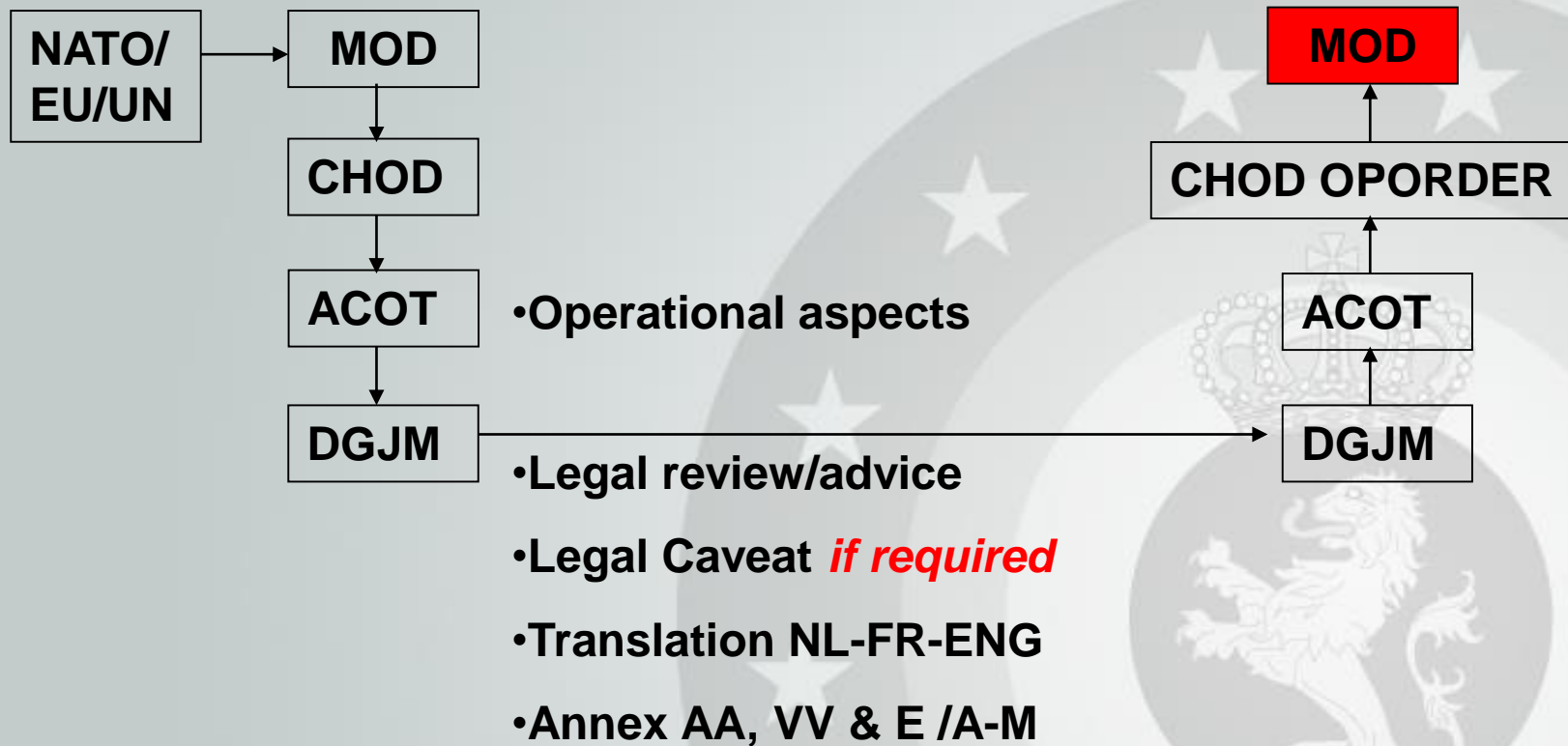


# 3. Elaboration Process

1. ROE REQ (mil) (bottom up)
2. ROE AUTH (pol)
3. ROE IMPL (mil) (top down)



# 3. Elaboration Process





# 3. Elaboration Process

- Elaboration Timing?  
ASAP → Training and Planning ops
- Continued process





# 3. Elaboration Process

- References?

*ROE compendia*

- UN
- NATO
- EU





# 3. Elaboration Process

- Classification?

*Could be a difficulty in Multinational ops*



# 3. Elaboration Process

- Mil must be trained and aware of the content of the ROE's

*« Il y a lieu d'expliquer et de commenter en langage clair le mandat et les règles d'engagement à l'état-major et aux hommes jusqu'aux échelons inférieurs du contingent. L'on ne peut pas se contenter d'une information « en cascade » comme celle qui a lieu au sein de la MINUAR »*



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# 4. Use of Force

## When? Bel law

- Art 10 bis Titre préliminaire du Code de procédure pénale
- Three 'causes de justification':
  - SD (art. 416-417 CP)
  - Legitimate reason(art. 70 CP)
  - State of necessity (case law)



# 4. Use of Force

## ROE and Self-defense

- Self-defense can be exercised irrespective of whether or not explicitly stated in ROE
- There must be an instant and overwhelming need to use force in self-defense
- The level of force used in self defence must be commensurate with the level of the threat (proportionality)



## 4. Use of Force

### Legitimate reason?

- Legal order
- Prior to the action
- Based on the law
- Order from a legitimate Bel authority

### What if illegal order?



# 4. Use of Force

## How?

- LOAC principles apply to ROE if AC
  - Military Necessity
  - Proportionality
  - Distinction
- ROE must comply with LOAC
- If no armed conflict → Strict necessity, proportionality → HR (McCann, Ergi, Gulec)



## 4. Use of Force

- WPN?
  - After action report/actions?
- Medic support
  - Secure the zone and the evidence
  - After action report (Art. 2 ECHR)





# Annex E OORDER

1. General principles UoF + ROE's ;
2. National Caveats
3. National amplifications
4. 'aide-mémoire'
5. Release Authority Matrix
6. + SOP's or specific guidance for specific aspects



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## 5. Listed ROE

- ROE without use of force
- ROE Wpn systems
- « Reactive » use of force
- « Offensive » use of force
- Other ROE



# 5. Listed ROE

## Without the use of force

- 10X Geographic positioning of own forces
- 11X Relative positioning of own forces
- 24X Exercising in the presence of potential enemy
- 25X Conduct of simulated attacks



# 5. Listed ROE

## ROE Weapon Systems

- 22X Infrared and visual illumination
- 23X Identification of potential targets prior to engagement
- 28X Designation of targets
- 32X Use of riot control agents
- 35X Prohibiting or restricting use of specific weapons in DESIG circumstances
- 37X Use of ECM
- 38X Mines



# 5. Listed ROE

## « Reactive » Use of Force

- 13X Prevention of boarding, detention or seizure of civilian property
- 16X Diversions
- 17X Boarding
- 18X Detention or seizure
- 33X Use of force in DESIG circumstances

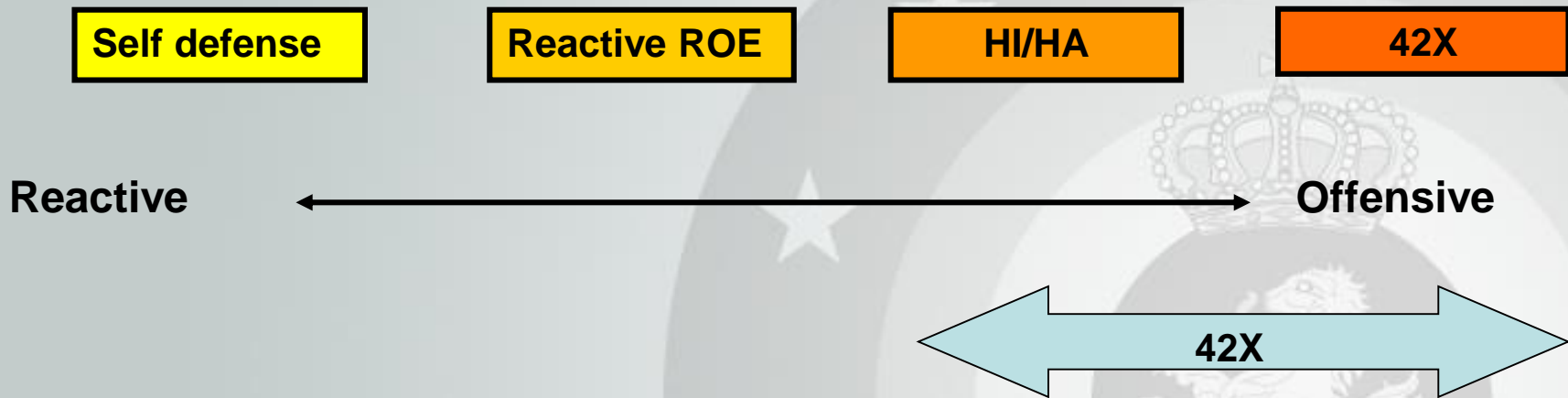
**Use of minimum force to ... is authorized**



# 5. Listed ROE

## « Offensive » Use of Force

- 42X Attack





# Other ROE

- 36X Info Ops
- 14X Intervention in non military activities
- 39X Action against suspected submarine contacts
- 31X Psychological Ops
- 34X Computer Network attacks
- 99X Confirmatory ROE





# Dormant, retained and standing ROE?

- Dormant ROE
- Retained ROE (ROE Matrix – ROE RAM)  
ou sur ordre)
- Standing ROE



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# 6. Responsibilities

- Agent
- Hierarchy
- Sanctions? → Penal (Nat or int) and Discipline



## 6. Conclusion

- ROE are tool
- Foresee the foreseeable
- Importance of the planning and of military training on ROE
- Team work experts (Ops, Legad, Polad)
- Assistance and control from Legad before and during the action



# QUESTIONS ?

THE WALL STREET JOURNAL



**“I agree--it’s a good idea, but you still have to run it through our legal department.”**