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RULES OF ENGAGEMENT:

**KEY OPERATIONAL LEVEL RESPONSIBILITY
IN PEACE SUPPORT OPERATIONS**

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ABSTRACT

In the recent past, expert knowledge of the purpose and process of Rules of Engagement was limited to a minority of military officers and only a few political leaders. At the dawn of 21st century, however, Canadian government officials and to a lesser extent the general public they represent, and operational personnel of the Canadian Forces, are significantly more conversant in the Rules of Engagement process, having learned hard lessons from events over the past decade or so.

Rules of Engagement are an essential instrument of control over the deliberate use of force. They are created to ensure military compliance with political objectives and consonance with national and international laws, treaties, conventions and agreements. Without effective Rules of Engagement, political and military leaders risk mission failure and perhaps even national, organizational and personal embarrassment and/or prosecution for contravention of use of force legalities.

In today's complex peace support operations, to which Canada has a proclivity to commit military forces, it is the operational level commander who, in the planning and execution of his campaign plan, wields the most responsibility and influence over the appropriate drafting and implementation of Rules of Engagement.

RULES OF ENGAGEMENT:

KEY OPERATIONAL LEVEL RESPONSIBILITY IN PEACE SUPPORT OPERATIONS

Once deployed, United Nations peacekeepers must be able to carry out their mandates professionally and successfully, and be capable of defending themselves, other mission components and the mission's mandate, with robust rules of engagement, against those who renege on their commitments to a peace accord or otherwise seek to undermine it by violence.¹

Introduction

The Canadian military uses force in two situations: in self-defence, and for mission accomplishment. During today's multifaceted and demanding peace support operations, when the tactical actions of one soldier, one pilot, or one ship's captain, can have strategic consequences and potentially undermine mission success, proper understanding and application of the use of force is essential.² No more vivid an example exists than the well-publicized Somalia tragedy and its dire effects on the Canadian mission and Airborne Regiment. Similarly, inappropriate use of force led to disastrous results for U.S. Forces in Somalia in 1993 and Belgian forces in Rwanda in 1994.³

Canadian foreign policy or the collective will of the United Nations (UN) may succeed or fail on the basis of how well commanders conceive, articulate, understand and implement those essential rules of military operations that govern the use of force, namely Rules of Engagement (ROE). In the former Yugoslavia, Somalia, Rwanda and Haiti, commanders have looked to ROE as a means to defend and properly control the force. The recent UN proclivity for coercive peace operations, that commit to the use of force, is indicative of a

growing transition from traditional peacekeeping into the realm of peace enforcement where effective Rules of Engagement are absolutely mission essential.

Controlling the use of force is a hierarchical, politically, and strategically driven process. However, it is the operational level commander who, in the process of campaign plan development and mission execution, most influences development and dissemination of rules for engaging opposing forces, often in the face of moral and ethical dilemmas and competing mission objectives. ROE are a matter of life, injury and indeed death; their proper development and application will enhance the possibility of mission success. Improper use, however, sometimes leads to mission failure. The controlled use of force therefore, through the ROE process, is therefore, a vital element to mission success. The operational level commander who shoulders the most responsibility and influence on the effective use of ROE in today's complex peace support operations.

This paper will first establish a common understanding of Rules of Engagement in the Canadian context, then assess their applicability to UN peace support operations, and finally, discusses the critical role and responsibilities that may befall a Canadian UN Force Commander or Contingent Commander. While the Contingent Commander is normally considered closer to the tactical level, he or she does necessarily have an operational level responsibility when handling ROE in UN operations.

Understanding Rules of Engagement (ROE)

CF doctrine explains that when a commander may need to use force to accomplish a mission, the Government of Canada, through the Chief of Defence Staff, issues ROE, which consist of directions and orders regarding the use of force by Canadian forces.⁴ The basic

standards for the use of force have existed for centuries, though the term ‘Rules of Engagement’ is of recent origin. The fundamental nature of these standards remains the same; only the verbiage has changed to match technological advancement. While the American Revolutionary War commander might have said, “Don’t shoot until you see the whites of their eyes”, today’s UN operational commander might dictate, “Don’t shoot until you have identified the target electronically and visually”.⁵

Although modern day ROE have been well developed, particularly from a naval perspective, since the days of the Cold War, a universal understanding of them by civilians and military alike, is a fairly recent development. In Canada, ROE received considerable attention during the Gulf War and the recent Kosovo conflict, however, it was the unfortunate Somalia incident that precipitated the most change in the understanding and application of ROE, particularly in the land environment. Similarly, for U.S. forces, the 1983 Beirut bombing of the U.S. Marines barracks, a series of naval incidents in the Persian Gulf near the end of the Iran-Iraq war in the late 1980s, and the troubled Somalia mission of 1994, *inter alia*, caused a re-examination of ROE.⁶ Notwithstanding *Rules of Engagement* Hollywood style, ROE remain fixed on the general public’s psyche, as U.S. forces and those allies who work closely with them, are under constant threat of attack from the ubiquitous terrorist.⁷ While ROE deficiencies are not likely to be a factor in the recent ‘rubber boat’ terrorist attack on the *USS Cole* in Yemen these incidents underscore the need for clear use of force rules.⁸ This requirement is well understood. Western military forces today use ROE for all military operations, whether national or multinational.⁹

Though once described as *guidance*, Canadian ROE now constitute *lawful commands* and are therefore intended to be unequivocal.¹⁰ They are designed to remove any legal or

semantic ambiguity that could lead a commander to violate national policy. A commander in a time-constrained situation that prevents development of specific ROE may overreact, thus escalating a crisis before political authorities have time to establish civilian control of the situation. Similarly, he may hesitate and under react, thereby losing the initiative and risking the loss of both political and military objectives since military options will be reduced. Or, he may respond appropriately, preserving the best available military and diplomatic options.¹¹ Without adequate ROE, political leaders, in effect, “pay their money and take their chances”¹².

Equally important, ROE serve as a mechanism for guiding and controlling the use of force during the transition from peace to crisis to armed conflict and vice versa.¹³ Herein lies the inherent *action* versus *reaction* dilemma in ROE formulation. Policymakers need to control the military in pursuit of national objectives, whilst the military commander strives to maintain the ability to defend his forces and employ them in the most effective manner to ensure mission success. While ROE in conflict are *restrictive* by design, peacetime rules are reactive or *permissive* in nature to ensure political control over escalation in the use of force.¹⁴ The aggressiveness that is important in wartime operations must be tempered with restraint in the ambiguous environment of peace support operations.

The equivocal nature of ROE, lack of pre-deployment training, and several other deficiencies in the application and understanding of ROE were addressed post-Somalia. In his response to the Somalia Report, the Minister announced that the CDS would set out a framework for the development of ROEs and that ‘generic’ ROE would be produced based on international and domestic law, law of armed conflict, domestic foreign policy and

operational requirements. Furthermore, the Minister made a commitment to establish a database of other nations' ROEs, to improve training in ROE, including in-theatre training, to better monitor and disseminate ROE, and to conduct pre-deployment verification and testing of mission-specific ROE. The Minister's Monitoring Committee has verified that most of these decisions have been addressed and are operational.¹⁵ Colonel Michael Ward, Commander of Task Force Kosovo from March to December 1999, provides perhaps the best testimony to progress:

The lessons of many years in Croatia and Bosnia were borne out. Canadian Rules of Engagement were flexible and broadly-enough drafted, and our soldiers sufficiently well trained to adapt smoothly from the combat operations phase to stabilization tasks. The ROE were permissive in focus, rather than restrictive, with the result that Canadians had among the most robust ROE in KFOR Not once was a Canadian soldier put at risk by a failure of an on-scene commander to act decisively and in accordance with the ROE.¹⁶

For any mission, ROE formulation is guided by the inter-related considerations of politics, policy, diplomacy, legal prescriptions and operational requirements, as shown in Figure 1.¹⁷

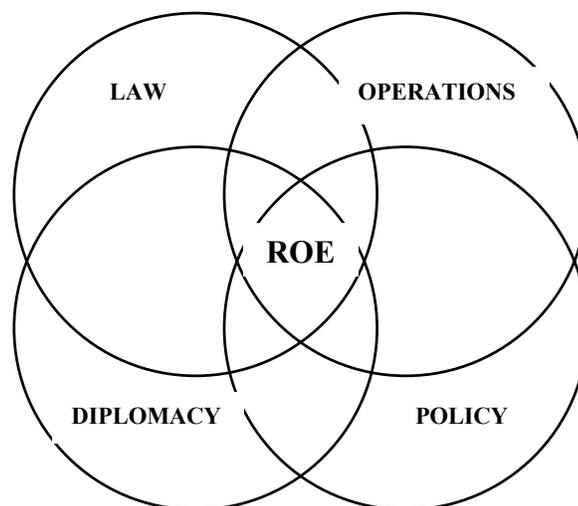


Figure 1: ROE formulation

As the ‘strong-arm of the state’, the Canadian Forces and its use of force must always be harmonized with the overall policies and objectives of the government and its other economic, social, cultural and technological instruments. During international operations and, in particular, during combined operations, the added dimension of regional, alliance or coalition diplomacy is superimposed on national considerations. These diplomatic considerations may ultimately limit legitimate use of force, or they may permit a greater latitude in the use of force than would be permitted in a purely Canadian operations.”¹⁸

While Canadian law governs CF domestic operations, in international operations, the use of force is subject to international laws, alliance and coalition agreements and, if applicable, UN resolutions and mandates. Numerous international agreements led to development and codification of the two primary components of international law: the Law of Peace and the Law of Armed Conflict (LOAC).¹⁹ The Law of Peace includes but is not restricted to treaties, conventions, agreements and customary international law comprising the norms of international behaviour in times of peace. The UN Charter is among the cornerstones of the Law of Peace. This Charter discusses the purposes, principles, membership, organization and procedures of the UN. It also makes provisions for the UN to use military force to maintain international peace and security.²⁰ The Law of Armed Conflict, considered in the broadest sense, determines when states may resort to the use of armed force and how they may conduct hostilities during armed conflicts. In the narrow sense, it is the body of law that governs the conduct of hostilities during an armed conflict, the purpose of which is to regulate the conduct of hostilities and to protect the victims of armed conflict. Divided into two components or streams, namely the Law of the Hague and the Law of Geneva, the LOAC safeguards the fundamental human rights of persons who fall into the

hands of an enemy, namely, prisoners of war, the wounded and sick, and civilians.²¹ It is also intended to protect property of historic, religious or humanitarian value and the environment from unnecessary destruction.²² Commanders and their contingents must understand the primary concepts that underlie the LOAC, namely the requirement for military necessity, humanity, and chivalry. As important to the armed force of a sovereign and civilized state is the need to adhere to the four operational principles of distinction, non-discrimination, proportionality and reciprocity.²³

Any discussion of ROE, particularly, in peace support operations must always consider the full scope of self-defence. “It is a ubiquitous feature of military culture that the commander’s first military responsibility is the protection of his or her troops.”²⁴ CF personnel are entitled to use force in self-defence or in designated circumstances to protect others from death or serious bodily harm. Both Canadian and international law recognize the authority to use appropriate force in self-defence, up to and including deadly force. U.S. experience in the Persian Gulf in the 1980s underscored the need to expand the meaning of self-defence. The May 1987 Iraqi missile attack on the *USS Stark*, the *USS Bridgeton* mine strike two months later, the U.S. attack on the mine-laying *Iran Ajr* in September, 1987, and the *USS Vincennes* missile shoot down of an Iranian airliner in July 1988, precipitated several significant changes. The incidents brought about revised definitions of ‘hostile intent’ and ‘hostile act’, the authorization of preemptive (or anticipatory self-defence) attacks, and an enhanced understanding of ROE in civil, political and military circles, particularly in the United States.²⁵ CF doctrine has similarly been updated to allow for ‘anticipatory self-defence’. Canadian forces are not required by international or domestic law to receive an attack before they are authorized to respond with deadly force. This allowance applies to the

defence, in designated circumstances, of Canadian citizens, shipping, territory and property from attack or threat of imminent attack (national self-defence), or when acting to defend a particular CF unit, or element thereof (unit self-defence). As the doctrine appropriately warns, there is greater potential for unplanned escalation or starting a sustained armed conflict by exercising national self-defence with operational or strategic-level forces, and thus, self-defence at both the operational and strategic level must be closely controlled through the use of ROE.²⁶

ROE establish the parameters for the use of military force, and in the Canadian context, are lawful orders created with due consideration of the overlapping political, diplomatic and operational requirements, and domestic and international prescriptions. To be effective, they must be mission-specific, unequivocal, and consistent for all forces in a joint or combined operation. The challenge, therefore, is to apply these principles to the full spectrum of potential UN peace support operations.

Applicability to UN Peace Support Operations

Authority to use force is derived from the UN Charter under both Chapter VI, entitled *Pacific Settlement of Disputes*, and Chapter VII, entitled *Actions with Respect to Threats to the Peace, Breaches of the Peace and Acts of Aggression*. Chapter VI operations confine use of force to self-defence, while Chapter VII provides for additional means to achieve compliance, establish enforcement actions, or action up to and including armed conflict, to ensure a return to peace and stability is achieved:

There are many tasks which United Nations peacekeeping forces should not be asked to undertake and many places they should not go. But when the UN does send its forces to uphold the peace, they must

be prepared to confront the lingering forces of war and violence, with the ability and determination to defeat them.²⁷

This view of UN peace support operations is widely supported. The message is clear.

Choose your missions wisely and when you go, proceed with adequate capability, authority and determination, regardless of the nature of the peace support operation. These three criteria are manifested in force structure, mandate, and ROE.

UN ROE are normally approved by the UN Secretariat in New York and then sent to the operational level commanders, namely the Force Commander and the national Contingent Commanders for implementation. The Force Commander's immediate superior on these issues is the Special Representative of the Secretary General, an individual astutely aware of the political issues affecting the beleaguered countries but less familiar with the application of ROE in the military use of force.

Any UN ROE issued to Canadian forces must first receive approval by the CDS before they may be implemented. This process is required of all contingents assigned to a UN operation since the UN, an organization without its own forces, cannot in its legal nature and structure be party to treaties such as the *Geneva Convention*. In the Canadian context, should there be issues requiring resolution, the necessary staff action will be initiated through the Department of Foreign Affairs and International Trade (DFAIT), the Permanent Representative to the United Nations New York (PRMNY) and the Canadian Contingent Commander. If a ROE issue cannot be resolved to Canada's satisfaction, the CDS may consider supplementing the UN ROE with Canadian ROE in which case national ROE and self-defence provisions take precedence.²⁸ The CDS may also restrict Canadian personnel from complying with designated ROE, and if absolutely necessary, withdrawing the Canadian

contingent from the mission.²⁹ This has not been the case to date; however, the interplay of national and UN authorities can be a significant challenge that potentially disrupts unity of effort, fractures unity of command, and undermines mission success. Canadian participation in the United Nations Support Mission in Haiti (UNSMIH) and its follow on United Nations Transition Mission in Haiti (UNTMIH), is a case in point.

This mission demonstrated the unique challenges confronting a UN operational level commander in coping with the problems that beset a contingent when ROE are violated, when national ROE are more restrictive than the UN ROE; and when differences of opinion between national and UN authorities require reconciliation. While serving in UNSMIH in late July 1997, members of the deployed Canadian battalion violated the ROE for the mission by mistreating Haitian detainees. The subsequent Canadian Board of Inquiry reported that “the UN ROE were found to be compatible with the Canadian ROE, except for one significant difference: Rule No 4 of the UN ROE, which authorizes the use of force, up to and including deadly force, to protect United Nations and contingent property, was not authorized for Canadian personnel.”³⁰ The Board noted: “this limitation had an important influence on the way camp perimeter security was performed, especially as compared with that of other UN contingents in Haiti (Pakistani Battalion).”³¹ Although the Board determined that the differences in ROE were well understood by the Canadian Contingent from commander to soldier, this incident illustrates ROE inconsistencies between contingents that beset a Force Commander.³² The same UN Force Commander, a Canadian, was further challenged during the mission turnover from UNSMIH to UNTMIH, effective from 31 Jul 1997. A difference of interpretation of the mandate and associated ROE between the Canadian strategic level and the UN operational level resulted in an exasperating interchange that tested the patience and

professionalism of the senior officers involved, and which potentially could have undermined the success of the mission. Clearly, national protectionism of ROE has inherent risks to unity of effort in theatre, particularly for UN peace support operations.³³

Despite a longstanding call for a ROE architecture and more operational guidance to commanders in the field, particularly on the use of force, no such document has been promulgated.³⁴ However, the recent UN-sponsored *Brahimi Report*, in the context of a study on UN politics, organization and strategy, makes several recommendations respecting use of force and ROE that are germane to understanding the evolving mindset of UN authorities:

- Use of force only in self-defence should remain the bedrock principle of peacekeeping; however, where one party to a peace agreement clearly and incontrovertibly is violating its terms, continued equal treatment of all parties by the UN can, in the best case, result in ineffectiveness, and may, in the worst, amount to complicity with evil. No failure did more to damage the standing and credibility of the UN peacekeeping in the 1990s than its reluctance to distinguish victim from aggressor;
- UN military units must be capable of defending themselves, other mission components and the mission's mandate. Rules of engagement should be sufficiently robust and not force UN contingents to cede the initiative to their attackers;
- The Secretariat must not apply best-case planning assumptions to situations where the local actors have historically exhibited worst-case behaviour. It means mandates should specify an operation's authority to use force. It means bigger forces, better equipped and more costly but able to be a credible deterrent;
- UN peacekeepers - troops or police - who witness violence against civilians should be presumed to be authorized to stop it, within their means, in support of basic UN principles;
- Member states that do commit formed military units to an operation should be invited to attend Secretariat briefings of the Security Council pertaining to crises that affect the safety and security of mission personnel or to a change or reinterpretation of the mandate regarding the use of force; and
- It is essential to assemble the leadership of a new mission as early as possible at UN Headquarters, to participate in shaping a mission's concept of operations, support plan, staffing and HQ mission guidance. Input is required from force commanders, civilian

police commissioners, their potential deputies and potential heads of other components of a mission.

Drawn from hard-learned lessons of UN operations in the 1990s, these recommendations reflect a necessary and growing desire for a “peacekeeping with muscle” approach.³⁵ The Report is relatively silent however, on the important role of UN Headquarters in the development of ROE. The failed UN Assistance Mission to Rwanda in 1993/94 provides an illustration of an impotent headquarters. The following three quotes in the *Report of the Independent Inquiry into the Actions of the United Nations during the 1994 Genocide in Rwanda* cite the failings, in part, of ROE and draw an obvious conclusion:

On 23 November 1993, [General] Dallaire, [UN Force Commander] sent Headquarters a draft set of Rules of Engagement (ROE) for UNAMIR, asking for the approval of the Secretariat. The draft included ... a rule specifically allowing the mission to act, and even to use force, in response to crimes against humanity and other abuses (There may also be ethically or politically motivated criminal acts committed during this mandate which will morally and legally require UNAMIR to use all available means to halt them. Examples are executions, attacks on displaced persons or refugees). Headquarters never responded formally to the Force Commander’s request for approval.³⁶

It is disturbing, however, that there was a lack of clarity in the communications between UNAMIR and Headquarters regarding which rules were in force.³⁷

There should never be any doubt as to which Rules of Engagement apply during the conduct of a peacekeeping mission. Rules of Engagement must be given formal approval by Headquarters.³⁸

The impact that ROEs have on controlling escalation of violence in peace support operations is significant. “In societies so lacking in meaningful government that military intervention is necessary to restore and/or maintain peace, ROEs become the *de facto law of the land.*”³⁹ As a result, ROEs provide the benchmark against which the legitimacy and the humane nature of the mission are assessed. Similar to police agencies around the world,

peacekeepers face the dilemma of when to use force, cognizant that its use may ignite a volatile situation. As discussed, many factors unique to UN operations affect this decision-making dilemma: diverse force composition, political compromise amongst contributing nations, parallel vice unity of command structures, and a lack of operational guidance on the use of force. It is contended that the res2(usbilnity ofbridagigo)Tj0.0004 Tc -0.022 Tw 12 0 0 12 3863.4039 .

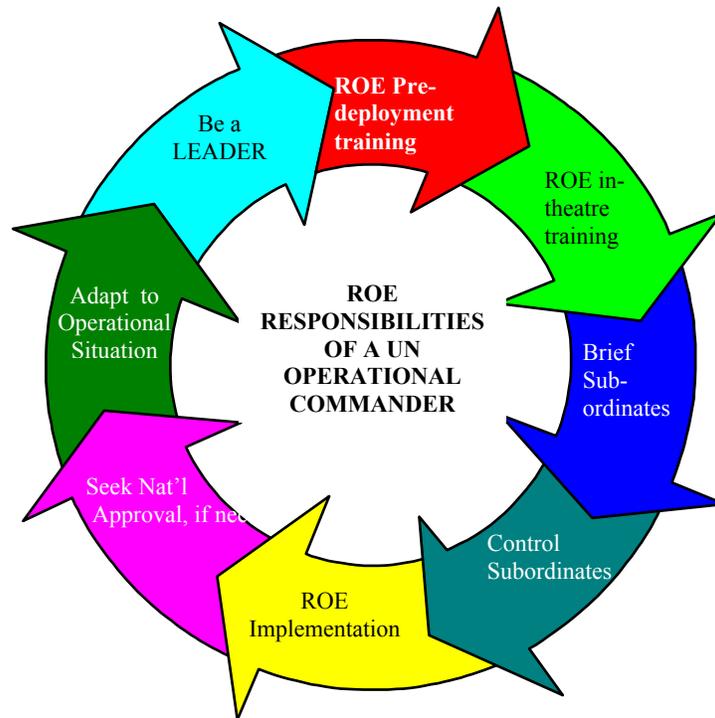


Figure 2: Responsibilities of a UN Operational Level Commander

Firstly, the importance of pre-deployment and in-theatre ROE training cannot be understated. Pre-deployment training, particularly mission-specific and scenario-based training, is the responsibility of national authorities and the Contingent Commander:

As noted in the MND report to the Prime Minister, all CF units scheduled for deployment now receive detailed mission-specific briefings on rules of engagement and laws of armed conflict. In addition, specific direction to contingent commanders for rules of engagement training has been included in the DCDS Instructions to Commanders of Deployed Operations.⁴¹

The DCDS further elaborates:

ROE training is Force Generator responsibility with NDHQ providing subject matter expertise, when requested. For small Task Forces, assistance in ROE training can be provided by the subject matter experts (SME) from NDHQ or from the Peace Support Training Centre.⁴²

It is both a Force Commander and Contingent Commander responsibility in theatre. The need for in-theatre training is most evident during a mandate change as was done between UNSMIH and UNTMIH and when the ROE are modified in any way.

Secondly, the UN Force Commander must ensure that the Contingent Commanders and their subordinates are briefed on the meaning and application of the mission's ROE, and that, if and when necessary, they seek additional guidance, direction, or clarification through the chain of command using established procedures. The responsibility to control subordinates is applicable to all levels of command but the tone is set by the senior military commanders on the mission. While subordinates can always be held accountable for their own actions, commanders are responsible for the actions of their subordinates and for ensuring that all operations are conducted in accordance with legal prescriptions. Although commanders may delegate the authority for operations, they are still responsible for the conduct of their forces even if their forces are under the operational or tactical control of another commander. CF doctrine states that Commanding Officers and the members of their units or elements must be aware that persons who are authorized by law to use force will be held criminally responsible for any excess thereof according to the nature and quality of the act that constitutes the excess.⁴³ To brief subordinates effectively, it is also important that operational level commanders of joint forces think multi-dimensional and understand how ROE are applied in land, sea and air environments.

Thirdly, as responsibility for implementation rests with the Force Commander for UN ROE and Contingent Commanders for national ROE, they must exert judicious control of authorized ROE. UN ROE are issued by the UN Secretary General to the UN Force

Commander, and Canadian national ROE by the CDS to the Canadian Contingent Commander. These operational level commanders may withhold any or all of the ROE they have been authorized and those ROE that are delegated downwards can be modified provided that they are not more permissive in nature. The decision to delegate authority downwards is really one of determining how much control over the actions of deployed units, an operational commander desires. For example, to ensure decisive and timely action, it would be prudent to delegate authority to the tactical level to *engage a unit that is demonstrating a hostile act or hostile intent against humanitarian relief personnel*. However, to prevent unnecessary escalation of force and to structure force posture adequately, it would be more prudent to retain authority at the operational level to *engage a unit that demonstrated hostile activity in the past but is no longer*.⁴⁴

Fourthly, if it is not appropriate to implement ROE below the operational level or to amplify approved ROE, commanders must issue supplemental direction or instructions such as use of force directives, aide-memoires, soldier's/sailor's cards, and pilot planning aids. Such amplifying direction requires CDS approval before it is disseminated to subordinate commanders or to CF personnel.⁴⁵ In the Canadian context, the use of force directive is an essential document that coalesces force definitions, graduated use of force concepts, commander's responsibilities, weapons-readiness states, weapons release criteria and a list of ROE. These directives should also elaborate on the use of non-lethal weapons.⁴⁶ The leadership challenge, therefore, is to ensure consistency between the various directives and to ensure that the ROE are not misconstrued. As there are potential risks of inadvertent release of this vital information to adversaries, Chief of Defence Staff authority is required for the release of all or part of the Canadian contingent's use of force directive to coalition forces and

friendly states. The benefit of release is, of course, an enhanced understanding of each contingent's use of force policies, an essential component of mission planning and execution at the operational level.

Fifthly, given the dynamic nature of operations, commanders must continuously evaluate the in-theatre situation vis-à-vis the mission to ensure that their direction remains appropriate and applicable. Commanders must not hesitate to request changes or clarification to direction previously provided and even when concurrence from higher authority is not required, consultation with superiors is considered essential. Given the transitional nature of peace support operations, the commander must also be mindful of how, if at all, the ROE serve to protect civil police and humanitarian workers threatened by belligerents.

Finally, no discussion on the use of force can neglect that important variable that influences the *modus operandi* of a mission - the personality and leadership style of the operational level commander, particularly when the mandate and strategic level support is weak. Subordinates must trust their leaders that ROE have been competently drafted and that responsibility and accountability for the use of force is a shared burden. The experiences of Canadian General Romeo Dallaire, as the UN Force Commander of the UN Mission for Rwanda (UNAMIR) in 1993, provide a poignant illustration. A Chapter VI operation, Dallaire's lightly armed peacekeeping force was forbidden to use force except in self-defence. The '100-day tidal wave of violence' that beset the country placed Dallaire in the unenviable position of facing constant life and death, moral, and ethical decisions. There were many reasons for failure to prevent genocide during the summer of 1994 in Rwanda, but limiting the use of force to self-defence so as not to breach their 'monitoring' mandate was a difficult

restraint to obey in the face of such nightmarish circumstances. Early in the outbreak of violence, Dallaire stretched his monitoring and self-defence mandate by extending protection to the coalition prime minister. Though his efforts proved unsuccessful, it took courage to be proactive. Furthermore, he contemplated interposing his forces between those carrying out tribal massacres and their victims, thereby justifying the use of force as self-defence.

Arguably, this action would have taken UNAMIR into the realm of peace enforcement but that was a risk he was prepared to take and stand accountable for. General Dallaire himself acknowledges the important influence of a commander's personality and presence in coping with difficult conflict resolution operations:

Senior officers must create an atmosphere that clearly demonstrates their confidence that their subordinates will undertake the proper and competent actions. Until officers can project this confidence - a cornerstone of effective leadership - personnel at all levels will be looking over their shoulders during conflict resolution operations and lapsing into inaction. Should this happen, the mission is doomed to fail.⁴⁷

The use of force in peace support operations is a potential touchstone to escalation of violence. Controlling its use, therefore, is a critical component of effective leadership.

Conclusion

As an integral part of command and control, appropriate and effective ROE provide the operational commander with information concerning the existing political and diplomatic situation, thus enabling the commander to develop and follow a course of action that sustains and advances the fundamental political requirement. They provide clear and credible mission specific rules on the limits imposed on his/her freedom of action and specify those circumstances in which force is permitted or restricted. Finally, they enable subordinate

commanders, in light of changing circumstances, to request additional measures to protect their forces.

The past decade has witnessed a tendency to more complex peace support operations that have garnered valuable lessons learned with respect to use of force. The lessons have been at the expense of lives and organizational, national and personal reputations. The CF, for its part, has worked hard to improve the ROE process and the general understanding and application of ROE with positive results evident in recent post-mission reports. The CF ROE process is well postured to cope with any action that may flow from the UN *Brahimi Report* that, in part, demands a more robust approach to the process and application of ROE in peace support missions.

Understanding the purpose and application of Rules of Engagement is an imperative at all levels of the Canadian Forces military chain of command, from the Chief of the Defence Staff to the most junior deployed soldier, sailor or airman/airwoman who has the capability to apply force. However, in UN peace support operations to which CF military commanders and CF units are regularly deployed, it is the operational level commander who shoulders the most responsibility and influence on the effective use of ROE. It is he or she who has the ultimate responsibility for the safety and honour of forces under his or her command and who must decide how to employ his forces to achieve the mission while evaluating risks and measures to ensure their safety.⁴⁸ A Canadian Contingent Commander must possess a comprehensive knowledge of the Canadian ROE system, understand how it applies to UN peace support operations, and acknowledge and fulfil his responsibilities to train, implement and control the use of force through self-defence or ROE measures. A Canadian UN Force Commander has

the additional responsibility for overall mission success, force wide ROE implementation and coping with the variances of national ROE amongst his assigned contingents.

The controlled use of force through the ROE process is a vital element to mission success – if not the most vital – and hence, constitutes one of the most important responsibilities of an operational level commander in today’s complex peace support operations. To ignore, misunderstand, or mismanage ROE in the planning of the campaign or in the execution of the mission is, in worse case, to risk lives, and in best case, to risk mission failure.

Endnotes

¹ Report of the Panel on United Nations Peace Operations (Brahimi Report), S/2000/809, 17 August 2000, 10.

² CF doctrine describes five categories of peace support operations which have gained general acceptance in the UN and Canada and to which elements of the CF may be deployed, namely, preventive diplomacy, peacemaking, peace enforcement, peacekeeping, and peacebuilding. Source: Canadian Forces Operations. B-GG-005-004/AF-000, 2000-10-02, 10-3.

³ A.C. Zinni (General, USMC) and F.M. Lorenz (Colonel, USMC), “Command, Control, and Rules of Engagement in United Nations Operations”, in Strengthening the United Nations and Enhancing War Prevention, John Norton Moore and Alex Morrison, ed. (Durham: Carolina Academic Press, 2000) 210 - 212.

⁴ Canadian Forces Operations, 5-8.

⁵ Zinni, 223.

⁶ Zinni, 223. For additional information on this theme, see Dale Stephens (LCdr, RAN), “Rules of Engagement and the Concept of Unit Self-Defense”, Naval Law Review, XLV 128-129.

⁷ Paramount film, directed by William Friedler, starring Tommy Lee Jones.

⁸ “Rubber Boat blasts hole in U.S. image,” Toronto Star 14 Oct 2000, A25.

⁹ In an alliance, Canadian Forces are likely to operate under NATO or CANUS ROE; in a Coalition, national or an agreed Coalition ROE will be used; and, for a UN operation, UN ROE.

¹⁰ Canadian Forces Operations, 5-8.

¹¹ Bradd C. Hayes, “Naval Rules of Engagement: Management Tools for Crisis,” Rand Note, July (2000): 30.

¹² Hayes, 30.

¹³ Canadian Forces Operations, 5-8.

¹⁴ Hayes, 21.

¹⁵ Minister’s Monitoring Committee on Change in the Department of National Defence and Canadian Forces – Final Report, February (2000) Chapter 7. www.dnd.ca/menu/press/Reports/monitor_com/eng/operat_e.htm

¹⁶ Michael Ward, (Colonel, CF), Canadian Military Journal, Spring (2000) 72.

¹⁷ Use of Force in CF Operations Volume I, B-GG-005-004/AF-005, October (1996): para 201.6.

¹⁸ Use of Force in CF Operations Volume I, para 201.6c

¹⁹ Use of Force in CF Operations Volume I, para 105.

²⁰ Use of Force in CF Operations Volume I, para 105.

²¹ Law of Armed Conflict at the Operational and Tactical Level, B-GG-005-027/AF-020, September (1999): 1-1.

²² Use of Force in CF Operations Volume I, para 105.

²³ **Distinction:** *this principle imposes an obligation on commanders to distinguish between legitimate targets and civilian objects and the civilian population.*

Non Discrimination: *although one side may label the other the aggressor, it is not entitled to apply the law in a different way because of that assertion. Also, the LOAC is to be applied without any adverse distinction founded on race, colour, religion, faith, gender, birth or wealth.*

Proportionality: *collateral damage arising from military operations must not be excessive in relation to the direct and concrete military advantage anticipated from such operations.*

Reciprocity: *all should be treated as you would like to be treated.*

Source: Law of Armed Conflict at the Operational and Tactical Level, 2-2.

²⁴ Stephens, 150.

²⁵ Hayes, 42.

²⁶ Use of Force in CF Operations Volume I, para 402.

²⁷ Report of the Panel on United Nations Peace Operations (Brahimi Report)

²⁸ Canadian Forces Operations, 10-14.

²⁹ Use of Force in CF Operations Volume I, para 403.

³⁰ Board of Inquiry: Incident Relating to Mistreatment of Haitian Detainees, 22. The Canadian amplification of the rule stated: "...This limitation shall not restrict in any way the right of members of CCUNSMIH/CCIH to use force, up to and including deadly force, in self-defence, if while protecting property, they themselves become the target of a hostile act or hostile intent."

³¹ Board of Inquiry: Incident Relating to Mistreatment of Haitian Detainees, 22.

³² A much worse scenario was experienced by Canadian General Romeo Dallaire during the UN Assistance Mission to Rwanda in 1994. He writes that "...various contingents did not have the mandates from their national capitals to use force to intervene, nor did they possess the means to do so. Some contingents received orders to limit their activities and wait for the violence to blow over." Source: Romeo Dallaire (LGen, CF), "The End of Innocence," Hard Choices, Jonathan Moore ed., (Lanham: Rowman & Littlefield Publishers, 1998) 79.

³³ This comment is based on the experiences of the author as EA DCDS Jul 1997 – Jul 1999.

³⁴ Discussion with Gerry Senechal (Maj, CF) Canadian PRMNY staff, 17 Oct 00.

³⁵ Alex Morrison, Douglas Fraser, James Kiras, ed, Peacekeeping with Muscle: The Use of Force in International Conflict Resolution, (Clementsport: The Canadian Peacekeeping Press, 1997). Phrase in quotations taken from title of reference book.

³⁶ Report of the Independent Inquiry into the Actions of the United Nations During the 1994 Genocide in Rwanda, (New York: United Nations, 15 Dec 1999) 5.

³⁷ Report of the Independent Inquiry into the Actions of the United Nations During the 1994 Genocide in Rwanda, 26.

³⁸ Report of the Independent Inquiry into the Actions of the United Nations During the 1994 Genocide in Rwanda, 42.

³⁹ Charles Heal, "Making, not breaking, the rules," Jane's International Defense Review, 9 (1997) 79.

⁴⁰ Canadian Forces Operations, 5-9.

⁴¹ Minister's Monitoring Committee on Change in the Department of National Defence and Canadian Forces – Final Report – 1999. 191.

⁴² DCDS 02/00, DCDS Direction for International Operations, (Ottawa: DND, 2000) para 114.

⁴³ Canadian Forces Operations, 5-9.

⁴⁴ Representational ROE only.

⁴⁵ Canadian Forces Operations, 5-11/5-12.

⁴⁶ For further discussion on the use of non-lethal weapons in the CF force continuum see: Ray Romses (Col, CF), "Peace Support Operations: Time Now for the Canadian Forces to Address a Force Continuum Gap," Canadian Forces College, Advanced Military Studies Course 1, 1998.

⁴⁷ Romeo Dallaire, (LGen, CF), "Command Experiences in Rwanda," The Human in Command, (New York: Kluwer Academic/Plenum Publishers, 2000) para 13.

⁴⁸ Morrison, 2.

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