

TACTICAL ROE MANAGEMENT DURING UNIFIED LAND OPERATIONS

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After years of conflict in Afghanistan and Iraq, many Soldiers view rules of engagement (ROE) as static or otherwise slow and averse to change. During the Global War on Terrorism (GWOT), a unit could enter a theater of operations for a particular mission and reasonably expect that the ROE would be the same as when it left. ROE training, therefore, was more easily conducted at home station and during mission rehearsal exercises (MREs) at Army Combat Training Centers (CTCs) because it was predetermined and mature.

However, the United States and its multinational partners are increasingly focusing their efforts on an uncertain future against uncertain enemies. Consequently, the CTCs are designing decisive action training environments (DATEs) that offer realistic challenges designed to exercise brigade- and battalion-level command and staff functions that have atrophied over the last decade, including ROE management.¹

The ROE encountered in a new environment are often complex and dynamic. At the beginning of hostilities, the pre-planned ROE are based on considerations such as international agreements, interpretations among multinational partners regarding international law and the Law of Armed Conflict, target identification, etc. A higher headquarters will change the ROE often as its situational understanding develops. Likewise, commanders might find themselves in command of a force that itself has multiple sets of ROE it must adhere to, and the hierarchy of which ROE set should be followed is sometimes unclear.

Regardless of the complexities, commanders at every level have a responsibility to understand and drive the ROE to accomplish their mission or tasks. If the ROE are too restrictive for the mission or task, then the commander must seek to adjust them. If the ROE cannot be changed, then it is up to the commander to revise the scope of the mission or tasks. Thus, ROE management at every level of command has two elements, neither more important than the other: ROE tracking and ROE development.



U.S. and Italian soldiers brief each other before conducting a dismounted patrol during Swift Response 15 at the Joint Multinational Readiness Center in Germany on 26 August 2015.

(Photo by SPC Shardesia Washington)

ROE Tracking

Commanders on the ground must understand the ROE thoroughly so they can provide guidance to shape the battlefield according to their vision. This requires the staff to do more than just receive the mission, find the appropriate ROE annex, republish the annex, brief it, and wait for the next ROE message. Of course, that is all part of it, but the ROE must be placed into the context in which a unit will be operating — within an area of operations, area of influence, and area of interest. The process requires a thorough understanding of the enemy and the operational environment so that the ROE can be appropriately applied. As Army Doctrine Reference Publication (ADRP) 3-37, *Protection*, points out, “a [unit’s] failure to understand and comply with established rules of engagement can result in fratricide, mission failure, or national embarrassment.”²

As long as somebody is actively looking for them, ROE changes from higher headquarters are relatively easy to track. The difficulty is organizing and disseminating that information across the formation in a timely manner so that the Soldiers at the lowest levels know it and understand it. For this reason, it is vital that training includes changes to ROE that accurately reflect the dynamic nature of unified land operations.

Even more complicated are situations wherein multiple ROE (or restrictions to existing ROE) apply during the same operation. These situations most often occur when:

- There is a shift in the relative weight given offensive, defensive, and stability tasks during unified land operations.
- There are multiple, distinct enemies.
- Unique missions or tasks — under separate authority — have been assigned to the unit.
- A coalition partner must adhere to a national caveat or other restriction more restrictive than the published ROE.

Consider the situation that occurred during Exercise Swift Response 15, a Joint Multinational Readiness Center (JMRC) rotational training exercise that partially took place in Hohenfels, Germany. A U.S.-led multinational brigade-sized task force conducted a joint force entry and lodgment operation in a semi-permissive environment against “separatist” elements from the host nation’s army. Simultaneously, another potential adversary crossed the international border under completely different auspices, violating the territorial integrity of the host nation. A United Nations Security Council Resolution authorized force against both adversaries, and both adversaries were declared hostile by a competent higher headquarters.³

In this unique but very realistic scenario, force was authorized against two declared hostile forces. However, since the composition of one force included citizens from the host country (a non-international armed-conflict) and the composition of the other was opposing state actors (an international armed conflict), the military, political, and legal considerations regarding each drove two differing ROE sets. Fortunately, the unit only faced the former (but the latter certainly existed within the unit’s areas of interest and influence).

Regardless, the former was not without complications. The enemy were local separatists who, until recently, were still part of the larger host nation’s army. As a result, the unit faced an enemy that was wearing the same uniforms and driving the same vehicles as its host nation allies. Of course, this sort of problem can be mitigated in several ways, but in the absence of time, the commander issued very detailed guidance. Specifically, he directed that deadly force would only be used by his forces against an enemy who was wearing the right gear/driving the right equipment (i.e. “positively identified”) and who demonstrated hostile intent.⁴ In other words, because positive identification was alone insufficient to identify the enemy, he provided guidance on the use of force.⁵

Later, the same unit conducted a noncombatant evacuation operation (NEO), which came with completely different ROE that were driven substantially by the U.S. Department of State.⁶ In summary, this five-day exercise had multiple missions with at least three different ROE sets that the brigade headquarters had to track, one of which required significant commander’s guidance to ensure subordinates understood the ROE distinctions. At the same time, some subordinate multinational units were restricted by national caveats.⁷ For example, some could not employ mines of any type during offensive operations due to treaty obligations, which was more restrictive than the published ROE.

Regardless of the situation, commanders, through the collaborative efforts of their entire staff, must account for the ROE. Effective ROE tracking during the operations process allows commanders to better understand the overall situation. As a result, they will be able to better visualize, describe, and direct operations. Among other things, they will be better able to organize and array their forces to best accomplish the mission. To the extent the ROE



Soldiers with the 2nd Battalion, 501st Parachute Infantry Regiment, 82nd Airborne Division, conduct a mission analysis brief during Swift Response 15 on 29 August 2015. (Photo by SPC Justin De Hoyos)

limit their ability to accomplish the mission, they (and their staffs) must develop the ROE.

ROE Development

ROE should never be too restrictive for the task at hand. If there is a term in the ROE that is excessively restrictive or ambiguous considering the current situation — and therefore negatively affecting operations — it needs to change. If the ROE cannot be changed (for myriad reasons), commanders and their associated staffs must examine the scope of the military action anticipated and refine it appropriately. Even if the authority to change the ROE remains at a higher level of command, the staff should provide a refined product to the higher headquarters. In other words, take the guesswork out of it for the higher headquarters by making it part of the planning process. Because ROE do not need to be static, ROE development should be part of the detailed planning process at every level, and resources should be dedicated to ensuring that an operation has the most ideal ROE set under the circumstances.

Many factors drive a particular operation's ROE, including customary and treaty law, policy objectives, and mission limitations.⁸ But ROE are commanders' tools for regulating the use of force, and as such are necessarily flexible.⁹ Tactical-level commanders and their staffs — the ones who can see the adversary and therefore have unique situational understanding — provide substantial input to shape future ROE (through input from all warfighting function representatives). Effective ROE management includes the application of critical thinking to determine whether the ROE "work" for the task at hand. That includes analysis of not just whether it is unduly restrictive, but also whether it is unnecessarily permissive considering the situation. In other words, commanders are not letting the ROE define their left and right limits; they are developing their own left and right limits and using the ROE as their tool to do so.

Usually, published ROE from higher headquarters will contain provisions on how commanders may augment, refine, or restrict the terms of the current ROE. Even the U.S. Standing Rules of Engagement (SROE), which provide a common ROE template for the full range of operations, provide such language.¹⁰ The SROE also provide general guidelines on ROE development. The JMRC's ROE do the same: "The policies and procedures in this instruction are in effect until rescinded. Supplemental measures may be requested to augment these ROE. No supplemental measures allowing more permissive ROE will be implemented without prior ROEREQ (ROE request) and ROEAUTH (ROE authorization) of such measures. All supplemental measures will be immediately reported through the chain of command."

The bottom line is that ROE are flexible, and commanders at every level should seek to develop them to best

accomplish their mission in a dynamic operational environment.

ROE Management Recommendations

* Assign a staff member to be the ROE manager. The judge advocate/legal advisor is a logical choice, but it does not have to be, especially since not all staffs include a legal advisor (e.g., many multinational forces, battalion staffs). The bottom line is that it should be a staff member who has broad situational understanding and grasps the commander's intent.

* Post the ROE in the tactical operations center and brief them often. The brief should be concise and understandable and should highlight whatever specifics the commander deems most important. At a minimum, it should state who can be engaged, how to identify who can be engaged, and how they can be engaged. This is particularly important in the beginning of hostilities when the ROE are in a constant state of flux but remain necessary throughout the missions (especially when ROE changes are implemented).

* Consider an ROE working group. Again, ROE development requires deliberative planning. The ROE working group provides the collaborative process necessary to maximize the effectiveness of future ROE. At a minimum, the working group should be chaired by the ROE manager and should, at a minimum, include maneuver, fires, and intelligence planners.

* Focus ROE training on the dynamic nature of ROE. Training should include changes to ROE to reflect the dynamic nature of a new battlefield. Likewise, it should include scenarios where multiple ROE are in effect for different subordinate units.

* A caveat regarding ROE cards: In dynamic operational environments, commanders — particularly those commanding multinational forces — should resist the temptation to issue ROE cards to the force. Consider the potential for confusion when the ROE change or a portion of a task force operates on slightly different ROE based on a unique authority or task sometime during a deployment. There will be problems with policing up the old cards, making sure everybody's got the new ones, making sure they all actually understand the changes, etc. Rather, make sure Soldiers actually understand the current ROE, and more importantly, understand that it could change at any given moment. The training objective should be to react and adapt to the change effectively.

Conclusion

Unified land operations are complex. Because commanders are faced with conducting offensive, defensive, and stability tasks simultaneously — and increasingly as part of a multinational effort — the ROE with regard to each operation become more important, and any shortcomings could have tactical, operational, and even strategic consequences. Commanders must be fully aware of the myriad ROE and caveats present in each mission and ready to adjust accordingly based on their understanding of the operating environment. In short, they need an effective ROE management plan that includes ROE tracking and ROE development.

Notes

¹ ROE management is not a doctrinal term, but rather the author's concept of how ROE should nest within Army doctrine, specifically Army Doctrine Publication (ADP) 3-0, *Unified Land Operations* (October 2011), and ADP 5-0, *The Operations Process* (May 2012).

² Army Doctrine Reference Publication (ADRP) 3-37, *Protection* (August 2012) paragraph 3-37.

³ A "declared hostile force" is "[a]ny civilian, paramilitary, or military force or terrorist that has been declared hostile by appropriate U.S. authority. Once a force is declared 'hostile,' U.S. units may engage that force without observing a hostile act or demonstration of hostile intent; i.e., the basis for engagement shifts from conduct to status. Once a force or individual is identified as a declared hostile force, the force or individual may be engaged, unless surrendering or hors de combat due to sickness or wounds. The authority to declare a force hostile is limited, and may be found at Appendix A to Enclosure A, paragraph 3 of the SROE." *Operational Law Handbook 2015*, Judge Advocate General's Legal Center and School, Charlottesville, Va., 22903, page 83.

⁴ Hostile act/hostile intent is ordinarily a self-defense concept but worked perfectly in this situation.

⁵ Note that this was not a change to the ROE; most ROE — including the U.S. SROE — will use language that units may engage an enemy that has been declared hostile, not that it must.

⁶ Although this was a NEO of U.S. governmental personnel, North Atlantic Treaty Organization and other NEOs will

always be driven by the particular state requesting the NEO.

⁷ The origin of national caveats and how they would play into an operation is beyond the scope of this article. For a good discussion on caveats, see “Multinational Rules of Engagement: Caveats and Friction,” by MAJ Winston Williams, *The Army Lawyer*, (January 2013).

⁸ The Chairman of the Joint Chiefs of Staff Instruction (CJCSI) 3121.01B, *Standing Rules of Engagement (SROE)/ Standing Rules for the Use of Force (SRUF)*, 13 June 2005. The SROE give U.S. forces a starting point for ROE during every operation. However, it is supplemented depending on various factors, including those discussed in this article.

⁹ *Ibid*, enclosure I, paragraph 3.a.

¹⁰ *Ibid*, paragraph 6b(2) – 8d and enclosure I.

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