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**CANADIAN FORCES COLLEGE / COLLÈGE DES FORCES CANADIENNES**

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**ROE: Their Impact on Combat Stress in Peace Support Operations**

By /par Lieutenant Colonel Mike McLean

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## **Abstract**

The Canadian experience in peace support operations suggests that the restrictive nature of peacetime ROE is causing unintended combat stress casualties and that future ROE must be granted with a view to protecting both a force's mental as well as its physical health. Why? Because the magnitude of peacekeeping-generated stress casualties is significantly impacting Canada's ability to field peacekeeping forces. The background and importance of ROE to the operational commander in peace support operations, coupled with evidence demonstrating that Combat Stress Reaction is a natural product of peacekeeping operations, define two important challenges for the operational commander. Moreover, given that many of these stress casualties often result from the feelings of fear, helplessness and shock of witnessing horrific atrocities while unable to intervene because of restrictive ROE, it follows that stress casualties may be preventable.

Future ROE need to consider the mental dimension of force protection and the inherent right to self-defence, which allows for protection of self from "harm," should be expanded to include two components: physical and mental. Operational commanders must be committed to both the physical and mental well-being of soldiers and must ensure that ROE does not exacerbate stress casualties. In the end, peacekeeping ROE must be robust enough to allow troops to intervene when confronted with crimes of humanity in order to protect the mental health component of self.

**ROE: Their Impact on Combat Stress**  
**In CF Peace Support Operations**

Lieutenant Colonel Mike McLean

“The...Team...to a man, were visibly shaken and very pale. The UMO assembled his medics around the body bag...the Doc slowly opened the first bag to reveal what was left of a teenage girl. How he knew it to be a female much less a teenager was beyond me. All I could see was a blackened [corpse] laid out on its back with its arms outstretched and its hands that were shaped like claws. The [pungent] odour of burning flesh was starting to make me dizzy as the medics, after recording all the necessary info, put the tag in a plastic sleeve and tied it to a charred exposed rib that was all that was left of what was supposed to be the torso...”

Lt(N) Brown, BG Padre  
Testimony before Board of Inquiry  
Croatia.

**Introduction**

Peace support operations is one area that Canadian officers are likely to be called upon to demonstrate their potential as operational commanders.<sup>i</sup> Since the Cold War ended, Canada has figured prominently in its commitment to participate and lead in a plethora of peace support operations. From Somalia to Croatia the mettle of the Canadian commander has been tested time and again and for the most part they have performed admirably, but, along the way, many lessons have been learned. The complexity of these operations has manifested itself over the past decade in a litany of personal and mission failures, malicious accusations, deaths and combat stress casualties. Moreover, they have often been characterised by a sense of frustration on the part of the peacekeepers, the parties they have been sent to protect and the people of Canada.

The causes of these failures and frustrations find their roots in the fact that peace support ROE are often confused and inadequate, resulting in unintended combat stress casualties. Badly-designed, over-restrictive ROE cause unintended human stress casualties since soldiers are forced to standby and witness crimes against humanity. Clearly, these psychological casualties are preventable and ROE development should incorporate the need to protect the soldier's mental health along with his/her physical well being. Failing to do so, will continue to introduce strain to a nation's forces and long-term mental anguish for its soldiers.

Peacekeeping is fraught with controversy, enigma, and failure partly because rules that guide the conduct of soldiers in peace support operations are rooted in a Byzantine imbroglio of charters, laws and mandates that are wide open to interpretation. This confusing foundation frequently gives rise to inadequate, restrictive ROE designed to protect national objectives or the chain of command, leaving the soldier unprotected, helpless and frustrated. Many combat stress reaction (CSR) casualties are now recognised as a bone fide and significantly negative by-product of peacekeeping operations. Restrictive ROE has caused high levels of stress, fear, shock, helplessness and unnecessary exposure to terrible atrocities. Thus, operational commanders should be obliged to request, obtain and apply ROE that will provide for the mental as well as physical protection of their forces. Even the rule of self-defence, a venerable and inherent right for all soldiers, may need to be redefined to allow troops to intervene so as to defend themselves against attacks on their mental component of 'self'. Clearly, no nation's forces can or should sustain such unnecessary casualties.

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<sup>i</sup> For the purpose of this paper, unless otherwise stated, peace support operations encompasses peacekeeping, peace-making, peace-enforcement, and humanitarian operations.

## **ROE Background**

The Canadian Forces, as an instrument of national policy and power, are restricted in the use of force by national and international law. Existing law and custom require that any use of force be controlled and limited to the extent necessary to achieve legitimate military objectives.<sup>1</sup> Restrictions on the use of force can be seen to stem primarily from four influences: political/policy considerations, diplomatic considerations, operational requirements, and legal prescriptions. Canadian domestic law, The Law of Peace, Law of Armed Conflict and Humanitarian Law represent a collection of conventions, treaties, regulations, laws, charters and agreements. They form a legal basis for authorising the use of force in CF operations. All four factors together form the framework for an indispensable instrument of command and control: the Rules of Engagement (ROE).<sup>2</sup> The CF defines ROE as follows:

orders issued by competent military authority that define the circumstances, conditions, degree, manner and limitations within which force, or actions which might be construed as provocative, may be applied to achieve military objectives in accordance with national policy.<sup>3</sup>

In the CF view, the purpose of ROE is to control the use of force in national self-defence, mission accomplishment, and defence of others. ROE “constitute lawful commands designed to remove any legal or semantic ambiguity that could lead a commander of Canadian forces to violate national policy by inadvertently under or overreacting to an action by opposing forces or individuals...ROE are orders not guidance.”<sup>4</sup> Because they constitute orders, CF commanders and soldiers are reluctant to question or seek changes to ROE

In UN peace support operations, the CF are usually bound by the legal conventions of the United Nations Charter and are employed under the authority of the UN Security Council, the body vested with primary responsibility for maintenance of international peace and security.<sup>5</sup> Governing principles for peace support operations are set out in the UN Charter under Chapters VI and VII. Chapter VI applies to peacekeeping, a non-coercive instrument of conflict control honouring the following three limitations: measures are undertaken without prejudice to the positions of the parties concerned; operations are undertaken with the consent of the parties concerned; and, peacekeepers may only use force in self-defence.<sup>6</sup> It is important to note that under international law, all nations have the right to use force to protect their citizens, territory and assets against attack or an imminent attack. From this right flows the inherent right for personal, unit or force self-defence, which means a commander or any individual soldier, regardless of UN Chapter authorities, do not require special ROE to defend his unit or himself against attack or the threat of imminent attack.<sup>7</sup>

Chapter VII of the Charter governs the conduct of peace enforcement actions involving potentially high intensity armed conflicts and any authority to take offensive action to enforce the UN mandate must flow from this Chapter. ROE under Chapter VII may include authority to use all necessary means, including use of offensive, deadly military force but this authority must be specifically set out in the Security Council resolution establishing the mandate.<sup>8</sup> One again, it is important to note that the inherent right to self defence is always available regardless of ROE.

In theory, operational commanders are supported by a robust legal infrastructure of laws, mandates, and rules which provide well orchestrated directives for using force

expressed as ROE. This ROE, in turn, eliminates legal or semantic ambiguity that could lead to a commander or his soldiers to under- or over-react to an action by opposing forces. Reality, however, offers a much different version. The operational environment is subject to many different definitions and purposes for ROE depending on the nation, alliance, or military construct. For example, the United States Joint doctrine defines ROE as:

Directives issued by competent military authority which delineate the circumstance and limitations under which United States forces will initiate and or/continue combat engagement with other forces encountered.<sup>9</sup>

Unlike the Canadian definition which speaks of ROE in terms of orders or commands, U.S. ROE doctrine stipulates that ROE are to influence the use of force. The U.S. sees ROE as the framework that guides soldiers and decision makers in the use of force.

NATO offers yet another definition:

ROE are a means of providing guidance and direction to commanders and commanding officers within the framework of overall political directives. They define the degree and manner in which force may be applied and are designed to ensure that the application of force is controlled. ROE inform commanders of the degree of constraint or freedom permitted when carrying out their assigned tasks, but they are not used to assign specific tasks.<sup>10</sup>

These are just three definitions that despite similarities, offer different wordings which lend themselves to different nuances of interpretations that can lead to disparate application. What, for example is the difference between a guideline, an order and a directive? One can easily see that multinational peacekeeping missions often introduce overlapping ROE. Superimpose this reality on the fact that organizations such as the UN and NATO add their own spin to interpretations and it should come as little surprise that coalition and alliance operations are often characterised by a sense of frustration and confusion in ROE management.

To further muddy the waters, a host of ‘key principles’ dictate additional constraints on the application of force. They are defined differently depending upon the national or service culture from which they come. Distinction, non-discrimination, proportionality, necessity, self-defence, use of deadly force, hostile intent and hostile act are just a few examples from the lexicon that represent essential principles governing the use of force, principles that could easily result in success or failure during peace support operations. That they are so important yet vulnerable to interpretation hints at the magnitude of fog and friction they often introduce and underscores the importance of a well-delineated and clearly understood ROE.

In Canada, the lack of a joint co-ordinated approach to ROE has been problematic. Until the early 1990’s, separate ROE systems existed for the navy and the air force but the army possessed none at all. It was not until the analysis of failures in the Gulf War in 1991 combined with the tragic incidents in Somalia that Canada began developing an efficient joint ROE doctrine that could apply to single service, joint or combined operations.<sup>11</sup> It was not until 1995 that the CF published its first joint Canadian ‘Use of Force in CF Operations’ ROE guide.<sup>12</sup> This manual is an extremely important source for ROE definitions and development/amendment protocols. It formalises, centralises, and standardises CF ROE doctrine and should be considered essential reading for all operational commanders.

The lack of previous formal international ROE doctrine is reflected in a history of global peacekeeping failures that illustrate the complexity of peace support operations and the importance of ROE:

They failed, among other things, to address the crucial distinction between “hostile act” and “hostile intent”...the highly questionable interpretations offered

by commanders added to the confusion...our soldiers were poorly trained in the ROE, having been confused, misled, and largely abandoned on this crucial issue by their senior leaders.

CF in Somalia 1992<sup>13</sup>

forces deployed need adequate rules of engagement ...in order to carry out their mission but also to protect themselves properly...when rules of engagement are made very restrictive...frustrated troops might be tempted to overreact and provoke the parties...in the eyes of local parties, troops under severe restrictions are weak, regardless of the weapons they carry...the UN operation in Rwanda in 1992-1993 was one of the examples of a powerless and hence fruitless UN effort, due to the very restrictive mandate and rules of engagement.

UN in Rwanda 1993<sup>14</sup>

ROE Clarification: Soldiers must protect themselves from harm as well as from theft of weapons and NVGs [night vision goggles]. Use of deadly force is authorised to prevent theft of weapons or NVGs.

U.S. in Somalia 1993<sup>15</sup>

These examples show three different military organizations in two operations that suffered from ROE failure in terms of training, definitions and application. The difficulties for ROE are further exasperated by the environment in which they are developed and pressures from constantly changing or ill-defined mandates. For the CF commander, ROE are most often developed in isolation by the NDHQ J-Staff and subject to a rigorous change process.<sup>16</sup> Delegation of authority to change ROE is often cumbersome and inefficient in light of rapidly changing operational imperatives. ROE dissemination and training provide additional challenges for the commander that can quickly become the catalyst for failure. Add to this an aggressive and sceptical news media always willing to question the use of military force and the importance of competent ROE management becomes axiomatic.

Clearly, effective ROE must be developed; they constitutes the legal basis for the operation and constitute the link to the commander's concept of operations. In their most

practical form they tell a soldier when to shoot and when not to shoot, without hesitation, in what will likely be a confusing, stressful and time restricted situation. Rooted in an intricate web of law, directive and policy ROE appear straight forward; past experiences however, suggest otherwise. Comp laoteE edtaffusi ar

“The MORALE of the soldier is the greatest single factor in war” said Field Marshal Montgomery in his summary of what some military writers have been saying since the fourth century B.C.<sup>17</sup> Yet, militaries have been reluctant to accept stress-related casualties as bone fide precipitants of operations. Stress has traditionally been viewed as a disease, and stress-related casualties in combat were labelled as melancholy, nostalgia, hysteria, shell shock, neurosis, or lack of moral fibre. Treatment often involved repatriation where convalescence would be characterised by good doses of “rest and sympathy - many would never recover.”<sup>18</sup> Copp and McAndrew write extensively on ‘battle exhaustion’ and provide an excellent history on Canada’s experience with wartime psychiatry and combat stress. They remind us that many medical and military professionals believed that personnel selection and leadership were considered the keys to successful prevention.<sup>19</sup> They concluded however, that there was never any appreciable progress made in reducing neuropsychiatric casualties (which often climbed as high as 30 percent of the total).<sup>20</sup>

On 26 January 2000, the Croatia BOI - Final Report” shed light on a new label which legitimises the notion that the amorphous malaise experienced by so many veterans in the profession at arms is, in fact, combat stress reaction. After exhaustive efforts to determine whether contaminated soil was responsible for the disproportionate number of illness amongst veterans, “the Board has been inexorably drawn to the conclusion that the health problems many have suffered relate to the horrific experiences and conditions experienced in theatre.”<sup>21</sup> The Canadian veterans of OPERATION HARMONY were found to suffer from stress-related illnesses at rates of at least three

times higher than those found in the Canadian population and were comparable to the same types of illness found in veterans of the Gulf War, Somalia, Bosnia and Rwanda.<sup>22</sup>

In the Northwest Europe campaign (1944-45) combat stress casualties accounted for 25 percent of total casualties; a massive number of which only three percent were ever returned to combat.<sup>23</sup> Post-Croatia research has also shown that the veterans exhibit varied, unexplained physical symptoms that are consistent with those exposed to operational stress since World War I; “we have heard complaints from guys, no bowel control, no solid stool, embarrassed due to the fact that they feel they have to wear diapers, and we are talking of young men here.”<sup>24</sup> The Inquiry reported “a lot of mental illness” in theatre, several cases of mental breakdown similar to that observed in previous wars or operations and that many of the complaints are continuing up to five years after deployments.<sup>25</sup> Dr. Allan English, in his paper Leadership and Operational Stress in the Canadian Forces, suggests: “The current missions of the CF, variously termed operations other than war, peacekeeping, or peacemaking, may actually be more stressful than combat in war.”<sup>26</sup> The Croatia Board of Inquiry (BOI) concludes: “some actions in Croatia were described as the most intense military activity experienced by the Canadian Forces since the Korean War.”<sup>27</sup> Clearly, the peacekeeping environment is far from peaceful and psychological stress casualties should be expected.

While no clear evidence exists on the exact magnitude of the problem, it is certain that the number is well into the hundreds. It is also certain that stress casualties, very much a fact of life in the world of peace support operations, must now influence a Commander’s concept of operations. No commander can ignore significant casualties and the operation tempos Canadian peacekeepers face today underscore the importance

of healthy personnel. Dr. English argues that leadership is the key to making progress in reducing stress casualties and that efforts must be made to begin building a better system to deal with operational stress.<sup>28</sup> But, how badly are things broken and what are the issues that need to be addressed? Building on the opening quote, the following paragraphs provide more evidence of the truly unsettling anecdotes emblematic of the BOI testimony which capture the outrage, disgust and overall sense of helplessness that contributed to the incredible stress that peacekeepers experienced.

According to the BOI, veterans of OP HARMONY were frequently caught in the crossfire between Croats and Serbs and sometime became the targets themselves. They recounted “frequent shelling and small arms fire, the constant threats posed by landmines, the horrors of recovering the bodies of victims of ethnic cleansing and weeks of living and operating in dire circumstances without a break...they witnessed terrible atrocities. Nothing in their training could have adequately prepared them psychologically for the sights and hardships they had to endure.”<sup>29</sup> Although much ethnic cleansing had been done long before the mass graves were discovered, Lamerson and Kelloway say combat stressors can be experienced vicariously, and witnessing the death or injury and handling dead or wounded bodies can lead to acute, chronic or catastrophic stressors.<sup>30</sup> Testimony before the Board recounted: “There was a ton of bullet holes and in her and the maggots would come up out of the bullet holes and you would sweep them off and turn and gag because you - - the smell of it, you guys can’t appreciate here. It is a smell that will haunt you for the rest of your life.”<sup>31</sup> This is a prime example of the type of vicariously induced stressors peacekeepers face. Other testimony stated: “Padre Brown and his driver dug this guy out with...a knife, a fork and a spoon...they were hitting him in the head with

the shovel and stuff and it was really disturbing for the people who were digging...the arm has been chewed on...you can see that there is a cord around the neck where the person has been dragged...the soldiers who found these bodies were not trained...will be scarred permanently because of this.”<sup>32</sup>. If Lamerson and Kelloway are correct, seemingly benign peacekeeping duties can introduce combat stressors vicariously. This example provides clear evidence of the horrific, stress-filled tasks that peacekeepers are assigned.

In September 1993 Canadian peacekeepers quickly realised that as the Croatian Army was pulling out of the Medak region to allow UNPROFOR to move in, it was conducting ethnic cleansing. Canadians were intentionally placed under fire by the Croats, forced to dig in and made powerless to intervene. Slowly, only after the Croats had begun to leave, were the Canadians able to record the carnage: hundreds of farm animals slaughtered, wells and cisterns contaminated by oil or animal carcasses, virtually every building burned to the ground and eighteen local Serb civilians killed.<sup>33</sup> Not surprisingly, many Canadians interviewed afterward expressed feelings of sadness, hopelessness, and helplessness: “this stress was compounded by the awareness that the ethnic cleansing they hoped to prevent...was occurring despite their best efforts. This led to increased feeling of helplessness among D Company personnel, compounding the already heavy stress levels.”<sup>34</sup> This example captures the sense of helplessness which affected the soldiers because they were unable to defend themselves adequately which in turn, prevented them from protecting the peace they were sent to preserve.

According to Berlenky and Jones, PTSD is a common form of illness among veterans of Low Intensity Conflicts due to “the personal nature of the violence, the

uncertainty and ambiguity as to who is a combatant, the necessity of limiting aggressive action, and feelings of guilt over the inability to intervene effectively.”<sup>35</sup> This sense of helplessness is further exemplified in what was supposed to be a morale boosting speech from the OP HARMONY Commander to his troops: “Get on with it, don’t think about it, you got a job to do. I’m telling you not to think about it. Carry on.”<sup>36</sup> And, as one final illustration, a CF doctor assigned to OP HARMONY articulates his sense of frustration and helplessness this way: “So, they are butchering people. They are slaughtering innocent women and children and old men and they are eating rations from the German Red Cross.”<sup>37</sup> This anecdote illustrates the bizarreness of the peacekeeping world. Who are the good guys and who are the bad guys? If the red cross are good guys, why are they feeding people who have been slaughtering innocent women and children? For the CF peacekeepers, these imponderables lead to frustration and despair.

The foregoing examples define the outrage, helplessness, disgust and conditions which have contributed to the overwhelming evidence that combat stress reaction is a fact of life in peace support operations. CSR is influenced by the horrific environment peacekeepers face in modern operations and is complicated by the sense of helplessness forces are subjected to when they are unable to meet their implicit obligations. The OP HARMONY experience sends a strong message to every operational commander, that there is an imperative to reduce the sources for operational stress in order to protect the soldier physically and mentally, therein preserving very limited personnel resources.

### **ROE and the Soldier**

ROE and combat casualties (force protection) are clearly two important issues worthy of the operational commander's close attention. ROE, which fall out of a mission mandate, require careful scrutiny and constant vigilance to ensure that the use of force is consistent with the imperatives of law, policy, diplomacy and operational requirements. In terms of casualties, the past decade of CF peace support operations demonstrates that operational commanders can ill afford to overlook the mental dimension of 'casualties'. Unfortunately, these two themes are negatively interconnected in that ROE have often been counterproductive to force protection because ironically, the ROE put in place to protect and reduce casualties, are in fact, resulting in unintended combat stress casualties. For example, if an operational commander is constrained by an inadequate mandate, the ROE, which fall out of that mandate, may be inadequate. Even if the mandate is well-designed, ROE may still (and often have) been unsuitable simply because of national restrictions, poor planning and, misinterpretation. Inadequate ROE translates into soldiers being placed in untenable, stressful, situations. Army doctrine speaks euphemistically of descending operational priorities: 'mission, soldiers, self.'<sup>38</sup> Yet, a study for the Somalia Commission implies that practice changes these priorities to self, mission, soldier when it speaks of using ROE to protect the chain of command.<sup>39</sup> The CDS's "Use of Force in CF Operations" claims that a well-defined ROE protects national interests and objectives and that commanders must accept that restricting certain actions may increase the risk to CF units and place them in danger - again, [strategic] self, mission, soldier.<sup>40</sup> The past decade of CF peacekeeping supports the notion that the soldier may indeed be the last consideration (counter to the 'mission, soldier, self' mantra). If Canada is to continue to field healthy peacekeeping forces, failures of ROE,

which in turn lead to stress, must be avoided and future ROE will need to be developed to protect the mental as well as the physical components of troops deployed.

To illustrate, the past ten years of Canadian Forces peace support operations have been plagued with mandate and ROE problems. The Commission of Inquiry into the Deployment of Canadian Forces in Somalia: “Dishonoured Legacy” is emphatic in its criticism of the CF. It says that commanders created confusion with their “highly questionable interpretations” of ROE and that CF soldiers were “misled, and largely abandoned on this [ROE] crucial issue by their senior leaders.”<sup>41</sup> Things were little better in Croatia. The Croatia BOI Final Report concludes that a major failing of UNPROFOR was its inability to meet one of Canada’s important policy criterion: “that the peacekeeping mission should have a clear mandate adequate to permit it to carry out its assigned function.”<sup>42</sup> David Bercuson has stated: “...neither the United Nations nor the Canadian government ever defined precisely what UNPROFOR was supposed to achieve in Bosnia.”<sup>43</sup> Allan Sens writes that in early stages: “UNPROFOR contingents had a mandate to use force only in self-defence which made it impossible to respond to the realities of attacks on locals, refugees, and towns. This made UNPROFOR impotent and vulnerable to accusations of immorality.”<sup>44</sup> The Special Review Group assembled to analyse OP HARMONY (Rotation Two) noted that the sudden change in mandate from essentially monitoring an existing cease-fire line to using all necessary means was ambiguous and well beyond the ability of the forces to implement.<sup>45</sup> Not surprisingly, this translated to ROE-induced helplessness which was reflected at the tactical level: “There wasn’t...there was not a clear mission and the mission changed every day...The rules of engagement and all the other stuff that went along with that were often not clear and

that's what makes it murky..."<sup>46</sup> Clearly, ROE, as illustrated here, not only introduced confusion, frustration and uncertainty, they also rendered peacekeepers impotent and left, once again, with a sense of helplessness.

Whilst the lessons of Somalia and Bosnia provide painful testimony to the gravity and complexity of peace support operations, it is the 1994 genocide in Rwanda which provides the yardstick for measuring recent failure in ROE. And, if helplessness can contribute to stress casualties, then there should be no surprise as to the impact that those tragic events had on General Dallaire and the Canadian peacekeepers there - the following illustration of ROE breakdown is emblematic of a litany of failures which contributed to the tragedy.

On 23 November 1993, a time when arguably things could have been contained, General Dallaire as the Force Commander in theatre sent UNHQ a draft ROE asking for approval to allow the mission to act and even use force in response to crimes against humanity and other abuses. General Dallaire believed that he had the ways and means to halt politically motivated criminal infractions including attacks on displaced persons, civilians and refugees. UN Headquarters never responded to the requests and later, mysteriously claimed that "Rules were considered guidelines" and that "To the Force Commander, in the absence of a formal reply, the Rules of Engagement must be considered approved and in effect."<sup>47</sup> Following repeated failure to garner UN support in terms of mandate, ROE and reinforcements, General Dallaire was unable to prevent one of the most abhorrent events of the twentieth century. Appalling atrocities were committed - Rwandans killed Rwandans, decimated the Tutsi population and also targeted the Hutus. Civilians, the militia, and the local armed forces all committed

horrible atrocities and in the end, a staggering 800,000 people were killed in the 100 day genocide.<sup>48</sup> Throughout, General Dallaire's forces were helpless to intervene, hamstrung by an unsupportive, paralysed UN command structure, an ambiguous mandate and the restrictions of ROE. As a result, the Independent Rwanda Inquiry produced a scathing report blaming the United Nations for fundamental and total system failure earmarked by persistent lack of political will. The report demanded that the UN acknowledge its responsibility, actively pursue efforts to ensure that robust mandates and clear ROE be made available at the beginning of each peacekeeping operation, that the UN must be prepared to act to prevent genocide or gross violations of human rights and that efforts must be made to protect civilians in conflict.<sup>49</sup> The Independent Rwanda Inquiry was correct to lay part of the blame with the UN. It was particularly astute in its contention that clear, robust ROE need to be made available from the outset. To that end, while it is clear that General Dallaire made admirable eleventh-hour efforts to bolster inadequate ROE, one is left wondering why General Dallaire didn't ensure he had adequate ROE from the beginning. Nonetheless, the Inquiry provided important acknowledgement of the link ROE has to prevention of crimes against humanity which, as has been shown, is one of the key elements in eliminating peacekeeping stress and frustration.

Since Rwanda, the case of a now very ill and suffering General Dallaire has become a highly publicised *cause celebre* for legitimising combat stress reaction. Moreover, as previously discussed, the theme of 'ROE induced helplessness' permeated the BOI - Croatia which concluded that much of the illness was stress related. The evidence is clear - CSR casualties are the very real price that nations must factor into their appreciations for risk and cost in today's peace support operations. It is also clear

that a lack of a clear mandate and incongruent ROE are directly related to CSR and that steps must be taken to address the problems.

### **The Way Ahead**

To their credit, the CF has, over the past eight years, engaged in a series of thorough, introspective exercises aimed at correcting the problems that resulted in so many peacekeeping failures. The identification and recognition of CSR as a “perfectly normal” by-product of peacekeeping is an excellent step in the right direction and a lesson to the United Nations, Governments and commanders at all levels who must now accept that a certain percentage of their forces will be evacuated early and that many will suffer long-term psychological and physical problems as a result of peacekeeping.<sup>50</sup>

While governments struggle with this new dilemma to send troops into peace support operations, military commanders must now look at ROE differently. For most intents and purposes, ROE are a protection device. They protect national objectives, protect against escalation, protect commanders, refugees, belligerents, non-combatants and, even protect property. What they don't protect very well however, is the soldier. If commanders can be granted ROE to protect convoys, weapons and night vision goggles (as was seen in Somalia) should they not be permitted to protect themselves from sources of operational stress as well? Surely, a soldier's mental health is as important as preventing the theft of a pistol or a set of night vision goggles. If forced helplessness leads to stress, should ROE not be granted so that forces can step in to stop crimes such as rape, murder and other atrocities regardless of the UN Chapter under which they are operating? Clearly, ROE should be robust enough to legitimise intervention for the

prevention of crimes against humanity which as ‘the right thing to do’ can do much to eliminate the sense of helplessness experienced by so many peacekeepers.

In terms of doing more to protect a soldier’s mental health, there are three areas that provide opportunities: the ROE development process, definitions of self-defence and, interpretations of the law. First and most important, more attention should be paid to mitigating operational stress during initial ROE development. Canadian Forces joint doctrine now incorporates the lessons of the past by endeavouring to involve the operational commander in all levels of ROE development. For example, it is the Commander, not the NDHQ staff or the JAG, that drives the requirements for change once in theatre.<sup>51</sup> Strategic commanders must insist on clear mandates and operational commanders must be obliged (especially in the absence of a clear mandate) to produce cogent, congruent ROE which protect not only the interests of government and mission but its soldiers too. Given the realities of operational stress, it also follows that operational commanders must engage superiors to grant ROE that allow for the protection of refugees and civilians primarily because it is morally the right thing to do and because it produces the important benefit of protecting the soldier’s mental well-being.

Second, in light of the consequences of operational stress, perhaps the time has come to re-evaluate the notion of self-defence. While some sources treat self-defence as a device separate from ROE, it is considered an inherent right and is, in some circumstances, expanded to include the right to defend fellow soldiers, positions, and property.<sup>52</sup> It could be argued that ‘self’ has, in fact, two components: one physical, one mental. Thus, a soldier could intervene to prevent a crime against humanity with a view

to protecting his/her mental 'self'. The antithesis would argue that action at higher diplomatic levels intent on long-term solutions and often not apparent to soldiers in the field could be sabotaged by what might be viewed as undisciplined use of force or taking sides at the tactical level. This counter argument, however, is premised on well-orchestrated diplomatic conflict resolution effort supported by a complimentary objective-oriented ROE and this, as has been demonstrated, is not always the case. Moreover, it excludes the possibility that soldiers, acting to prevent crimes against humanity, could indeed have a very positive influence on belligerent behaviour and the overall reputation of the peacekeeping force.

Third, a recent CF Judge Advocate General study claims that there are in fact legal grounds that would oblige soldiers to act to suppress war crimes and crimes against humanity. The study submits that both legal and moral obligations are conferred by an extensive body of international law that includes humanitarian law, the law of armed conflict, conventions, and customs. The study goes as far as to say that "if a member of a Force did not have the duty to act to intervene and to protect victims of war crimes, then this would constitute in itself a war crime against humanity."<sup>53</sup> The implications are astonishing. On one level, it appears that ROE, which restrict soldiers from intervening, are not only illegal; they constitute an unlawful command in that they compels forces to commit criminal acts. On another level, restrictive ROE of this nature could be seen as manifestly immoral. Is it possible that the internal struggle articulated as 'helplessness' by so many soldiers involved in peacekeeping can find its roots in the disparity between ROE and the thrust of this thesis?

It is obvious that ROE can play an important role in increasing or reducing the ambiguity and helplessness that leads to the devastating effects experienced by peacekeeping soldiers like General Dallaire. Moreover, definitions of the laws that define ROE and the concept of self-defence may need to be revisited with a view to protecting a soldier's mental well being.

### **Conclusion**

The limited CF peacekeeping personnel resource has increasingly found itself in high-stress operations throughout the world. Unfortunately, the restrictive nature of peacekeeping ROE has unintentionally exacerbated stress levels and resulted in unintended combat stress casualties. Consequently, ROE development and management must consider the protection of both a force's mental and physical health.

ROE management, despite being firmly rooted in the absolutes of law, is, in practice, rife with ambiguity, complexity and difficulty in application. Modern peacekeeping operations can involve exposure to atrocities and crimes against humanity that often induce a sense of helplessness that characterise some forms of operational stress. Moreover, there is now legitimate recognition of CSR as a natural and inevitable by-product of modern peacekeeping. This fact must now be factored into the operational imperatives of casualty prevention. Since overly restrictive ROE can create the conditions for helplessness and operational stress, ROE management should consider protection of the soldier's mental as well as physical health. Furthermore, circumstances considered appropriate for using force under the inherent right to 'self defence' could be expanded to include the right to intervene in the prevention of crimes against humanity to

protect the mental component of ‘self’. Moreover, there may be legal reasons preventing operational commanders from implementing ROE that restrict the prevention of war crimes.

Clearly, ROE management, always an important and difficult responsibility for the operational commander, now needs to factor in the potential impact on stress casualties. It is also clear that, unfortunately, there will be many occasions where there is little a commander can do and peacekeeping forces will continue to be subjected to the psychological nightmares normally associated with war.

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<sup>1</sup> Canada. Department of National Defence, Use of Force in CF Operations - Vol 1, (Ottawa: CDS B-GG-005/A, 1997) 1-1.

<sup>2</sup>Ibid: 1-12.

<sup>3</sup>Ibid: 2-6

<sup>4</sup>Ibid: 2-6.

<sup>5</sup>Ibid: 1.

<sup>6</sup>Ibid: 2.

<sup>7</sup>Ibid: 2-3.

<sup>8</sup>Ibid: 8.

<sup>9</sup> Dworken, Jonathan T. Rules of Engagement for Humanitarian Intervention and Low-Intensity Conflict: Lessons from Restore Hope. Virginia: Centre for Naval Analyses, 1993. 6.

<sup>10</sup> United States. U.S. Army War College. Multinational Force Command Authorities Handbook, (Pennsylvania: U.S. Army War College 1995) 74.

<sup>11</sup> Simpson, James M. Law Applicable to the Canadian Force in Somalia 1992/1993, (Ottawa: Government of Canada Publishing, 1997) 38.

<sup>12</sup> Canada. Department of National Defence. Minister’s Monitoring Committee on Change in the Department of National Defence and the Canadian Forces. (Ottawa: Final Report, 1999) 189.

<sup>13</sup> Canada. Commission of the Inquiry into the Deployment of Canadian Forces to Somalia. Dishonoured Legacy - The Lessons of the Somalia Affair, (Ottawa: Canadian Government Publishing 1997) ES-30.

<sup>14</sup> Pieterse, Jan Nederveen, ed.. World Orders in the Making Humanitarian Intervention and Beyond (Great Britain: Macmillan Press Ltd, 1998) 176.

<sup>15</sup> Dworken, 19.

<sup>16</sup> Canada. Department of National Defence, Use of Force in CF Operations - Vol 1, (Ottawa: CDS B-GG-005/A, 1997) 2-15.

<sup>17</sup> F.M. Richardson, A Study of Psychological Factors in War (New York: Crane, Russak & Company Inc, 1978) 1.

<sup>18</sup> Allan D. English, “Leadership and Operational Stress in the Canadian Forces,” Paper, Canadian Forces Staff College, 2000, 3.

<sup>19</sup> Copp & McAndrew, Battle Exhaustion (Canada: McGill-Queen’s University Press, 1990)152.

<sup>20</sup> Ibid, 160.

<sup>21</sup> Canada. Department of National Defence, Board of Inquiry - Croatia: Final Report (Ottawa:26 Jan 2000) 33

<sup>22</sup> English, 1.

<sup>23</sup> English, 4.

<sup>24</sup> Spellen, L. M. Question to Dr. C Engel taken from testimony before “Board of Inquiry - Croatia,” (Ottawa: 23 September 1999).

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<sup>25</sup> English, 2.

<sup>26</sup> English, 4.

<sup>27</sup> Canada. Department of National Defence, Board of Inquiry - Croatia: Final Report (Ottawa:26 Jan 2000) 12.

<sup>28</sup> English, 6.

<sup>29</sup> Canada. Department of National Defence, Board of Inquiry - Croatia: Final Report (Ottawa:26 Jan 2000) 3-4.

<sup>30</sup> Franklin C. Pinch, "Notes on the Sources of Stresses and Strain in the Military Operational Environment," (Ottawa, ON: FCP Human Resources Consulting, September, 1998) C-16/21.

<sup>31</sup> Dr. K.R. Brett, testimony before "Board of Inquiry - Croatia" Oat

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