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RESEARCH ESSAY

**PEACE SUPPORT OPERATIONS:  
TIME NOW FOR THE CANADIAN FORCES TO ADDRESS A FORCE  
CONTINUUM GAP**

By

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## INTRODUCTION

*After trying to quell the mob, and having been refused permission to use tear gas for fear that it would be perceived as a chemical weapon, the decision was made to fire upon an instigator. One man died and an undetermined number of others were injured.*

*The Toronto Star, 7 July 1997*

This incident occurred on 17 February 1993 in Somalia.<sup>1</sup> At that time, Canadian soldiers faced a rock-throwing mob at a bridge over the Shebele River. The escalation to lethal force occurred after the soldiers' physical presence and warnings failed to deter the crowd. The incident is clearly indicative of the complexities of applying rules of engagement half a world away under difficult conditions.

The proliferation of peace support operations over the past eight years has generated much discussion in Canada and elsewhere concerning rules of engagement, particularly related to the application of force in circumstances that fall short of war.<sup>2</sup> These operations have provided a high risk (and frequently dangerous) reality that is driving soldiers to train hard and work diligently to master their trade. They have provided the military with the most demanding professional challenge and international focus since Korea.<sup>3</sup> War generally involves inflicting casualties on the enemy, while in peacekeeping there are no enemies and therefore no casualties to inflict. There is an obvious requirement to control the application of force in peacekeeping operations and to maintain impartiality. The rules of engagement are the means by which the authority and the chain of command ensure that those goals are met.<sup>4</sup>

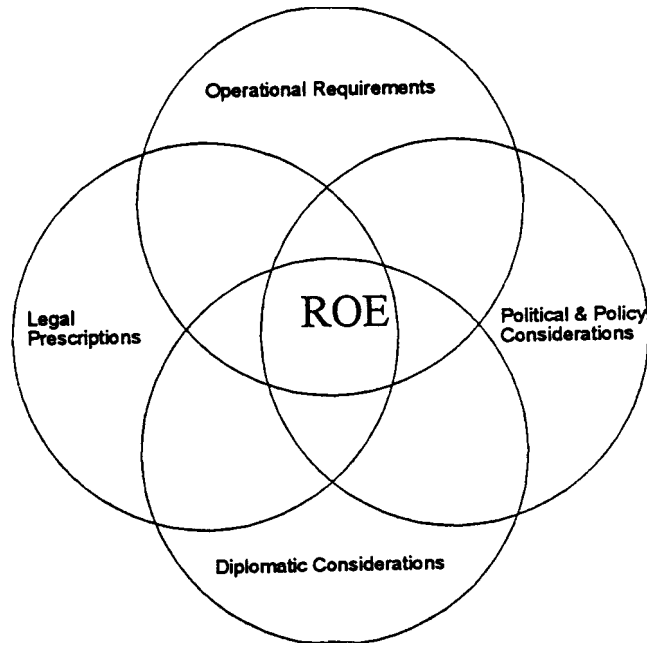
The development and application of rules of engagement, however, have been very difficult and sensitive over this period because of the expanded role of the United Nations in resolving international conflict and the predominately intrastate, violent, and complex nature of these conflicts.<sup>5</sup> Canada's participation in missions to locations such as the former Yugoslavia, Somalia, Rwanda, and Haiti, albeit with the noble intent to end suffering, hunger, and war, have placed enormous pressures upon the soldiers involved.<sup>6</sup> They are expected to demonstrate resolve and gain consent to the UN's will with the lightest touch possible.<sup>7</sup> This inevitably leads to problems associated with the questions of "when" and "how much" force should be used. Regardless of how simple written rules of engagement may appear to be, the final judgement in time of tension rests on the soldiers' ability to apply these rules.<sup>8</sup> If Canada wishes to continue to live up to its international obligations and maintain a creditable reputation, the Canadian Forces must be equipped effectively and with the widest range of tools for the job. This will mean widening the Canadian Forces "spectrum of response" by giving soldiers additional tools (less-lethal weapons and equipment) so as to increase their options between doing nothing or, as in the Somalia incident above, using lethal force - for a rock throwing incident!<sup>9</sup>

The aim of this paper is to argue that a gap exists in the Canadian Forces force continuum whilst engaged in peace support operations. This will be accomplished by first describing the principles related to the use of force. An explanation of the force continuum will then be provided followed by an identification of the current gap as it relates to peace support operations. A discussion of the pros and cons of addressing the

gap will then follow. The discussion will conclude by highlighting the need to address the gap.

## **USE OF FORCE**

**The Legal Use of Force.** The use of force by Canadian Forces personnel deployed on peace support operations outside Canadian territory and territorial waters is guided by four competing factors. These are: political and policy considerations, diplomatic considerations, operational requirements, and legal prescriptions. The relationship among these factors and the subsequent authorized use of force (rules of engagement) for a mission is illustrated in figure 1. It is important for the success of the mission that there be a clear and coherent link between the approved political objectives (including the mandate), the military objectives, the legal basis for the operation, the operational commander's concept of operations and the rules of engagement authorized for the mission. Given that the Canadian Forces are an instrument of national policy and power, the deployment of Canadian soldiers on these operations and their use of force are controlled by, and subject to, the authority and direction of the Canadian Government. Both national and international law require that any use of force by the Canadian Forces be controlled and limited to the extent necessary to achieve legitimate military objectives.<sup>10</sup>



**Figure 1 Factors Influencing the Authorization to Use Force.** These four competing factors influence the subsequent authorization of rules of engagement for the use of force related to a particular mission. The relative weights of their influence will vary from mission to mission.<sup>11</sup>

**Fundamental Principals Related to the Use of Force.** The following principles on the use of force apply to all Canadian Forces personnel involved in peace support operations and form the basis for rules of engagement:<sup>12</sup>

- **Reasonable Belief.** Any use of force must be based on the reasonable belief that a threat exists warranting a use of force. In other words, a tangible threat must be present before force can be used. Speculation does not constitute reasonable belief.
- **Negotiations and Warnings.** While in no way negating the inherent right of self-defence and without assuming an unacceptable risk, commanders should

make every effort to control a situation through measures short of using force, including the use of personal contact and negotiation.

- **Exhaustion of Other Options.** Every effort must be made to resolve a potentially hostile confrontation by means other than the use of force, whenever the operational situation permits.
- **Minimum Force.** Force must never be more than the minimum necessary to carry out duties and accomplish assigned objectives or the mission.
- **Proportionality.** Only a response proportionate to the perception of the level of the threat is justified. Any force used must be limited to the degree, intensity, and duration necessary to achieve the objective for which the force is used and no more.
- **Deadly Force.** Deadly force is justified only under conditions of extreme necessity and as a last resort when all lesser means have failed or cannot reasonably be employed.
- **Collateral Damage.** Collateral damage, which consists of unintentional injuries to people or damage to structures near targets, shall be minimized.

- **Retaliation and Reprisal.** The use of force in retaliation or in reprisal is prohibited.
- **Positive Control.** The use of force shall be controlled by the on-scene commander and is to cease once the aim has been achieved.
- **Direct Accountability and Liability.** An individual who uses force, or the commander who authorizes it, must be able to identify the facts that led to the belief that the application of force was necessary, that the level of force used was consistent with the level of the threat, and that the engagement was terminated once the imminent threat ceased to exist. Commanders and individuals will be liable for the use of excessive force.

**Basis for Controlling the Use of Force.** Regulating the use of force serves a multitude of purposes, ranging from satisfying legal constraints, to ensuring political aims, to achieving military command objectives.<sup>13</sup> Given that the use of force can lead to damaged property, destruction of natural resources, injury, and loss of human lives - with political and military consequences, the Government of Canada has established mechanisms that authorize the force necessary to accomplish assigned missions within specified limits. This is accomplished by the Chief of Defence Staff, whose authority is drawn from the Canadian government through the National Defence Act by issuing specific use of force orders. This written direction is based on the following two mechanisms: self-defence and rules of engagement. These are amplified as follows:<sup>14</sup>



- **Self-Defence.** Canadian Forces units and personnel are always authorized to defend themselves or in designated circumstances to protect others from death or serious bodily harm. The terms “hostile act” and “hostile intent” form the basis of this principle. By hostile act one means an attack or the use of force where there is reasonable apprehension of death or grievous bodily harm (this is an action, something tangible). Hostile intent, on the other hand, is a threat of the imminent use of force where there is reasonable apprehension of death or grievous bodily harm. Circumstances under which an action occurs will determine whether it is an act or an intent and whether there is the basis for reasonable apprehension of death or grievous bodily harm.<sup>15</sup> Obviously the presence of a hostile act will provide the clearest entitlement to use force in self-defence.<sup>16</sup> When acting in self-defence the principle of minimum force shall always be applied and armed force will only be used when all reasonable means of persuasion have failed.<sup>17</sup>
- **Rules of Engagement.** Rules of engagement are critical to the conduct of operations by armed forces. They define the degree and manner in which force may be applied and are designed to ensure that escalation to armed conflict is carefully controlled<sup>18</sup>. Rules of engagement, therefore, afford an excellent means by which control is exercised over the use of force. William Prescott’s famous invocation at Bunker Hill on 17 June 1775 – “don’t one of you fire until you see the whites of their eyes” is a classical instance of a rudimentary rule of engagement.<sup>19</sup> Successful operations and the protection of

national interests are enhanced by appropriate rules of engagement. As such they can only be issued or changed on the authority of the Chief of Defence Staff and apply to all Canadian Forces personnel under the operational command and/or control of a Joint Force Commander or Contingent Commander.<sup>20</sup> Overall though, the rules of engagement during peace support operations are supposed to balance the needs of our troops to defend themselves with the requirement that they act as an impartial party to the conflict within the bounds of law.

## **FORCE CONTINUUM**

Commanders and soldiers, once armed with a firm understanding of the principles related to the use of force, self-defence, and rules of engagement, must ultimately apply this guidance to the realities of their peace support operation. The application of force vis-a-vis rules of engagement can be viewed differently by various individuals. For example, Admiral Sandy Woodward, the Commander of the Falklands Task Group, wrote the following in his diary:<sup>21</sup>

*“I shall have to amplify the rules of engagement so that all the Commanding Officers can know what I’m thinking, rather than apply their own interpretation, which might range from “Ask them for lunch” to “Nuke ‘em for breakfast.”*

By viewing the application of force on a sliding scale, rather than in deadly or non-deadly terms, a more realistic approach can be found. US Army Colonel F.M. Lorenz has referred to this as a “force continuum” (see Figure 2). All less-lethal measures can be employed, within the rules of engagement, as part of a graduated and

proportional response.<sup>22</sup> Another example in a Canadian context is shown at Figure 3. The primary difference, between the two, is that figure 3 is less defined with regard to which less-lethal weapons are available and outlines a broader range of actions at the lower end of the force continuum. A force continuum should not be viewed as an escalator, which starts at a low level of force and simply goes up until the problem is resolved, nor should it be viewed as a ladder, each step of which must be climbed before reaching the next step. Instead it should be viewed as a seamless sliding scale of force options that range from mere presence to deadly force.

With this in mind, a commander can select a range of force options appropriate to the threat presented and then adjust the force up or down, as demanded by the situation. This sliding scale not only allows a situation to be de-escalated with the minimal amount of casualties but also ensures that the force used will be proportionate and appropriate to the threat presented. This will serve the objective that soldiers in peace support operations remain part of the solution rather than becoming part of the problem. A single incident can unintentionally serve as the catalyst to undermine the objectives of the peace support mission if it unifies others against them. This can occur through a disproportionate use of force. By utilizing an escalating force continuum, a commander can better assure that his troops will use only the amount of force necessary to accomplish an objective while still protecting themselves from injury.<sup>23</sup>

## Force Continuum Scale

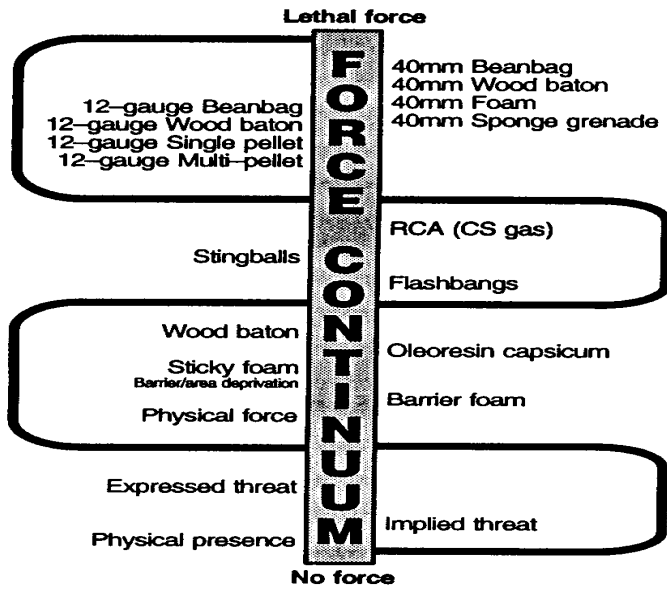
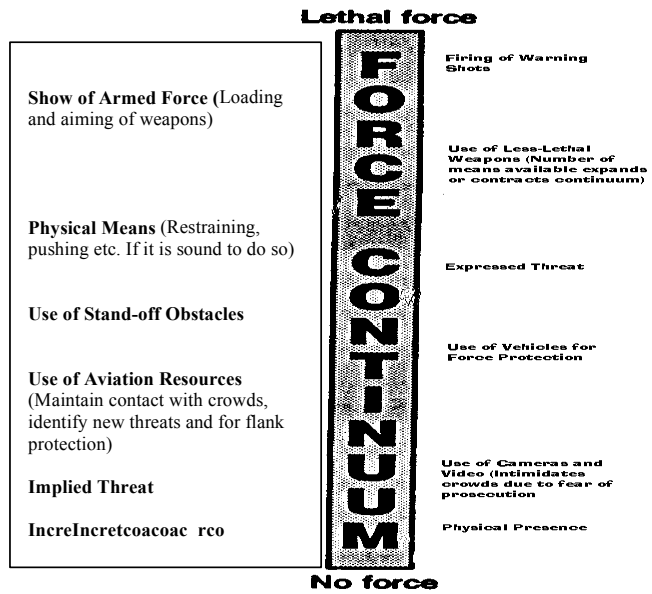


Figure 2 – Force Continuum Example 1 ↑

Figure 3 - Force Continuum Example 2 ↓

## Force Continuum Scale



## **GAP IN THE FORCE CONTINUUM**

The nature of the force continuum allows it to expand and contract depending upon the range of force options at the disposal of commanders and their troops. If one utilizes figure 2 as an example and pre-supposes that Canadian Forces personnel do not have the capability to carry out one or more of the force options then this creates a gap in the force continuum. When gaps are present, this inhibits the ability of commanders and soldiers to deal effectively with incidents. This, in turn, can result in unnecessary injury, frustration, and inappropriate actions by soldiers. These options, obviously, must be complementary to the mission and mandate of the operation. For example, during a humanitarian mission you would want to avoid the visible possession or utilization of offensive riot/crowd control means such as batons, shields, or CS gas. On the other hand, the possession of other less-lethal means may be important to ensure mission and mandate success.<sup>24</sup>

If one notes the example of Gunnery Sergeant Harry Conde, a US Marine who participated in Operation Restore Hope in Somalia, this may have been the case. When his convoy slowed at an intersection in Mogadishu, a Somali reached in to steal his sunglasses and Conde fired his weapon. As a result, two Somalis were wounded and Conde was convicted of aggravated assault for using excessive force. Cayenne pepper spray was eventually provided and helped soldiers avoid the dilemma of using other non-deadly means of force (many of which proved to be ineffective) and using deadly force (which was usually not appropriate). The spray was so effective that merely waving any

aerosol can in the air was said to ward off Somalis by the end of the operation. It was an effective deterrent because soldiers used it and Somalis learned they would.<sup>25</sup>

In effect, the range of force options available as part of a force continuum can be likened to a toolbox. A plumber goes about his work and utilizes only those tools needed to accomplish the task at hand. Many unique tools may only seldomly be used. Similarly, if one does not have the proper tools at his disposal he may be rendered ineffective. This is also the case with having gaps in the force continuum. One wonders whether Gunnery Sergeant Conde would have carried out the actions he did had the range of force options available to him at that time included less-lethal weapons such as cayenne pepper spray. Further, would the Somalis have approached the vehicle, with theft in mind, if it was evident or known that the soldiers carried an effective less-lethal weapon?

Currently, the Canadian Forces have what I believe is a significant gap in the force continuum available to our soldiers who participate in peace support operations. Specifically, this gap relates to the virtual non-existence of a “less-lethal” capability. The term “less-lethal” is used here to describe technologies designed to affect individuals in such a way as to overcome resistance without killing them. Although these technologies have been called by many different names (for example, non-lethal, limited effects, less-than-lethal, soft-kill, pre-lethal), for clarity and simplicity the term less-lethal is the more accurate term. Many of the other terms imply either that the weapons are not capable of killing (which is not true in some cases) or that the weapons are intended to kill in a more

“humane” fashion.<sup>26</sup> In addition, the terms “less-lethal weapons” and “less-lethal means” are used throughout this paper. “Less-lethal weapons” is used to describe weapons, munitions, or devices with less-lethal characteristics (i.e. pepper spray). “Less-lethal means,” on the other hand, is broader in nature and can be used to describe not just less-lethal weapons but also other measures which could be employed to overcome resistance without killing someone (i.e. psychological measures).

The absence of a less-lethal capability is highlighted in the recently distributed Canadian Forces draft publication “Firepower”. Chapter 5 is devoted to non-lethal weapons and is prefaced with the following statement: “...In recent years developments in non-lethal technologies have greatly enhanced their potential for employment across the continuum of military operations. This chapter was written in the absence of Canadian Forces policy on the employment of non-lethal weapons beyond the scope of domestic operations. The release of this chapter will be delayed pending confirmation of the Canadian Forces policy on the subject.”<sup>27</sup> The delay is as a result of considerable debate within National Defence Headquarters on this subject.<sup>28</sup> Following the authorization and recognition of policy one would then expect that doctrine, equipment acquisition, and training would follow. Without the policy in place, this has not occurred.

A practical example that this gap exists and that it is causing concern to our deployed commanders occurred in spring 1998. Based on a significant incident in the town of Drvar on 24 April 1998, the Canadian Contingent Commander of the

Stabilization Force in Bosnia-Herzegovina clearly identified this gap and the need to obtain less-lethal weapons. It should be noted that the Stabilization Force has a peace enforcement mandate based on Chapter Seven of the United Nations and is authorized to use force, as necessary, for mission accomplishment. The incident involved a large numbers of civilians from one ethnic group violently attempting to apprehend and do harm to displaced persons and refugees (DPRE's) from another ethnic group. His concern was that despite the fact that hostile intent existed and that the rules of engagement authorized the use of force to prevent a serious crime (potential grave injury or death to the DPRE's), the application of minimum force as defined by the Rules of Engagement was insufficient to counter the efforts of the violent ethnic group except by discharging warning shots with conventional weapons. The gap that existed was that beyond the soldiers' physical presence, the presence of their weapons, verbal warnings, and pushing and shoving (physical means), the soldiers had no other recourse but to resort to warning shots. The availability of less-lethal weapons by Canadian soldiers would have allowed the commander to further escalate force with them (i.e. baton rounds, pepper spray, etc.) without having to resort immediately to warning shots. This would also have allowed a greater distance to be kept between his soldiers and the crowd and, therefore, enhanced the soldier's security. During this incident rocks, stones, glass, and bricks hit some 40 Canadian soldiers. Of these, three received injuries requiring medical attention and the local mayor was beaten and left for dead by the crowd. Bearing in mind that once warning shots are fired, and if they are ineffective, the threshold to deadly force must be crossed. Should this have occurred, it would have been extremely difficult to de-



escalate the situation, as some of the attacking civilians were seen to have weapons, and the long-term impact could have been detrimental to the overall mission.<sup>29</sup>

The bottom line is that the Canadian Forces have a use of force continuum gap. This should be of concern not only to our soldiers deployed around the world but also to commanders and government who ultimately must deal with the broader issues related to the success or failure of our peace support operations.

### **PROS AND CONS OF ADDRESSING THE FORCE CONTINUUM GAP**

As with any issue, there will be numerous proponents and opponents of addressing the force continuum gap within the Canadian Forces. Given that the gap, as articulated, is related to the absence of a “less-lethal” capability, this is perceived by many to be more complex than it might otherwise be. This is essentially because many relate “less-lethal” with crowd and riot control. The salient pros and, as appropriate, cons of providing less-lethal weapons to address this gap are detailed in the paragraphs which follow.

First, the use of less-lethal weapons is consistent with the aim of a peacekeeping force, which is to achieve peace by peaceful means and to apply deadly force only as a last resort.<sup>30</sup> Given the principles of minimum force, proportionality, and escalation, which our soldiers must adhere to, it is only logical that the possession of less-lethal weapons is critical in this day and age. To not provide these additional tools could be perceived by many to be an abrogation of responsibility by the Government of Canada.

On the other hand, concern could be expressed by some related to the possibility of negative media attention. Should less-lethal weapons be used indiscriminately or result in accidental fatalities, this will undoubtedly have media implications which could result in sensationalist stories.<sup>31</sup> These in turn could undermine the peacekeeping force, mission, and Government of Canada. The fear that negative media attention could be brought about by less-lethal weapons should they lead to accidental fatalities or the accusation of brutality is a justifiable concern. Whether the media scrutiny is present or not, individuals who use force or authorize it are ultimately accountable and must logically be able to justify why force was necessary and that the force used was consistent with the level of threat. Accepting this, we must place a great deal of emphasis on the education and training of rules of engagement and International Humanitarian Law if we are to employ these systems to the best effect.<sup>32</sup> Commanders and soldiers will no doubt be able to effectively withstand being second-guessed provided they are well trained, use common sense, and adhere to the rules of engagement. This because they will have done what is right and appropriate under the circumstances!

Second, less-lethal weapons expand the number of options available to commanders and soldiers confronting situations where the use of deadly force poses problems.<sup>33</sup> Opponents would express concern that a more robust application of less-lethal weapons without a requisite level of selectivity and discrimination could turn sentiment against peacekeepers and lead to a perception of them as a participant in the conflict (and for some, a justifiable target). This in turn could compromise the mission and the ability of the Peacekeeping Force to act as a neutral third party in the conflict

management efforts.<sup>34</sup> While this may occur, it is also possible without less-lethal weapons. In fact, there may be a greater reliance on and necessity to resort to a “sledgehammer” without these tools. Soldiers must take great care not to exacerbate the situation by applying a greater degree of force than is necessary. The key to this is effective training of both our commanders and soldiers. Less-lethal weapons are, after all, tools not solutions and will be dependant upon sound decisions and tactics.

Third, they provide flexibility by allowing troops to apply measured military force with a reduced risk of serious non-combatant casualties and in a manner that enhances self-defence, force protection, and compliance with the intended operational objectives.<sup>35</sup> On the other hand, some would suggest that we should distrust technology and articulate fear that soldiers will place over-reliance on less-lethal means.<sup>36</sup> This, in turn, would result in a lack of selectivity and discrimination regarding use. Also, this over-reliance could lead to unnecessary injury or death of peacekeepers if their first instinct were to use less-lethal means but the situation were more hostile than envisioned. The fear of technology argument and concern that soldiers will place over-reliance on these technological means sells our soldiers and commanders short. Indeed, this sort of attitude undermines our soldier’s confidence in their leaders to provide the tools necessary to assist in the accomplishment of their mission. Canadian soldiers are among the best in the world. They will continue to be so provided they are given effective doctrine, training, and equipment. They have the ability to master the strengths and weaknesses of these means but in order to do so we must first give them the chance. Clearly, a

paradigm shift must occur if we are to meet the changing challenges of peace support missions.

Fourth, since less-lethal weapons can be employed at a lower threshold of danger, commanders can respond to an evolving threat situation more rapidly, thereby retaining the initiative and reducing the vulnerability of soldiers and others.<sup>37</sup> Opponents would express concern that the introduction of less-lethal weapons will lead to “mission creep”. For example, use of these means could lead to offensive crowd control as opposed to simply protecting personnel. As to whether less-lethal means will further exacerbate this problem is debatable. Control of mission creep is dependant on commanders and their full understanding of the mission, the strengths and weaknesses of the force, and the desired end-states. Once again, less-lethal weapons should only be viewed as another tool to ensure the mission as articulated is achieved. However, without clarity of training and understanding, Canadian soldiers will not be able to utilize these tools confidently, appropriately and effectively.<sup>38</sup>

Fifth, less-lethal means can reduce the risk of rapid escalation by offering a progressive incremental increase in lethality.<sup>39</sup> Further, each situation will be unique and will require the consideration of situational factors. The restriction of less-lethal weapons limits the capabilities of our soldiers with the only possible result being a quicker escalation to deadly force.<sup>40</sup> On the other hand, there is the perception by some who believe that the key to success in peace support operations is the threat of massive and overwhelming force being brought to bear at the slightest transgression.<sup>41</sup> Therefore, this

means that a soldier should use nothing less than a rifle and that by giving means other than a rifle is confusing to the soldier. This argument is steeped in Canadian conservatism. Given the complexities of today's missions, this attitude will only lead to the frustration of our own soldiers and failure of the mission. For example, if threats are posed by unarmed personnel who know you are unlikely to use lethal force because there are children or women present, then by filling the current force continuum gap, there is less likelihood that a situation will develop whereby lethal force must be used.

Sixth, less-lethal means can provide a publicly and politically acceptable alternative means of conducting operations in that they enable force to be used with the likelihood of fewer casualties.<sup>42</sup> Opponents would fear that the addition of less-lethal systems to the soldier's inventory will lead to every decision to use lethal force now being second-guessed and questioned against the "why didn't you use a less-lethal weapon" criteria.<sup>43</sup> Arguably, this type of scrutiny can be expected, but it should not provide a rationale for not providing less-lethal weapons. Clearly, if lives or injuries can be prevented due to the provision of less-lethal means into our force continuum, so much the better. In the final analysis, all other avenues of response, including less-lethal means, should be exhausted before our soldiers are ordered to kill.

Seventh, less-lethal weapons have not been regarded as peacekeeping "kit" in most missions in the past. The multi-component nature of contemporary peace support operations in "less permissive" environments has recently demanded and will continue to demand a wider range of equipment and capabilities for the success of the mission.<sup>44</sup>

Opponents, on the other hand, would associate much of this “kit” with crowd control and one must bear in mind that within our domestic policy, the Canadian Forces do not have a mandate for civil crowd control, as this is seen to be a police responsibility. In view of this, the Canadian Forces do not organize, equip, or train for domestic operations relating to crowd and riot control.<sup>45</sup> There are some who would further argue that accommodating less-lethal doctrine, training, and means for overseas peace-support operations will eventually lead down the slippery slope to doing so for domestic operations. This is akin to comparing apples to oranges. The circumstances for peace support operations abroad are considerably different than within Canada. Nationally, our policy is based on the fact that police forces exist who are non-biased and well trained to deal with civil disturbance. It is for this reason that the military is held as a force of last resort. This often is not the case on peace support missions. In fact, police forces in place can be completely partial to one ethnic group or another and, therefore, be part of the problem. When serious crime is about to occur, it often falls upon the peacekeeper to do something. Clearly, increasing force options by closing the force continuum gap would allow the soldier greater flexibility to deal with these situations.

Eighth, military forces that demonstrate a high degree of discipline and restraint throughout an operation by holding fire or relying on less-lethal (less-violent) means can create an environment that facilitates the maintenance of good relations with the community and saves many lives.<sup>46</sup> Once again, opponents would use the mission creep, media, distrust of technology, and crowd control arguments previously detailed. The importance of maintaining good relations is a concept easily understood by our

commanders and soldiers. In view of this, the application of less-lethal weapons would not be treated lightly and every effort could and should be made to ensure communities are well aware of the efforts being made to prevent casualties.

Ninth, currently, there is an insufficient balance of force options for peacekeepers who must be able to quell disturbances, disarm or control the destructive efforts of both belligerents (armed military factions) and non-belligerents (civilians). Non-lethal weapons would augment the lethal arsenal by providing a full range of weaponry that can prevent the escalation of conditions requiring more lethal force.<sup>47</sup> Opponents would suggest that this is dependent on your mandate and if, for example, you have one which is “humanitarian,” then fewer force options are required. This argument presumes that no circumstances can arise in which less-lethal weapons would be appropriate. As shown in Somalia and Bosnia this is not realistic in today’s complicated world!

Tenth, less-lethal means can be obtained and utilized at tactical and operational levels for relatively little cost in terms of expense, resources, and national commitment.<sup>48</sup> The contrary view would state any additional costs in this period of fiscal restraint should be avoided. Ultimately, less-lethal weapons should be seen as a force multiplier and a way to save money, given that they can preclude injury, death, and troop augmentation.

Eleventh, less-lethal weapons can enhance the capability of forces in a wider variety of tasks that otherwise may have been too costly in terms of manpower and

resources, too sensitive politically, or publicly unacceptable.<sup>49</sup> Opponents would, once again, argue the mission creep or slippery slope concerns. Provided soldiers are well trained and have a sound understanding of the strengths and limitations of less-lethal weapons, it should be reasonable to trust that they will use them in a responsible manner.

Twelfth, we must regain the confidence of our soldiers by ensuring that they have the range of tools necessary to do their job effectively. The contrary view would argue that effective leadership, not tools, is the key to successful peace support operations. It is understood that leadership at all levels is extremely important, but even good leaders will not always be successful if they do not have the where-with-all to do the job.

And last, but certainly not least, to neglect this force continuum gap will potentially compromise the security and reputations of our soldiers as ultimately military armchair quarterbacks, the media, and politicians will second-guess and condemn their actions. Why - because their range of force options was so limited!

## **THE IMPERATIVE TO ADDRESS THE FORCE CONTINUUM GAP**

As the availability of a wider range of less-lethal weapons increases the force options available, the size of the force continuum also increases (as shown in figure 1). This, in turn, will increase the flexibility of both commanders and soldiers to deal effectively with incidents and in many cases further reduce the possibility of a lethal force requirement. Without these additional capabilities, a Canadian soldier's response is



essentially limited to presence, verbal warnings, physical force, and then a transition directly to lethal force - aiming of weapons, warning shots, and, finally, deadly force. In many circumstances, this transition is far too short given the nature of the threat, leaving too few options to our commanders and soldiers. The net result can be disastrous.

Events in Somalia, Haiti, and Bosnia have made clear the continuing role that Canada will play in peace support operations either under the United Nation's umbrella, with our NATO partners, or as part of a unique multi-national effort. For Canadian Forces personnel this is reality – a reality with lethal consequences and, currently, only lethal options with which to solve it.<sup>50</sup> Given the increased complexity of peace support operations today, effective force options short of deadly force are much needed. For example, belligerents, including civilians, quickly learn that despite verbal warnings and shows of force, soldiers are unlikely to shoot at children throwing rocks or swarming to steal things. The results can lead either to potentially serious injuries to our soldiers, frustration on their part, an undermining of confidence that the peacekeepers cannot effectively carry out their mission, or, in turn, a potentially disastrous incidence should a belligerent or child be killed by lethal force.<sup>51</sup> It is, therefore, essential for peacekeeping forces to be equipped with a wide variety of less-lethal means, and also to understand the advantages of each of the tools, employing those which are the most effective for the situation at hand.<sup>52</sup>

Another problem in ignoring the current gap in the force continuum is that effective intervention often does not occur until a deadly threat is presented. By contrast,

less-lethal weapons can be used at a much earlier stage of an incident to de-escalate before the situation gets out of control. In the case of the Drvar incident, non-lethal weapons would have allowed earlier effective intervention on the part of Canadian troops. This likely would have prevented the displaced persons and refugees being attacked and the soldiers from both injury and physical contact as greater distance could have been maintained between them and the assaulting crowd. Further, it would have restored a sense of individual accountability as agitators could have been neutralized. The loss of identity associated with larger groups creates a feeling of individual invincibility. A peacekeeping force must, therefore, make it personal by restoring individual accountability.<sup>53</sup>

All of the negative arguments, detailed earlier, contain valid elements of concern. All, however, are not “showstoppers” and do not justify maintaining the current gap in the force continuum given that reasonable actions could be taken to negate or at least minimize their possibilities. Essential to this action is the development of a Canadian Forces policy for less-lethal weapons. A result of this policy would then be the development of doctrine, acquisition of various less-lethal weapons, and training for those about to deploy on peace support operations with them. Like lethal weapons, each less-lethal weapon has its own inherent strengths and weaknesses. It is, therefore, essential that a peacekeeping force be equipped with a reasonable variety of less-lethal weapons and understands the advantages of each of the tools. They would then employ those that are most effective for the situation at hand.<sup>54</sup>

## CONCLUSION

It is clear that a gap currently exists in the Canadian Forces force continuum for soldiers engaged in peace support operations. Should the Forces will it, this gap can be filled by less-lethal weapons or by means that will provide commanders with a range of force options that can prevent the escalation of conditions requiring more lethal force.<sup>55</sup> Filling this gap can also be seen philosophically as a process of de-escalation through early intervention by means of an escalating force continuum.

However, at the present time there seems to be a failure within the Canadian Forces to recognize the importance of this gap and a reluctance in these days of fiscal restraint and media obsession to firmly address its impact. The net result is that Canada has continued to place military personnel in more dangerous and diverse missions with primarily lethal options in situations where other levels of force are more acceptable.<sup>56</sup>

A force armed with only traditional military weapons has few options for effecting compliance – maintaining a presence, the threat of force, including firing warning shots, or actually employing deadly force. Filling the gap and expanding the force continuum with less-lethal means would provide a more extensive array of options by providing the means for flexible and selective engagement. This wider range of options provided by less-lethal capabilities augments deadly force but does not replace it. The resort to deadly force must always remain available when the situation demands it and less-lethal weapons should never jeopardize the right of soldiers to defend

themselves with lethal force. Rules of engagement must be clearly articulated and understood to establish the role of less-lethal weapons as an additional means of employing force - for the specific purpose of limiting the probability of death or serious injury to non-belligerents and belligerents. Further, it must be understood that the force continuum does not necessitate the use of less-lethal weapons as a precursor to lethal force.<sup>57</sup>

In conclusion, the importance of developing policy related to non-lethal weapons and then following this up with doctrine and extensive training cannot be overstated. Troops need to train with less-lethal weapons and rules of engagement to develop the necessary familiarity with them. Such a process should expose any weakness or confusion. Waiting until an incident occurs would be too late and simply court disaster.<sup>58</sup>

It is time now for the Canadian Forces to address the force continuum gap and be bold enough to create a paradigm for the future!

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## NOTES

<sup>1</sup> Allan Thompson, “The Deaths That Inquiry Didn’t Probe 2 Killings in Somalia Remain in Catalogue of Unfinished Business,” Toronto Star 7 July 1997: A10.

<sup>2</sup> Ray Crabbe, “Rules Of Engagement,” in Peacekeeping With Muscle: The Use of Force in International Conflict Resolution, ed. by A. Morrison, D.A. Fraser, and J.D. Kiras (Cornwallis Park: The Canadian Peacekeeping Press, 1997) 123.

<sup>3</sup> MGen R. Dallaire and Lt(N) H. Culliton, “Broadening The Spectrum of Response: Less-Lethal Weapons In Canadian Operational Deployments,” Vanguard Magazine, (January, 1998) 16.

<sup>4</sup> Crabbe, “Rules of Engagement...” 123.

<sup>5</sup> Ibid 123 and Alex Morrison, Douglas Fraser, and James D. Kiras, Peacekeeping With Muscle: The use of Force in International Conflict Resolution (Cornwallis Park: The Canadian Peacekeeping Press, 1997) ix.

<sup>6</sup> Morrison, Fraser, and Kiras, “Peacekeeping With Muscle...” ix.

<sup>7</sup> Donald Daniel, “Wandering Out of the Void? Conceptualizing Practicable Peace Enforcement”, in Peacekeeping With Muscle: The Use of Force In International Conflict Resolution, ed. by A. Morrison, D.A. Fraser, and J.D. Kiras (Cornwallis Park: The Canadian Peacekeeping Press, 1997) 7.

<sup>8</sup> Maj M. Boswell, “Internal Security Rules of Engagement – The Need For Clarity,” (unpublished paper for Exercise New Horizons, Canadian Forces Command and Staff College, Toronto, Ontario, 29 March 1993) 2/22.

<sup>9</sup> Dallaire and Culliton, “Broadening The Spectrum...” 16.

<sup>10</sup> Department of National Defence, B-GG-005-004/AF-005 Use of Force in

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Canadian Forces Operations, Vol. 3, (Ottawa: DND Canada, 1997-10-01) 1-1, 1-5, and 2-3.

<sup>11</sup> Ibid 2-3,2-4.

<sup>12</sup> Department of National Defence, B-GG-005-004/AF-000 Canadian Forces Operations, (Ottawa: DND Canada, 1997-05-15) 5-1,5-2.

<sup>13</sup> LCdr G. Phillips, "Rules of Engagement: A Primer," The Army Lawyer, (July 1993) 7.

<sup>14</sup> Ibid 5-7.

<sup>15</sup> Crabbe, "Rules of Engagement..." 125.

<sup>16</sup> Phillips, "Rules of Engagement: A Primer..." 19.

<sup>17</sup> Indar Jit Rikhye, "The Use of Force in International Conflict Resolution," in Peacekeeping With Muscle: The Use of Force in International Conflict Resolution, ed. by A. Morrison, D.A. Frazer, and J.D. Kiras (Cornwallis Park: The Canadian Peacekeeping Press, 1997) 19.

<sup>18</sup> Department of National Defence, B-GL-301-003/FP-001 Peacekeeping Operations, (Ottawa: DND Canada, 1995-09-15) 7-9-2.

<sup>19</sup> Phillips, "Rules of Engagement: A Primer..." 4-5.

<sup>20</sup> Department of National Defence, "B-GL-301-003/FP-001 Peacekeeping ..." 7-9-2.

<sup>21</sup> Phillips, "Rules of Engagement: A Primer..." 16.

<sup>22</sup> Colonel F.M. Lorenz, "Forging rules of Engagement in Multinational Operations," Marine Corps Gazette, (February, 1996) 20-21.

<sup>23</sup> J. Becker and C. Heal, "Less-Than-Lethal-Force," Jane's International Review, Vol. 29, No. 2, (February, 1996) 63.

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<sup>24</sup> The definition of less-lethal weapons and means is provided on page 14.

<sup>25</sup> Dworken, “Rules of Engagement: Lessons from Restore Hope,” Military Review, (September, 1994) 26 and 30.

<sup>26</sup> Becker and Heal, “Less-Than-Lethal-Force...” 64.

<sup>27</sup> Department of National Defence, B-GL-300-007/FP-001 Land Force Firepower, (Ottawa: DND Canada, 1998-08-19) 60. It should be noted that this publication has been issued as a draft only. In view of this, I have used it as a source relating to general matters only.

<sup>28</sup> The less-lethal debate involves numerous agencies within National Defence Headquarters including the Joint Staff, Land Staff, and Directorate of Army Doctrine. The opinion of participants in this debate can often become influenced based on their past experience. It is important to recognize that missions are dynamic, and that challenges will vary, not only from mission to mission, but as a mission evolves.

<sup>29</sup> Col R.R. Romses, DCDS Guidance on Riot Control for Overseas Missions, Headquarters Canadian Contingent Stabilization Force: file 3350-OP-1 (Comd), 6 May 1998, 1-4.

<sup>30</sup> Department of National Defence, “B-GL-301-003/FP-001 Peacekeeping ...” 7-9-1.

<sup>31</sup> Ibid 17.

<sup>32</sup> Dallaire and Culliton, “Broadening the Spectrum...” 17.

<sup>33</sup> Department of National Defence, “B-GL-300-007/FP-001 Land Force-Firepower...” 7.

<sup>34</sup> Sens, “Somalia and the Changing Nature ...” 127.

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- <sup>35</sup> Ibid 7.
- <sup>36</sup> Dallaire and Culliton, “Broadening the Spectrum...” 17.
- <sup>37</sup> Ibid 7.
- <sup>38</sup> Boswell, “Internal Security Rules of ...” 2/22.
- <sup>39</sup> Ibid 7.
- <sup>40</sup> CWO2 J.R. Murphy, “Rules of Engagement for Military Operations Other Than War,” Marine Corps Gazette, (September, 1996) 81.
- <sup>41</sup> Ibid 17.
- <sup>42</sup> Department of National Defence, “B-GL-300-007/FP-001 Land Force-Firepower...” 7.
- <sup>43</sup> Ibid 17.
- <sup>44</sup> A.G. Sens, Somalia and the Changing Nature of Peacekeeping, (study prepared for the Commission of Inquiry into the Deployment of Canadian Forces to Somalia, Ottawa, Public Works and Governments Services Canada, 1997) 110-111.
- <sup>45</sup> Department of National Defence, “B-GL-300-007/FP-001 Land Force Firepower...” 65.
- <sup>46</sup> Colonel F.M. Lorenz, “Forging Rules of Engagement: Lessons Learned in Operation United Shield,” Military Review, (November-December, 1995) 25.
- <sup>47</sup> D.A. Morehouse, Non-Lethal Weapons – War Without Death (Westport: Praeger Publisher, 1996) 127.
- <sup>48</sup> Department of National Defence, “B-GL-300-007/FP-001 Land Force Firepower...” 68.
- <sup>49</sup> Ibid 68.



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- <sup>50</sup> Morehouse, “Non-Lethal Weapons-War ...” 126.
- <sup>51</sup> Dworken, “Rules of Engagement: Lessons...” 30.
- <sup>52</sup> Dallaire and Culliton, “Broadening the Spectrum...” 17.
- <sup>53</sup> Sens, “Somalia and the Changing Nature...”62.
- <sup>54</sup> Becker and Heal, “Less-Than-Lethal...” 63.
- <sup>55</sup> Morehouse, “Non-Lethal Weapons-War...” 127.
- <sup>56</sup> Lorenz, “Forging Rules of Engagement...”127.
- <sup>57</sup> Department of National Defence, “B-GL-300-007/FP-001 Land Force Firepower...” 69-70.
- <sup>58</sup> Phillips, “Rules of Engagement: A Primer...” 27.

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- Canada, Department of National Defence. B-GL-301-003/FP-001 Peacekeeping

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- Operations. Ottawa: DND Canada, 1995-09-15. A Canadian Forces publication which provides doctrine related to the Canadian military and peacekeeping operations.
- Dallaire, R. and Culliton, H. “Broadening the Spectrum of Response: Less-Lethal Weapons in Canadian Operational Deployments?” Vanguard, (January 1998): 16-17. A short article by Canadian authors who suggest that less-lethal weapons may add flexibility and broaden the spectrum of response available to Canadian peacekeepers. They urge that a debate occur on this issue.
- Dworken, Jonathan T. “Rules of Engagement – Lessons from Restore Hope.” Military Review, (September, 1994): 26-34. This article highlights lessons learned by the U.S. military during Operation Restore Hope in Somalia. The focus is related to rules of engagement and touches upon various less-lethal means used.
- Lorenz, F.M. “Confronting Thievery in Somalia.” Military Review, (August, 1994): 46-55. The author outlines the various challenges faced confronting thievery in Somalia by the U.S. military. It discusses rules of engagement issues and use of non-lethal force.
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article discusses two deaths of civilians in Somalia. They occurred in 1993 and are related to the Canadian Forces. The article suggests that the full stories of the deaths will never be officially known as the Somalia Commission of Inquiry would not have time to address them.

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