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**RULES OF ENGAGEMENT: AN ARCHITECTURE**

**FOR THE BATTLESPACE OF TODAY**

**EX NEW HORIZONS**

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**30 Apr 04**

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## *ABSTRACT*

Given the inherent link between national interests and Rules of Engagement, an analysis of Canadian national interests concluded that they would be threatened to the point of requiring transition from the peacetime permissions-based architecture, to the wartime restrictions-based architecture under four conditions. These conditions would exist: when there was a grave and imminent threat to Canada; when NORAD alert reached DEFCON 3; when NATO invoked article V; or when the Canadian government declared it was in an armed conflict with another country or entity. A consultation was conducted with a specific group of Canadian Forces senior officers who have been responsible for staffing ROE or commanding units or task forces employing ROE, in order to gather information and specialist expertise. Analysis of this consultation revealed that the nature of the conflict, the enemy, the battlespace, other friendly forces and the risks involved, form the basis of military considerations affecting a decision to transition. Analysis also revealed that there was a requirement to review the entire ROE architecture in order to perhaps replace it with one that does not require transition from a peacetime permissions-based system to a wartime restrictions-based architecture.

The elements are placed together in a Transition Analysis Methodology. This framework groups the criteria listed above into national interest and military filters, in order to outline how the CF should structure its decision making for transition between permission-based and restriction-based approaches.

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## **INTRODUCTION**

“... wars are begun and shaped by politicians, even as the military prosecutes them. Political leaders have concerns that stretch from the geopolitical to the parochial, and these determine the nature of the battlefield on which commanders must fight.”<sup>1</sup>

Control over the force being used by the military has been evolving for many years. That evolution has been rapidly accelerating in the last half of the twentieth century. The use of force that the military employs, specifically what they are allowed to apply force to and to what extent, has always been a pillar of civilian control over the military in democracies. As a crucial element of national power that is wielded with due consideration, the use of military force must be linked to national interests. The mechanism that the military uses to control force is the rules of engagement architecture. What is the link between the vital interests of a nation and the rules of engagement that it uses to protect, or project in the case of values, those national interests?

Since the military is responsible for constructing the framework or architecture within which its units and personnel may employ force to accomplish the aim, then it is the military that is writing the strategy for the use of force. However, it is the government that is deciding when and where to use that force at the strategic level, in order to accomplish the grand strategy of the country. The link therefore between national interests and rules of engagement must be in the architecture which translates the when and where to use force, into how it is used. Therefore it would be logical to

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<sup>1</sup> Christopher Marquis, “In Wartime, Some Argue, Commanders in Chief do Best When They Really Command,” *New York Times*, 10 February 2004, 23.

establish a direct link between the national interests of a country and the rules of engagement architecture that a country employs.

The events of September 11<sup>th</sup>, the terrorist attacks on the continental U.S., evoked a response from the entire western world. The U.S. lead coalition into Afghanistan placed in stark reality the place of Canada's national interests alongside its neighbour. Canadian operations supporting the coalition were given the name Operation Apollo. However there was a specific anomaly pertaining to the way in which Canada issued use of force direction to servicemen and women during Operation Apollo. Canada's use of force framework stated that when Canada enters into an armed conflict, also commonly referred to as war, the manner in which force is applied would change. This change was designed to allow more freedom of action for the military to apply the force it required to win warfighting scenarios. During Operation Apollo the decision was made to not allow that freedom, even though the country had declared that it was in an armed conflict with Al Qaeda and the Taliban regime.

The Canadian Forces is used as the means for implementing Canadian foreign and domestic policy. It is only one tool available to the government, however it is one of great consequence due to the ramifications of its use. Therefore the use of force employed by the military is directly tied to the country's national interests. Logically the use of force architecture must also be directly in line with those national interests and it is the manual *Use of Force in Canadian Forces Operations* that provides that linkage.<sup>2</sup> The government decides where and when to deploy forces, and then decides on, or agrees to, its mandate. Rules of Engagement (ROE) are issued based upon the mandate or

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<sup>2</sup> Department of National Defence, B-GG-005-004/AF-005 *The Use of Force in CF Operations* (Revision 1), (Ottawa: DND Canada, 2001).

mission, and the surrounding situation. However there is an architecture, the structure that dictates the principles within which force is applied, that is the background for all ROE. Therefore the structure itself becomes the focus of the link between ROE and national interests. In Operation Apollo, the decision as to where and when also dictated a how that was new.

The research presented in this study will show that there are two real issues with the current ROE architecture. The first issue is the one that sparked the research in the first place. Current Canadian use of force doctrine states that ROE in peacetime are permissions. Each rule authorises a specific level of force in a specific situation. The more rules or permissions you have, the more you can do. The doctrine also states that upon entering into an armed conflict, the ROE shall change from being permissions, to being restrictions.<sup>3</sup> For the purpose of this study, the peacetime approach of issuing permissions will be called a permissive system. As well, the wartime approach of issuing restrictions will be called a restrictive approach. During armed conflict all use of force is authorized except that which is delineated in the restrictions, or not allowed in accordance with the LOAC. The CF has an ROE architecture that prescribed a transition from permissive ROE to restrictive ROE upon entering into an armed conflict, but did not follow it.

A second issue has been uncovered during the research. During consultation with senior officers the transition from a permission-based approach to a restrictions-based approach is unthinkable. Many serving members believe that there can only be a single approach used by the Canadian Forces in the application of force, and transitioning from

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

one method to another during wartime is not possible, incurs huge risks, and ultimately places soldiers in danger. This issue placed the entire Canadian ROE architecture in question, however an analysis of the entire architecture was outside of the scope of this study.

The government needs an architecture that provides the link between national interests and the ROE the Canadian Forces issue to its men and women. The current architecture has been working for the past eight years and is only problematic at the transition to war. It is this transition that must be linked directly back to the national interests of the country and tied to the military reality of the operations about to be conducted to ensure that this transition is warranted. In exploring the factors that affect the use of force, two large groupings of factors were discovered. The first group is national interest factors. The second group is military factors. In developing a process that filters decisions on transition first through national interests, and second through considerations of the military environment associated with the specific operation, I will recommend a clear decision making framework based upon the critical factors involved, which reflects the concerns of senior military planners. The framework will provide the structure and criteria for which a decision can be made. This structure is called the Transition Analysis Methodology. The initial framework outline is at Figure 1. This study will fill out the factors that affect transition inside each one of the filters and present them as a complete framework for making the decision for transition.

A brief explanation of the research methodology employed will set the stage for the analysis. Next, the basic elements of the current CF doctrine will be outlined in order to provide the proper background. I will then present the current doctrine of our main



allies and that of NATO for comparison. Since the ROE architecture is tied to national interests, a brief analysis will then describe Canada’s national interests, and translate them into a military context. I conclude that there are four circumstances under which the CF might be called upon to use overwhelming force in defence of Canada’s national interests: when there is a grave and imminent threat to Canada, when NORAD reached Defence Condition Three (DEFCON 3), when NATO voted to invoke Article V, and/or when Canada entered into an armed conflict. I will substantiate these criteria for a “national interest filter.” The national interest filter is the first stage in the Transition Analysis Methodology illustrated in figure 1.

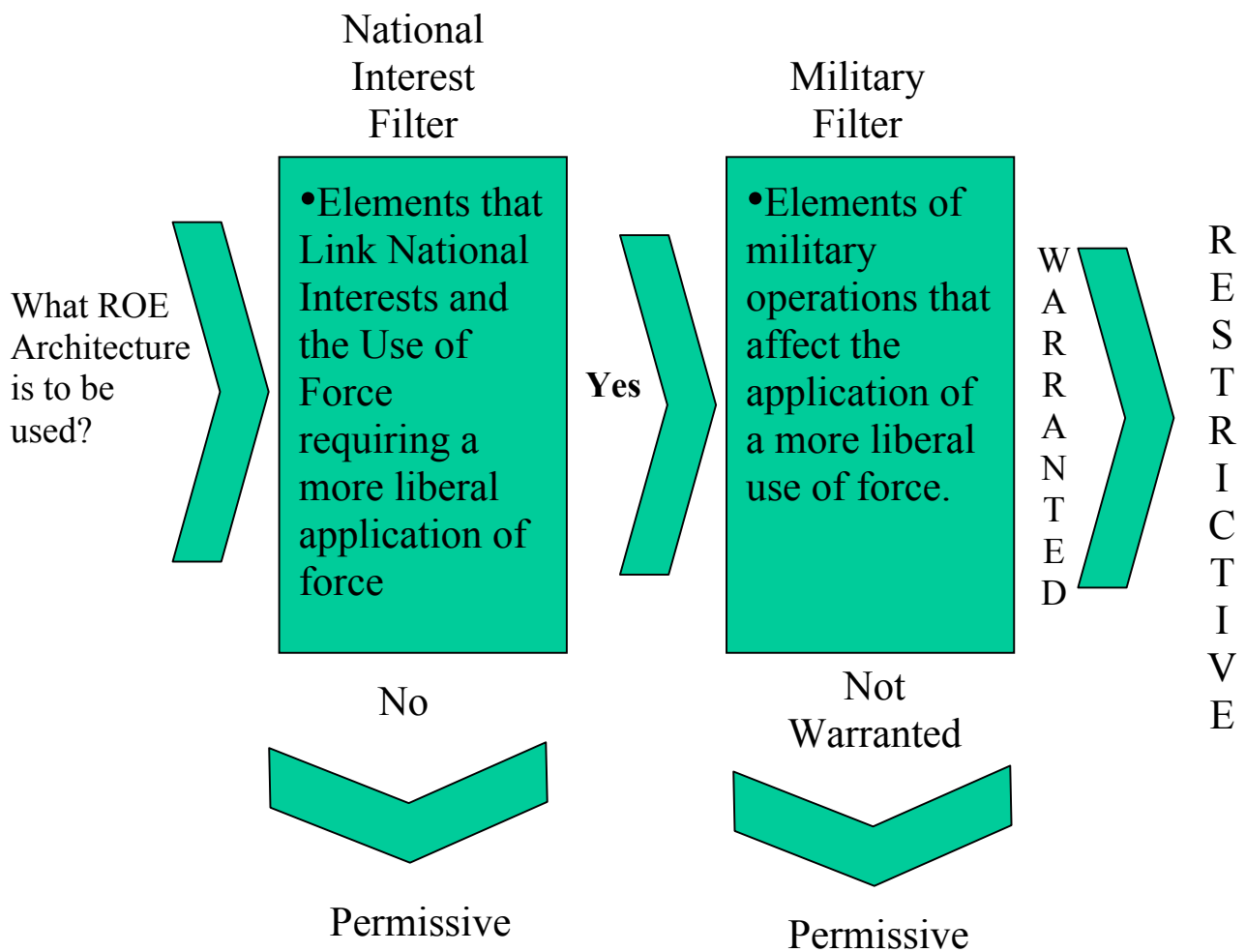


Figure 1: Initial Transition Analysis Methodology

This will lead to the section that examines the results of the consultations, or requests for specialist advice sent to key staff officers and commanders on this topic. Consultations with these key individuals provide essential perspectives on past operations and what is needed in the future. The review of foreign doctrine and the inputs of current serving personnel raise the question as to whether the requirement to transition at all is outdated. Further analysis will conclude that the present architecture needs to be reviewed, but barring a complete overhaul, the factors affecting transition between peacetime and warfighting needs to be made clear. It will show that the risk of sending soldiers into a warfighting situation without the ample freedom of action provided by a transition is too high. Consultations provided the factors for the Military Filter on the Transition Analysis Methodology. Lastly, all elements of the analysis will be brought together into the Transition Analysis Methodology along with an example of how this process assists in forming a decision.

## CHAPTER 1

### **RESEARCH METHODOLOGY**

Research was conducted in two ways. First, a literature review examined current Canadian Forces ROE doctrine, the ROE doctrine of other nations, and finally national interests. The review of current Canadian doctrine provides a background for analysis, while the purpose of reviewing other national ROE doctrines was to identify other options to the Canadian model, perhaps highlighting some deficiencies. The purpose of the literature review on national interests was to identify and categorize Canadian national interests, allowing for analysis of their link to ROE.

Research was also conducted in the form of a consultation designed to compile the professional expertise of key commanders and staff officers from across the Canadian Forces. (See Annexes A and B)<sup>4</sup> A type of operational research called ‘policy analysis’ was used. The specific model of policy analysis employed called for five steps:

1. “Analysing the problem situation,
2. Specifying the analysis criteria,
3. Generating alternative strategies,
4. Synthesizing ieecie

of current doctrine coupled with an analysis of the stakeholders involved. The analysis of the stakeholders was conducted by listing all of the possible groups that had a vested concern in the manner in which use of force doctrine is developed. Those whose points of view were mirrored by others were eliminated. As well, any group that did not have the requisite level of knowledge on use of force doctrine could not offer professional expertise, and was also eliminated.

Analysis of stakeholders showed that, outside of the Canadian Forces, there was a definite interest from government, the media and the public at large in the use of force. The media was assessed as being a conduit for information to the public and thereby eliminated from consultation. Since consultation of the public was beyond the initial intent of the research, some assumptions on the type of public interest in the use of force was made. The assessment was made that the public at large wanted to be assured that proper training and control over the use of force was being exercised. As well they were peripherally concerned that soldiers had sufficient ROE to protect themselves. Since these objectives mirrored those of government and the military command structure, they were excluded from the consultation. Lastly it was assessed that the government of Canada was a valid stakeholder. However, it was assessed that the government of Canada had very little, if any, knowledge of Canadian Forces ROE doctrine. Therefore the government had the same generic interests as the public and the media in terms of civilian control over the military, proper control on the use of force as well as providing ample protection to Canadian soldiers. The elimination of the government from consultation became questionable later as management of the use of force and rules of engagement by the government was a recurring theme in expert consultations.

Looking demographically at the rank structure of the Canadian forces, this issue affected members of all rank. However, respondents needed to have some knowledge of the use of force architecture, including the application of the LOAC and what transition would entail. The professional development that this required was limited mostly to the officer corps, therefore the consultation was limited in that regard as well. Finally, it was identified that all three services had a very high vested interest in ROE, therefore consultation was apportioned to all of the services.<sup>6</sup> The target audience for the consultation was therefore determined to be from across the officer rank structure of the Canadian forces at a level that were familiar with the overall national architecture. Respondents were then selected based upon their knowledge of, experience with and current job pertaining to ROE.

Once the experts were identified for consultation the next step was the ‘identification of the analysis criteria.’ The model of policy analysis employed here included a list of criteria that were universal and should be used in the analysis of most social policies.<sup>7</sup> However, since military doctrine is not a social policy based upon government decisions for the well being of society, most of these “universal” criteria were not applicable (e.g. horizontal and vertical equity). Feasibility and implementation were retained from this universal list. The principles of war were then selected and filtered to provide the rest of the criteria. The final criteria chosen for this study were the

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<sup>6</sup> Although generally true, there was a different focus from the air force. Use of Force in the air force was tied to two specific issues. These issues were targeting and the ability to penetrate airspace. The targeting process is tied more to the Law of Armed Conflict than to national ROE issued to aircrew. Force protection was not commonly understood by air force officers and impacted on their ability to complete the consultation.

<sup>7</sup> Haskins, “Care and Education...”, 68.

ability of the option to meet the aim, to be properly administrated, to be easily implemented and to provide flexibility to a commander.<sup>8</sup>

The next step of the policy analysis model is the ‘generating of alternative strategies.’ In this step, the Delphi method of consultations was employed. The Delphi method calls for a double round of consultations to be issued. The first round focuses the target group onto specific topics in order to receive better feedback on the subject area. This also allows for a tighter target group to be employed. For this study, the development of options came from two sources. First, discussions held with NDHQ and 1 CAD staffs, as well as the author’s personal knowledge, allowed for generation of alternative strategies, and negated the necessity for an initial consultation in order to produce options. This replaced the passing of an initial consultation but allowed for maintenance of the small target audience.

The second source for options was the review of ROE doctrine from other nations, and that of international military organisations.<sup>9</sup> The ROE doctrine of the UK, US, Australia, and NATO were reviewed. This generated four options for the consultations. According to the policy analysis model the status quo should always be an option for consideration. The status quo is not dysfunctional and provides good comparison so it was kept as a viable option. The US and Australian models, with the

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<sup>8</sup> Haskins, “Care and Education...”, 68.

<sup>9</sup> The consultation sheet that was issued to respondents is attached at Annex A. The four options were explained and respondents were asked to rate them against a scale. The purpose of the scale was an attempt to focus the thoughts of respondents and structure the comparison between options. Of note, the purpose of the consultation was not to collect empirical data on how many individuals thought this option was best. However some very interesting demographics did emerge in terms of responses from different services and rank groups. The control group is not broad enough, and the methodology of the survey not detailed enough to draw detailed conclusions from this.

mix of permissions and restrictions for each operation, was the second option. Some initial feedback from the J3 International staff in NDHQ indicated that based upon experiences with the elected officials of the government, they did not believe that the Canadian Forces would ever transition to rely on the Law of Armed Conflict as the primary means of controlling the extent of the use of military force. Therefore an option was built that was permissive always. The last option was one that was built based upon the author's experience. It kept the general construct of the status quo but attempted to articulate when a transition to a restrictive ROE architecture would occur. This option was called the status quo modified.

The last two steps are the synthesis of information to select the policy alternative and the examination of the feasibility of the option chosen, which will be presented in chapter 5. The analysis of the consultations sparked a second review of literature surrounding the nature of mod12 2 0f ar5. hwasintended tocalowe cmspaign oo nt usn oof(rc nstructurasi

and thereupon returned the consultation sheets. Since all army and navy personnel consulted felt that they had enough knowledge to comment, it can be concluded that there is a higher corporate knowledge of ROE from the army and the navy than in the air force. Based upon the community affiliation of those who could not comment, it seems that the level of knowledge of ROE outside of the Maritime Helicopter, Tactical Helicopter and Maritime Patrol communities in the air force is low. The second issue that was a limitation on the ability to conduct research was the classification of many foreign ROE/use of force related documents. Some countries and alliances classify the documents surrounding the use of force even though they do not divulge the particular ROE for any operation. This applied specifically to NATO, Australia and NORAD.

Upon completion of the consultations there were some very obvious preliminary findings that reflected the research methodology but were not necessarily pertinent to the thesis. The research identified a difference in focus between the army and the other two services (navy and air force). The focus of both the air force and the navy concerning ROE was on the application of ROE to a weapons platform, not to individuals. To this end the requirement for devolved training down to individual level, and the role of the individual, not including watch officers or aircraft captains, was diminished. Navy respondents varied from this when discussing the ROE concerning boarding parties.

Many respondents to the consultation brought up the role of the government. The high inclusion of reference to government sparked a review of the analysis of the stakeholders to determine if the target audience for consultation was correct. However, the nature of the involvement of the government in the decision was that of granting authority to transition, and that based upon senior military officials who must interface



with government, the government has been proven to be happy with the current system. It would therefore have to be the military that brought the requirement to transition to the government, based on a departmental decision that this was required. Therefore the target audience was validated.

## CHAPTER 2

### CURRENT CANADIAN FORCES ROE DOCTRINE

“In peacetime CF ROE are expressed as authorizations or permissions...”<sup>10</sup> “To address potential threats during ... [transition] periods, and to enhance the survivability of Canadian forces during a crisis, the peacetime ROE model provides for the authorization of offensive measures.”<sup>11</sup> “The structure for armed conflict ROE is the opposite of peacetime ROE. Unlike peacetime ROE, which are expressed as authorizations, armed conflict ROE are expressed as prohibitions or restrictions.”<sup>12</sup>

During basic officer training young men and women are taught that being an officer means that you are a manager of violence.<sup>13</sup> The management of violence, and of all of the tools and processes that execute and maximize the effectiveness of that violence, is exactly the role of officers. The management of any capability requires a system, and the system must be responsive to the leaders and men who have to implement it. The capability in this case is the ability to use and control force. The system that the Canadian Forces has developed to manage the use of force is based upon the doctrine manual *Use of Force in CF Operations*. It describes the architecture for the use of force in all Canadian Forces (CF) operations, contingency and routine, throughout the spectrum of conflict. “Rules of Engagement (ROE) are the command and control instrument by which the CDS controls the application of force in CF operations.”<sup>14</sup> According to this manual ROE are defined as “... orders issued by military authority that define the circumstances, conditions, degree, manner, and limitations within which force,

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<sup>10</sup> DND, *The Use of Force in CF Operations ...*, 2-5.

<sup>11</sup> Ibid, 2-5.

<sup>12</sup> Ibid, 2-6.

<sup>13</sup> Based upon the author’s personal experience and common knowledge in the Canadian Forces.

<sup>14</sup> Ibid, 1-1.

or actions which might be construed as provocative, may be applied to achieve military objectives in accordance with national policy and the law.”<sup>15</sup> Rules of engagement provide the mechanism to administrate and control the use of force, and limit escalation.

### **History of the Canadian ROE Structure**

The history of a formal framework on rules of engagement does not go back very far. It was the Somalia Commission that sparked the creation of the manual *The Use of Force in Canadian Forces Operations* in 1996.<sup>16</sup> This is not to say that ROE were not issued before this. However the processes and procedures for their use, as well as the transition to warfighting was not well understood nor articulated. The Somalia commission made seven specific recommendations, all pertaining to the framework, training and administration of ROE.<sup>17</sup> Although the commission stated that a framework was required, it did not make any recommendations as to what that framework should be.

“The military response to conflict must be consistent with national policy objectives.”<sup>18</sup> The Somalia commission made it self-evident that ensuring proper control over the use of force was in the national interest. The military strategic level is where that control is translated into use of force direction, since it is the military that needs to be able to articulate the amount of force used in specific operations. This means that there is some link between national interests and ROE. But where is that link established? If

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<sup>15</sup> Ibid, 2-3.

<sup>16</sup> Department of National Defence, B-GG-005-004/AF-005 *The Use of Force in CF Operations* Vol 1, (Ottawa: DND Canada, 1996), and Department of Public Works and Government Services Canada, *Dishonoured Legacy; The Lessons of the Somalia Affair. Report on the Commission of Inquiry into the deployment of Canadian Forces to Somalia*. Vol 2 (Ottawa: PWGSC Canada, 1997), 653-666.

<sup>17</sup> Department of National Defence, *A Commitment to Change: Report on the Recommendations of the Somalia Commission of Inquiry* (Ottawa: DND Canada, 1997), 49-52.

<sup>18</sup> Department of National Defence, B-GG-005-004/AF-000 *Canadian Forces Operations* (Ottawa: DND Canada, 2000),1-4.

National Interests are articulated best in Canadian Foreign Policy, then the role of the Canadian military in the protection and furthering of these national interests is articulated in Canadian Defence Policy. Canadian Defence Policy is further articulated in many forms including budgetary documents and business plans, procurement priorities, force structure and actual orders for the deployment of Canadian military forces. However the more enduring method used by the military to articulate the defence policy of the nation is doctrine.

The highest doctrine manual in the Canadian Forces is *Canadian Forces Operations*. According to this manual the strategic military response to a situation is divided into two portions. Along the spectrum of conflict these portions are Operations Other Than War (OOTW) and warfighting (Figure 2). OOTW are conducted in what is known as peacetime as well as conflict short of war. The authorization for the use of force in peacetime comes from the Government of Canada through the Chief of Defence Staff (CDS).<sup>19</sup>

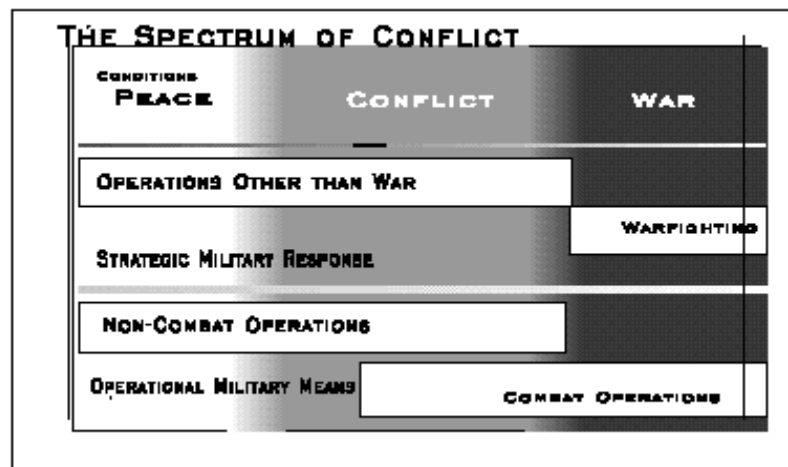


Figure 1-1 Military Operations and Armed Conflict

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Figure 2 – The Spectrum of Conflict

<sup>19</sup> Ibid, 5-8.

<sup>20</sup> Ibid, 5-8.

## Peacetime Permissions

There are two elements of peacetime ROE that are pertinent to this research. The first element is the group of principles for the use of force that are applicable during peacetime. The principles of minimum force, identification of hostile intent, and hostile act, amongst others, are peacetime imperatives and do not apply during armed conflict.<sup>21</sup> Instead, during armed conflict these principles are removed and the Law of Armed Conflict (LOAC), which never ceased being applied, is all that is left. In practical terms, this means that in peacetime, a soldier must be the subject of a hostile act (an attack), or a hostile intent before using deadly force against an enemy in self-defence.<sup>22</sup> However in armed conflict, deadly force may be used against an enemy that has not demonstrated a hostile intent nor conducted a hostile act. A hostile intent must meet two “decision indicators” which are the enemy “capability and preparedness to use force” and “evidence and intelligence information indicating the intention to attack.”<sup>23</sup> In armed conflict, under the LOAC, the elements of distinction, proportionality and non-discrimination apply. However these are specifically designed to protect non-combatants, and limit the unnecessary suffering of combatants.<sup>24</sup> They do not limit the ability to engage combat forces of the opposing entity as long as they can be clearly identified as legitimate targets.<sup>25</sup> The use of force is therefore less restrained during armed conflict.

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<sup>21</sup> DND, *Use of Force in CF Operations...*, 1-7.

<sup>22</sup> Ibid, 1-7.

<sup>23</sup> Ibid, 1-5.

<sup>24</sup> Department of National Defence, B-GG-005-027/AF-021 *The Law of Armed Conflict at the Operational and Tactical Level* (Ottawa: DND Canada, 2001), 1-1.

<sup>25</sup> Ibid, 2-1.

The second pertinent element of peacetime ROE is that ROE authorizations that are issued during peacetime are permissions. Only force used in self-defence, or as authorized by ROE are allowed. Therefore, each specific rule authorized is a permission to use a specified level of force in a particular situation. The more permissions you have, the more you can do. Looking at figure 2 it can be seen that, during OOTW, as armed conflict is approached, the amount of combat operations being conducted begins to increase drastically. As the intensity of operations escalates towards armed conflict it follows logically that the amount of permissions for the use of force will increase proportionately. During the transition to warfighting it is envisioned in the current doctrine that permissions will be used and offensive type permissions have been formulated for that very purpose. The list of permissions at the point of entering into armed conflict could therefore be very extensive.

### **Armed Conflict Restrictions**

Armed conflict is the legally known term for formal war. The point at which OOTW cease and armed conflict begins is also the point at which a transition from the permissive peacetime architecture (one based upon permissions), to a restrictive ROE architecture, is to occur. Restrictive ROE mean that the ROE for an operation will no longer be a list of permissions. "...the structure for armed conflict ROE is the opposite of peacetime ROE. Unlike peacetime ROE, which are expressed as authorizations, armed conflict ROE are expressed as prohibitions or restrictions."<sup>26</sup> This means that instead of authorizing a commander to use force, as in the peacetime model, each rule will limit his

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<sup>26</sup> DND, *Use of Force in CF Operations ...*, 2-6.

use of force. It has been traditionally thought that restrictive ROE would take the form of limitations pertaining to geography, territorial waters, airspace or non-involved military forces.<sup>27</sup>

The rationale for placing the transition at the point of armed conflict is outlined in *CF Operations*. Once into armed conflict, military forces are predominantly conducting combat operations. (See figure 2) “Combat operations are military operations where the use or threatened use of force is essential to accomplish a mission. Non-combat operations are defined as military operations where weapons may be present; their use if primarily for self-defence purposes and is controlled by established ROE.”<sup>28</sup> This is mirrored by the approach in the Use of Force manual. “When hostilities break out, a commander must be able to seek out, engage and destroy the enemy in accordance with the principles of war, the LOAC and the assigned mission.”<sup>29</sup> Therefore, the requirement to use decisive amounts of force in order to secure the hasty defeat of an enemy, and not be constrained by the concepts of minimum force, hostile intent and hostile act (to name a few) dictated that a transition to a reliance on the law of armed conflict be conducted.

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<sup>27</sup> Ibid, 2-6.

<sup>28</sup> DND, *Canadian Forces Operations*, 1-3.

<sup>29</sup> DND, *Use of Force in CF Operations*, 2-5.

## CHAPTER 3

### **OTHER NATIONAL ROE DOCTRINE**

“Is it always in the national interests to harmonize Canadian plans, force structures, doctrine, rules of engagement, and others policies to fit the needs of allies?”<sup>30</sup>

The literature review of ROE doctrine was completed in order to facilitate comparison against Canadian ROE doctrine, as well as develop alternative strategies for the policy analysis model. The review focused on the major allies of Canada, as well as the NATO alliance, which assisted in the creation of the options that were evaluated in the consultation sent to key staff officers and commanders.

In each military organisation reviewed there was generally a single document that served as the overarching doctrine on ROE. However, there were many documents in each organisation that referred to the importance of developing ROE, including it in the planning process, and the approach that commanders and their staff should take towards ROE. The review concluded that the ROE doctrine in Canada was very detailed compared to those of other nations, or of NATO. The review also discovered that the doctrine on ROE from other countries, or from NATO, is much less detailed and specifically vague on the issue of ROE architectures or transition to warfighting.

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<sup>30</sup> Dr. Douglas L. Bland, “The Profession of Arms in Canada: Past, Present and Future Canada’s Officer Corps: New Times, New Ideas,” *CDA Institute XVth Annual Seminar* (Kingston: 1999); available at <http://www.cda-cdai.ca/seminars/1999/99bland.htm> ; accessed 14 December 2003, 41.



## **The United States and Australia**

The US armed forces process for rules of engagement states that ROE shall be a mix of permissive and restrictive elements.<sup>31</sup> US doctrine states that they will issue ROE for all operations throughout the spectrum of conflict. In this way the US armed forces will always issue ROE, including for all out warfighting. Since ROE issued for all operations will contain some permissions and some restrictions, this allows for a common training regimen for all military operations. An analysis of the Australian ROE architecture has found it to be very similar to the American one but cannot be commented in detail on due to the security classification of the key document. The US model, due to its applicability across the entire spectrum of conflict, became a viable option for consideration in the consultation.

## **The United Kingdom**

UK ROE procedures state that ROE, "...set out the circumstances and limitations under which armed force may be applied."<sup>32</sup> They also state that ROE for an operation is a, "...set of parameters to inform commanders of the limits of constraint imposed or of freedom permitted when carrying out their assigned tasks."<sup>33</sup> However there is no clear delineation of an architecture that dictates a transition from permissions to restrictions. Instead the architecture appears more to be one where each specific rule has a range of

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<sup>31</sup> United States of America, Department of Defence, *Combined Joint Chiefs of Staff Standing Directive 3121.01A – Standing Rules of Engagement for US Forces*. (Washington: US DOD, 1999), 2.

<sup>32</sup> United Kingdom. Defence Council, *JSP 398; United Kingdom Compendium of National Rules of Engagement* (London: UK DND, 2000), 1.

<sup>33</sup> *Ibid*, 1.

freedom that could be applied to it. That range could vary from not being permitted at all, to being able to apply larger amounts of force with large amounts of liberty.<sup>34</sup> The UK did issue ROE for Operation Teleq, although it was after the commencement of warfighting operations.<sup>35</sup> The UK system of ROE is meant to be flexible and not so completely articulated in order to give the maximum flexibility to commanders and planners as to what approach is correct for any specific operation.<sup>36</sup> The UK system is therefore very similar to the US system.

## **NATO**

Both the UK and the US are currently involved with Canada in Operations in the Balkans and in Afghanistan under the umbrella of NATO. The NATO ROE architecture is identical to that of Canada regarding transition.<sup>37</sup> This means that NATO will issue permission until open aggression has been declared, whereupon they will transition to a system where ROE will restrict use of force. Specific reference to NATO ROE doctrine is also limited due to the security classification of the key document.

## **Interoperability**

It is important to be interoperable with our allies. In fact in a recent analysis of air force operations in the last fifteen years, since the end of the cold war, it was an issue of

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<sup>34</sup> Ibid, 3.

<sup>35</sup> Op Teleq was the operation name used by the UK for the contribution of forces to the American invasion of Iraq in 2003, Operation Iraqi Freedom, or OIF.

<sup>36</sup> UK contingency planners in PJHQ, discussion with the author, 10 March 2004, printed with permission.

<sup>37</sup> NATO, Military Headquarters, MC-362; *NATO Rules of Engagement* (Brussels: NATO, 1999). 1-1.

extreme importance.<sup>38</sup> However Canada has been working well with its allies using different ROE architectures in organisations like NATO, and in coalitions, since the end of the cold war. The current doctrines are similar enough that they allow for good interoperability. However, on specific operations interoperability can become contentious. It is very important to have similar ROE, or at least mutually supporting ROE, at the tactical level, especially for land force operations. Therefore in a specific operation it would not be wise to have one group operating under a set of ROE that are permissive in nature while another is operating solely under the LOAC. The ROE and force structure of friendly forces is a criterion that must be taken into consideration in any decision concerning the type of ROE, permissive or restrictive, that Canada will use during an operation.

The research on ROE doctrine from other countries has revealed a glaring similarity amongst many of Canada's allies. The similarity lies in the issuing of ROE of both permissive and restrictive types throughout the spectrum of conflict. The review of different ROE doctrines has therefore lead to the inclusion of the US model in the alternative options for consultation at Annex B.

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<sup>38</sup> Canadian Forces College Air Symposium, "Canadian Air Operations in the Post-Cold War Period." *Air Campaigns in the New World Order*, Presentation by Syndicate 9 (Toronto, 2004); available at [http://wps.cfc.forces.gc.ca/airsymposium/en/index\\_en.html#](http://wps.cfc.forces.gc.ca/airsymposium/en/index_en.html#) ; accessed 26 April 2004.

## CHAPTER 4

### CANADIAN NATIONAL INTERESTS AND ROE

The documents surrounding ROE are both political and military in nature. They are the central means of asserting the imperative of complying with international and domestic law, but also of ensuring that national policy is communicated to, and will be followed by, the forces on that mission. Complying with these imperatives has traditionally been vital in OOTW.<sup>39</sup> The current use of force architecture has been proven to work in OOTW.<sup>40</sup> The requirement may exist to use another architecture for warfighting, but the Canadian experience concerning use of force in the last 15 years has been in OOTW. Therefore the link between national interests and ROE during OOTW is well established and functioning.

It is therefore the link between warfighting operations and national interests that needs to be examined. It is specifically the transition to warfighting that is critical to national interests and is the focus of this research. The national interests that will force a transition will be those missions that will require warfighting, where the majority of operations will be combat operations. Which national interest issues will require a majority of combat operations? These are the ones that will establish the link between national interests and ROE on the upper end of the spectrum of conflict.

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<sup>39</sup> Berel Rodal, "The Somalia Experience in Strategic Perspective" *The Defence Associations National Network*, Vol 4, No.3 (July 1997): available at [http://www.sfu.ca/~dann/Backissues/nm4-3\\_10.htm](http://www.sfu.ca/~dann/Backissues/nm4-3_10.htm); accessed 9 February 2004, 53.

<sup>40</sup> This was mentioned in numerous consultations. It is also the author's personal experience in preparing Canadian air force contingents for overseas deployment for ten years.

## **Models for Analysis**

Edward Arnold Jr., instructor at the US National Defence University, conducted an analysis of the doctrines on the use of military force. He examined the doctrines developed by the White House and the State Department from Secretaries Weinburger and Powell to Bush and Aspen, and developed considerations to be met before the use of power becomes a policy choice.<sup>41</sup> He referred to the use of military power to be just another one of the tools in the toolbox of national power.<sup>42</sup> Once national power was to be used, then military force could be used as readily as any of the others. He did however make a distinction between actions being conducted in the national interests and military power being applied for the survival of the state. To ensure the survival of the state, “...the nation must fully apply all aspects of national power...”<sup>43</sup> Dr. Nuechterlein, a distinguished political scientist, also stated that force should “...contain no unrealistic limitations.”<sup>44</sup> This is particularly true of operations being conducted for the survival of the state. This distinction between national survival and all other national interests is key.

Attempting to construct a simple model of national interests Dr. Nuechterlein divided national interests into, “...four basic interests [categories] that could apply to any state: defense of homeland, economic well being, favourable world order, and promotion of values.”<sup>45</sup> He further categorised issues affecting national interests on a scale of importance. The four levels of importance are survival issues, vital issues, major issues

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<sup>41</sup> Edward Arnold Jr. “Use of Military Power in Pursuit of National Interests,” *Parameters* (Spring, 1944): 9.

<sup>42</sup> *Ibid*, 9.

<sup>43</sup> *Ibid*, 9.

<sup>44</sup> *Ibid*, 9.

<sup>45</sup> Dr. Donald Nuechterlein, “The Concept of ‘National Interest’: A Time for New Approaches,” *Orbis*, No 23 (Spring 1979): 76.

and peripheral issues.<sup>46</sup> Survival issues are those that jeopardise the very existence of the state. Vital issues will cause serious harm unless strong measures, including the use of conventional military force, are employed to stop or deter action by another state or entity. Major issues affect the political, economic and ideological well being of a state. Peripheral issues are those where the well being of the state is not affected but the interests of private citizens or companies are endangered.<sup>47</sup>

	<b>Defence of Homeland</b>	<b>Economic Well Being</b>	<b>Favourable World Order</b>	<b>Promotion of Values</b>
<b>Survival Issues</b>	Deter China			
<b>Vital Issues</b>				
<b>Major Issues</b>	Small-craft Smuggling			
<b>Peripheral Issues</b>				

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In this manner, within the category of defence of homeland, a major issue would be one such as ensuring that all small pleasure craft operating on the great lakes are tracked to inhibit smuggling. However a survival issue would be the ability of the security forces to counter direct threats from Russia or China. Using this model, survival and vital issues in the category of defence of homeland are easy to see. It is difficult to imagine issues of economic well being that would threaten the very survival of the state,

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<sup>46</sup> Ibid, 76.

<sup>47</sup> Ibid, 80.

especially for Canada. Using this model of national interests, a comparison can be made of Canadian national interests as they pertain to the categories listed, in order to determine which of these national interests would require a military deployment with a majority of combat operations being conducted.

It is almost intuitive that only survival and vital issues would require this type of force. If only survival issues is used as the boundary, then this is to say that Canada would never use a more unconstrained level of force in order to prevent genocide, nor come to the aid of another nation. Therefore, although it is unlikely that any issues pertaining to a favourable world order or promotion of values will be survival ones, there are vital issues affecting national interests that could warrant this type of force. The next step is to categorize Canadian national interests and identify survival and vital issues pertaining to them.

### **Canadian National Interests**

Foreign policy and defence policy both have “pillars” upon which they are based, but they are also both aging documents. Therefore they need to be validated for the current world situation. Canada has a new National Security Policy that articulates National Security Interests. An amalgamation of foreign policy and defence policy pillars, compared against the National Security Interests is the starting point to identifying Canadian national interests. Thereafter these interests will be further analysed in order to categorize the associated issues according to Dr Nuechterlein’s model.

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<sup>48</sup> Ibid, 80. The table is a creation of the author amalgamating Dr. Nuechterlein’s ideas on both the categorizing of national interests and their related issues. The author thereupon inserted an example.

The pillars of Canada's foreign policy, as articulated in *Canada in the World*, are ensuring global security and the security of others, promoting the prosperity of Canadians and Global prosperity, and projecting Canada's values and culture abroad.<sup>49</sup>

This is echoed in the Canadian Forces strategic doctrine manual *CF Operations*, which states that the foreign policy objectives of the Canadian government are, "The promotion of prosperity (involving sustainable development) and employment, the protection of Canadian peace and security within a stable global framework, the projection of Canadian values and culture."<sup>50</sup> From a defence policy perspective it is imperative to note that even though *Canada in the World* places promotion of prosperity first in the order of priorities, this cannot be achieved without guaranteeing the security of Canadians at home, then abroad.

*Canada in the World* was produced in 1995 and many things have happened since then. The number of conflicts in the world since 1995 has been increasing and the nature of those conflicts has been changing. The Canadian Forces has been involved in operations of increasing intensity as well. Lastly the only armed conflict that Canada has been party to since the Korean conflict occurred well after the production of this document. However the relevance of *Canada in the World* is being validated currently as the Department of Foreign Affairs and International Trade (DFAIT) is in the process obtaining the feedback required to produce another foreign policy paper in the coming year. The strategic priorities and planning framework that is the result of this feedback states the top six priorities for foreign policy as:

1. "Canada-US affairs

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<sup>49</sup> Department of Foreign Affairs and International Trade, *Canada in the World* (Ottawa: DFAIT Canada, 1995): 2

<sup>50</sup> DND, *Canadian Forces Operations...*, 1-1.



2. International threat reduction/war against terrorism.
3. International Policy Framework and dialogue on foreign policy priorities.
4. Africa Action Plan.
5. Multilateral, G8 countries and other key bilateral relationships, ie. China, India, Brazil, and Mexico.
6. Promotion of human rights, good governance, and rule of law...<sup>51</sup>

Throughout these priorities the priority of guaranteeing Canadian security underpins this foreign policy, therefore these objectives and priorities show that there will not be a shift away from the pillars of foreign policy stated in *Canada in the World* in 1995.

National interests are also well entrenched in Canadian Defence Policy. The last defence White Paper was in 1994, and stated that the Canadian defence policy is positioned on three pillars. These pillars are the defence of Canada, the defence of North America, and the contribution to international security. The primacy of Canadian security is proven by the two imperatives existent in all Canadian Defence policy since the Second World War.<sup>52</sup> Since then, the defence of North America and the defence of Canada are impossible to extricate one from the other, and form the two imperatives of Canadian Defence.

Canadian Defence policy gets translated to the department in many ways. Since spending priorities and procurement policies can vary greatly from year to year, one of the more enduring forms is military doctrine. The CF Operations manual, the manual

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<sup>51</sup> Department of Foreign Affairs and International Trade, "Strategic Planning and Priorities Framework." (Ottawa: DFAIT Canada, 2003); available at [http://www.dfait-maeci.gc.ca/cip-pic/about/position\\_papers-en.asp](http://www.dfait-maeci.gc.ca/cip-pic/about/position_papers-en.asp) ; accessed on 9 March 2004.

<sup>52</sup> Douglas Bland, "Everything Military Officers Need to Know About defence Policy Making in Canada," in *Advance or Retreat? Canadian Defence in the 21<sup>st</sup> Century*, ed David Rudd, Jim Hanson and Jessica Blitt (Toronto: The Canadian Institute of Strategic Studies, 2000): 14.

upon which all other Canadian Forces doctrine is to be based, states that the 1994 White Paper gave the forces the operational tasks of defending Canada, defending North America, contributing to international security, and fostering emergency preparedness.<sup>53</sup> Leaving the last one aside as a bureaucratic imperative but not a real goal of defence policy, these reflect the historic reality of Canadian defence policy as being two imperatives and one choice. At this point it is imperative to point out that the national interests of the country are being articulate in doctrine manuals for the Canadian Forces, thereby enabling a clearer view of the role of the military in preserving and fostering those national interests.

According to the Canadian National Security Policy, the three National Security Interests are:

1. Protecting Canada and Canadians at home and abroad;
2. Ensuring Canada is not a base for threats to our allies; and
3. Contributing to international security.<sup>54</sup>

In looking at the pillars of Defence and Foreign policy and comparing them to the National Security Interests, it becomes clear that security of Canadians is the foundation upon which all other policies rely. As well it also highlights the importance that Canadians and the Canadian government place on contributing to international security as a means of ensuring that security at home.

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<sup>53</sup> DND, *Canadian Forces Operations...*, 1-1 to 1-2.

<sup>54</sup> Canada, Privy Council Office, *Securing and Open Society: Canada's National Security Policy* (Ottawa: PCO Canada, 2004): vii.

In amalgamating the three pillars of foreign policy with the three pillars of defence policy, and compared against the new National Security Interests, the national interests of Canada in priority are:

1. The security of Canada and North America
2. International Security and Stability
3. Economic prosperity for Canadians and the World
4. Protection/projection of Canadian values of good governance, human rights, and the rule of law.

### **Survival and Vital Issues; The Link to ROE**

It is self-evident that military force could be used in many of the issues relating to national interests. However which issues would require a more unconstrained use of military force, where the majority of operations are combat operations? “Many politicians, like most Canadians in 1998, assume that Canada has no national interests that can be achieved through the use of Canadian military power, at least outside Canada.”<sup>55</sup> Analysis will begin with identifying survival and vital issues affecting the national interest of the defence of Canada and the defence of North America. Using Dr Nuechterlein’s model this is the category of defence of the homeland. A survival issue is one where the nation state is in jeopardy, either as a result of overt military attack on its territory or from an imminent threat of attack.<sup>56</sup> Incursions into Canadian sovereign territory happen frequently at sea and in the air. However these are well dealt with using

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<sup>55</sup> Bland, “The Profession of Arms...,” 44. This may be incongruent with Canada’s new National Security Policy but is indicative of a perception of the Canadian Government.

<sup>56</sup> Nuechterlein, “The Concept of ‘National Interest’...,” 78.

the current ROE architecture and therefore peripheral or major issues. Therefore the definition of a survival issue for Canada must be qualified to represent a grave threat, requiring a transition to warfighting. Since this is in the category of defence of the homeland and not economic well being, the threat must be a physical one. Finally, since the country attempts to plan a transition and not merely react to an attack, the definition of the first survival issue is a grave and imminent physical threat to Canada.

There are mechanisms in place to assist with survival issues. These are the collective defence agreements of NORAD and NATO. Both of these agreements dictate the possibility of having to conduct warfighting in collective defence. Since the defence of Canada and the defence of North America are inextricably linked, it would obviously be a survival issue to Canada if the United States felt sufficiently threatened to begin to contemplate war on the continent. The only indicator of this in the NORAD alliance system is the NORAD Defence Conditions (DEFCON). The level at which the defence of North America begins to be threatened to the point of commencing warfighting operations, is at Defence Condition Three. Indeed only the Cuban Missile Crisis and September 11<sup>th</sup> have caused the increase of alert posture to this level.<sup>57</sup> Therefore the next survival issue is the raising of the NORAD alert level to DEFCON Three.

Canada's participation in NATO constitutes its second most important alliance, and is directly related to the survival and vital issues of homeland defence. Under Article V of the North Atlantic treaty, "...an armed attack against one or more [allies]... in Europe or North America shall be considered an attack against them all."<sup>58</sup> This plays

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<sup>57</sup> Author's personal experience in the Air Operations Centre of the Canadian NORAD Region HQ on September 11<sup>th</sup> 2001.

<sup>58</sup> NATO, The North Atlantic Treaty, Article V; available at <http://www.nato.int/docu/basicxt/treaty.htm>; accessed on 27 April 2004.

out two ways. It draws Canada in to those conflicts that touch her European allies, and ensures their response to threats and attacks against Canada. On the periphery this seems to be part of the choices and not part of the imperatives of defence policy. It is a choice that Canada makes to contribute to international security. Clearly this seems to fall out of the realm of survival issues and more into vital issues in keeping with the national interest model. However those entities that would threaten European allies to the point of them needing to invoke the collective defence agreement of article five, de facto pose a threat to Canada. In today's interconnected economic, democratic and social systems it is impossible to think of threats to other NATO allies that would not pose a certain threat to Canada as well. Canada's sovereignty is not merely secured by securing her own borders. The ability of the nation to project its values and contribute to international security contributes directly to sovereignty at home. As well, since invoking Article V requires the unanimous consent of all NATO member countries, Canada would have voted in favour of invoking this, sending a clear message that is preparing for war to defend its allies. *Canada in the World* highlights the importance of the NATO alliance and the collective security arrangement. Canada has promised to conduct warfighting to assist its allies and the amount of force required to do so will need to have the liberty to conduct warfighting with the allies. Therefore, whether a survival or vital issue, the invoking of NATO article V is once where the potential exists for a majority of military operations to be combat operations.

The next two categories of national interests are favourable world order and projection of values. There is no threat to Canada in the category of economic well being that would constitute a survival issue. Any survival issues that come under the category

of favourable world order are already included either in the NATO article V or NORAD reaching DEFCON Three. The projection of Canadian values internationally is a national interest but there are no survival issues associated with it. In considering the two categories of favourable world order and projection of national values together some homogeneous elements emerge. As a democracy Canada projects values that are related to that style of government. These values are freedom, respect for human rights and respect for the rule of law. These values fall into the vital interest category of keeping a favourable world order with the most number of democracies (in order to support the Canadian economic well being) as possible. It is, however, almost impossible to enumerate all of the issues that could possibly require the country to use the military in a majority of combat operations. Canada's involvement in a coalition that is attempting to protect democracy or oust an oppressive regime is a feasible example. The prevention of genocide is another good example, but there are others. Many of these examples could be dealt with using the same ROE as during OOTW. The thing that will set them apart is a declaration by the Canadian government that the country is entering into an armed conflict. The last issue requiring the use of military force more unconstrained than during OOTW is when the Canadian government declares that it is entering into an armed conflict.

The analysis of Canadian national interests within the framework of Mr Nuechterlein's model revealed that Canadian national interests get transmitted into defence policy. From defence policy, doctrine is produced and therefore the doctrine on use of force must be directly related to the country's national interest. Canada's national interests, as outlined in its foreign policy, further defined in the defence white paper, and

included Canadian Forces doctrine, were classified in accordance with the national interest model to identify those that would require a very lethal military response involving a majority of combat operations, commonly referred to as warfighting.

## CHAPTER 5

### **CONSULTATIONS – USE OF FORCE STRUCTURES AND MODERN**

#### **CONFLICT**

The initial research question was what is the link between national interests and ROE? At the strategic level of war it is the ROE architecture that provides the enduring link between ROE and national interests. In this light the Canadian model was examined to determine whether it best provides the link to national interests. The area of transition from OOTW to warfighting became a focus of analysis since the doctrine had not been followed during the first armed conflict that Canada had entered into since the Korean War. If ever there was a signal that the link between ROE and national interests was broken, this operation was it. The literature review first reinforced the idea that there was a natural barrier between warfighting and Operations Other Than War (OOTW), then it presented some alternative solutions to the Canadian model, and finally it enabled the identification of those times when it would be in the national interest to transition to a restrictions based ROE system. All of these things supported the current Canadian doctrine.

The purpose of the consultations was then to further define those military elements that affected transition. In this way the Initial Transition Analysis Methodology (figure 1) could be filled out with a group of military factors producing a decision making model for transition. The operational research method chosen, policy analysis, required the development of different options. The author used the options that came out of the review of other ROE doctrine from around the world in the consultations. Since Canada had the only doctrine that specifically defined a transition, the alternative options could



not focus merely on the transition, but rather the entire ROE architecture. In opening up the basis for discussion beyond the current Canadian ROE doctrine, the entire Canadian ROE doctrine came into question. This chapter will highlight the results of the consultations along two basic lines. First, the results of consultations that specifically criticized the current Canadian ROE architecture, and secondly, the identification of those military factors that would affect transition within the current ROE doctrine.

### **The Nature of Modern Conflict**

Simplicity is a principle of war. A recurring comment in the vast majority of consultations was the requirement to establish a single approach to ROE, either permissions based or constantly a mix. The respondents stated that this simplicity in training and applicability across the spectrum of conflict is a critical requirement at the tactical level. The returns from land force personnel stated that the system must be able to be taught to and used by a soldier on multiple missions, in different theatres, and thereby ingrained into his thinking. This would create common experience in the use of force and ROE. The requirement to develop this experience base, through the training and use of ROE, dictates that there be a single approach to the use of force. The reason for this is not hard to understand. In the army there is a weapon system in each individual's hands. This drives the need for standardisation. The last thing that the army wants is a soldier attempting to second-guess which architecture he is using during a critical situation. The need for simplicity and applicability across the spectrum of conflict is specifically driven by the theory, and evolution, of the "three-block war", a

phrase coined by former US Marine Corps Commandant, General Charles Krulak.<sup>59</sup> This phenomenon refers to the conduct humanitarian, peacekeeping/enforcement, and warfighting all within a battlespace that could be as low as unit level. During operation Iraqi Freedom, commanders experienced first hand the three-block war.<sup>60</sup> Within this type of battlespace troops will require a mechanism that allows them to transition from accomplishing aims through a mere presence, to having to apply small amounts of force to accomplish their mission and keep the peace, all the way up to applying the full spectrum of combat power in order to win a battle or firefight. This is not a foreign idea to the Canadian Forces as the manual *Canadian Forces Operations* states, “War is essentially a subset of conflict and not an isolated state; as with peace and conflict, the distinction between conflict other than war and war will be blurred, as a conflict may encompass a period of war fighting and then transition to prosecution through other means.”<sup>61</sup>

The vast majority of respondents chose the options in the consultation that required no transition and that used a constant ROE architecture throughout the spectrum of conflict. They only differed as to whether they preferred a permissive only structure, or the American model (See Annex B). Those who preferred the permissive always option did so for two stated reasons. First, many navy respondents did not see a significant difference in the conduct of operations under permissive or restrictive ROE. Their interpretation was that the move towards warfighting would merely constitute a more liberal definition of what constituted a hostile intent. For example, the mere

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<sup>59</sup> Lieutenant Colonel Bernd Horn, “Complexity Squared; Operating in the Future Battlespace,” in *Canadian Military Journal* vol 4 No 3 (Autumn, 2003): 11.

<sup>60</sup> Ibid, 11.

<sup>61</sup> DND, *Canadian Forces Operations...*, 1-3.

presence of an enemy warship in international waters could be defined as a hostile intent in warfighting, therefore there is no difference between this and operating under the LOAC. The second group that preferred the permissive only model did so because they did not believe that the government of Canada would ever allow the Canadian military to operate with the kind of freedom that restrictions based ROE would permit. Those who chose the US model of issuing a mix of permissions and restrictions in all ROE stated that it was the only model that satisfied the two imperatives of an ROE structure. The two imperatives were allowing the soldier the freedom of action to win at warfighting, while having a single approach that was going to be applicable throughout the spectrum of conflict.

It is at this point that the Canadian doctrine comes under severe scrutiny. In analysing the circumstances under which a transition would occur, the act of transition itself has been questioned. The current Canadian model is not simple and may be very foreign and awkward to implement during a transition to warfighting. The applicability of a single approach to ROE throughout the entire spectrum of conflict would fundamentally change the Canadian ROE architecture, modify the approach to warfighting, and force reconsideration of some of the peacetime principles that the *Use of Force in CF Operations* manual is based upon.

An examination of the entire Canadian ROE architecture is beyond the scope of this research but according to the returns from the consultations, does warrant further study. Of note however, is that respondents formulated this criticism while analysing the nature of modern conflict and its impact on ROE. This therefore highlights the

importance in considering the nature of the conflict if a transition using the current Canadian ROE doctrine is being considered.

### **Risk Mitigation; War vs. Peace Support Operations**

The battlespace characterized by the three-block war brings with it a unique challenge that will not be going away in the near future. That challenge is how to be able to control the use of force within a constabulary peacekeeping realm, while enabling the use of force required for combat operations in what was traditionally termed armed conflict. How has the current Canadian architecture performed as the intensity of operations has increased towards warfighting? The current Canadian ROE architecture allows for this and indeed has been effective at issuing robust ROE to deploying task forces in medium intensity operations, notably in Afghanistan. The Minister of National Defence spoke about the deployment to Afghanistan saying:

"I have become, and was earlier acutely aware, of the safety concerns, because this is clearly a very violent, dangerous, unpredictable place. I wanted to assure myself that the rules of engagement were sufficiently robust, and in the opinion of the chief of land staff, they are," McCallum said. He has also been assured that "everything the army wants and has requested for the purposes of maximizing the safety of the soldiers has indeed been granted."<sup>62</sup>

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<sup>62</sup> Sheldon Alberts, "Afghanistan's Risks Clear to Troops, PM: Canadians Armed With 'Robust' Rules of Engagement," *Calgary Herald*, 10 June 2003.

“...in fact the robustness of Canadian ROE is a common theme in post [task force] command presentations.”<sup>63</sup> Indeed most respondents, regardless of which option they chose, stated that the current system functioned well up to the point that warfighting commenced.

Although the majority of respondents chose an option that did not entail a transition, the most senior military officers, those closest to the level at which decisions regarding ROE are actually made, had a completely opposing point of view. The elements of risk, and the already established experience base of the current system were the reasons that officers at the General rank level chose the status quo, or the status quo modified, as the best option in consultation.

“Getting into a shooting war with permissive ROE may entail huge risks.”<sup>64</sup> The risks associated with applying peacetime constraints on forces that are going into warfighting situations are associated with the ability of soldiers to conduct force protection, while being put in a position without the ample liberty to accomplish the mission assigned to them. Therefore the risks are twofold: the risk to force protection; and the risk to mission accomplishment. Permissions based ROE would have to be very extensive to enable warfighting by individual formations and units. Warfighting permissions would have to be delegated almost to the individual, and it would be up to the on scene commander to gauge the situation. In this way the General officers have rejected the idea of a permissive only option as entailing too much risk.

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<sup>63</sup> Commodore Jacques J. Gauvin, Chief of Staff J3, Consultation response to Annexes A and B, 7 January 2004. All commanders of Task Forces prepare and give briefings to the DCDS and COS J3 staff upon completion of their tours of duty.

<sup>64</sup> Major General Steve J. Lucas, Assistant Deputy Chief of Defence Staff, Consultation response to Annexes A and B, 7 January 2004.

The US model would allow for a more metered approach across the spectrum, and would engender less risk when approaching high intensity warfighting. Again, although the majority of respondents felt that a single system across the spectrum would be the most simple, the most senior military officials did not agree, one stating, "...a system based on a simultaneous mix of permissive and restrictive ROE has not historically been supported by Canadian ROE authorities based on Commander feedback on the need to 'keep it simple' ..."<sup>65</sup>

The opposite side of the coin pertaining to risk must now be examined. What are the risks associated with the US model or a permissions only model. A system that employs restrictions and permissions throughout the spectrum of conflict may contain a risk of allowing too much liberty of action in OOTW. The fundamental questions would have to be answered concerning the applicability of principles such as minimum force and the identification of hostile intent. The abolishment of these principles in order to allow for more freedom of action in wartime would entail a risk to the vast majority of Canadian operations conducted since Korea. In asymmetrical warfare, retaining a permissive structure will allow for escalation to warfighting and quick fall back to less intense operations. It will allow for warfighting and constabulary functions simultaneously in the same theatre. Only a single respondent saw this as a specific risk.

Respondents generally agreed that no transition would be best, and that there should be only one approach to the use of force. For them, having a single architecture, and collective experience, for the manner in which force is applied is the preferred

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<sup>65</sup> Commodore Jacques J. Gauvin, Chief of Staff J3, Consultation response to Annexes A and B, 7 January 2004.

option. All of the focus of respondents was at the tactical level. “Train as you fight,”<sup>66</sup> was a common theme as was, “tactical execution is the true test [of architecture feasibility].”<sup>67</sup> Relating this back to the purpose of ROE, “If the environment changes from permissive to restrictive, or if it is a combination of the two then *risk* of misinterpretation exists and it is that situation that ROE are put in place to avoid.”<sup>68</sup>

Therefore the issue of risk management is key. There is a risk of changing a system that has been in place for quite some time. There is a risk associated with transitioning to a restrictive ROE architecture that has not been tried before, as all operations that Canada has conducted since the close of the cold war have been under a permissive architecture. There is also a risk, as stated above, of getting into high intensity warfighting using permissive ROE architectures, or of allowing too much liberty of action during OOTW. Any approach to ROE, as well as the approach to deciding on what use of force approach to use, must enable the management of these risks.

The Chief of Staff J3 is responsible for issuing the orders for, and thereafter tracking, all of the domestic and international contingency operations. He is responsible to the Deputy Chief of the Defence Staff for the development and staffing of all ROE used by Canadian Forces personnel. In his consultation, he stated that Canada would not plan to deploy a force with permissions based ROE into a situation where an escalation to warfighting would have to occur. If the country did believe that warfighting, especially high intensity operations, would be required, then the force would specifically train for

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<sup>66</sup> Consultation

<sup>67</sup> Consultation

<sup>68</sup> Consultation, emphasis is provided by the author.

this and be issued the ROE, assumingly restrictions based in nature, for that operation.<sup>69</sup> This is a manner of mitigating the risks associated with the current architecture.

During consultation, one respondent suggested another method of mitigating the risks associated with a transition. ROE planners had always envisioned that restrictions based ROE would contain limitations pertaining to geography, airspace, forces of specific countries, time and perhaps even certain weapons systems. However this respondent, a ROE planner himself, noted that one restriction could be the maintaining of some or all of the peacetime principles concerning the use of force.<sup>70</sup> In other words, even though an armed conflict is being entered into, one of the restrictive ROE is that all Canadian forces personnel will apply the principles of minimum force, hostile intent and hostile act as criteria for employing deadly force in self defence or mission accomplishment. This would facilitate a fluid dynamic from peacetime to warfighting but not totally eliminate the risk.

Therefore based upon the risks associated with getting into a warfighting scenario with permissive ROE, and the ability to mitigate risks associated with application across the spectrum of conflict, transition from a permissive to restrictive architecture is a viable option. What is obvious is that there is a large difference of opinion as to whether the risks involved in maintaining a single system throughout the spectrum are larger than the risks associated with getting into a shooting war while applying peacetime principles. Either way, the element of risk is a consideration when making decisions pertaining to

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<sup>69</sup> Commodore Jacques J. Gauvin, Chief of Staff J3, Consultation response to Annexes A and B, 7 January 2004.

<sup>70</sup> Consultation.



the type ROE for an operation and specifically concerning transition using the Canadian model.

### **Government and Public Scrutiny of ROE**

Risk management also has its application in the area of escalation. The decisions surrounding the use of force system have strategic implications. Military use of force carries with it such dire consequences for all involved that ROE are controlled at the highest level of the military and de facto by the government of Canada. However decisions such as what architecture should be used and how much ROE is issued for operations are part of the strategic control of ROE, and therefore strategic control of escalation. However a majority of respondents in the consultations felt that the Canadian ROE system was controlling ROE to a level of minutia indicative of the tactical level, including the wording of soldier's cards. It is this compression of the battlespace that lead many respondents to state either that Canada would never transition due to a lack of trust on behalf of the government, or that the true test of any ROE system is its applicability at the tactical level.

According to Canadian doctrine, subordinate commanders at operational and tactical levels may further limit use of force, but not be more liberal than that which is issued by the Chief of the Defence Staff (CDS). Therefore during the planning for missions, the CDS, DCDS and their staffs must constantly be thinking of the worst-case scenario concerning the amount of force required to accomplish the mission. This is due to the lag time in procuring ROE if needed and the requirement to arm the operational and tactical levels with sufficient ROE to deal with tactical and operational

situations/contingencies. Therefore, the doctrine states that as long as the strategic level issues the maximum ROE that could need to be used in order to accomplish the mission in a given theatre, the escalation at the tactical level will not have strategic escalatory implications.

This could be seen as a flawed concept. The advent of media into the battlespace, the importance of information operations, combined with the asymmetric threat means that any situation could have strategic implications in keeping with the concept of the strategic corporal.<sup>71</sup> The way to combat this is not to limit the use of force available to soldiers in order to attempt to strategically control tactical escalation. It is rather to provide strong leadership and direction on the implementation of use of force direction and on the rationales behind conducting operations. As well, once an incident occurs, strong leadership is again required to remain firm that the mission or mandate of the troops, and their ability to conduct the mission, is not changed because of a single incident. Some respondents stated that the government tolerance for problems concerning the use of force is negligible. They did not believe that the government would ever allow the kind of liberty of action that relying on the LOAC to limit escalation would bring. The majority of respondents did not specifically comment on this issue.

Some consultations revealed ways to improve the involvement of government, and therefore decrease the feeling of mistrust in the military towards the government. They stated that training on the use of restrictive ROE in warfighting scenarios, and especially on the transition to a restrictive ROE architecture, is something that will have

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<sup>71</sup> Horn, "Complexity Squared ...," 10.

to include members of government. Training government officials in scenario driven transitions would develop a familiarity with transition making it less of a leap of faith, and more of a step over a defined line for understandable reasons. Developing a decision making model would also assist in this measure, and a few respondents did acknowledge the requirement for more definition if transition was to be part of the architecture.

The imperative of civilian control over the military outlined earlier in this paper places a burden of tight control over the use of force by the CF. However, government officials do not currently understand the difference between peace support and warfighting operations in practical military terms, including the requirement to remove constraints on the use of force in order to conduct warfighting. Consultation has revealed that there is a perception of mistrust on behalf of some military officers between the government and the military pertaining to the use of force. This mistrust needs to be overcome when considering a transition to warfighting within the current Canadian doctrine. Training of government officials can resolve this. However, when considering a transition, the familiarity of the soldiers who have to deploy, and the government officials who have to authorize this transition must be considered.

### **Own Force Characteristics**

Consultations revealed that the status of the friendly forces having to conduct an operation involving a transition must be considered. The differences between land, sea and air respondents highlighted the need to consider all of the forces operating in a theatre, along with their specific elemental idiosyncrasies. As well the differences between allies in a coalition need to be considered.

Deploying a task force comprised solely of land forces operating throughout the spectrum of war on a single operation is a complicated issue in terms of risk, the nature of the conflict and the complexity of the battlespace. There are additional risks associated with friendly forces if one element, land forces for example, requires the freedom of action to enable warfighting, but the other two services (air and sea), do not. The risk involved in having a single mission with two different ROE systems in the same theatre are substantial and pertain to command, training and escalation control. A commander seeks a certain amount of homogeneity at least in the approach to ROE. Although coalition commanders may not be able to do this, it is critical that national commanders, therefore Canadian national commanders, have a single approach for a specific theatre. Although it is imaginable for a coalition commander to have multiple sets of troops under his command with different national approaches to ROE, it is unimaginable to have a single country have multiple approaches to ROE in a single operation or theatre. The lack of standardised training could directly impact on the jointness of operations between the services. Finally escalation control, one of the functions of ROE, would be even more difficult as different elements are going to approach escalation in a different way, sometimes with the same results.

In analysing friendly forces as a consideration of whether or not to conduct a transition, the status of the ROE of the other nations involved in an operation are also key. One consultation echoed the literature review on other national ROE doctrines by stating that a factor to be considered was the ROE of other allies operating in the theatre. Indeed if all other forces were operating based solely upon the LOAC, this would definitely affect a decision. A testament to the importance of considering the manner in

which allies consider each other's ROE is the large amount of effort put into producing common ROE doctrine by NATO in the form of MC 362.

## CHAPTER 6

### **DEDUCTIONS**

#### **To Transition, or Not to Transition**

The consultations questioned the applicability of the Canadian ROE doctrine concerning transition. They as well identified that friendly forces, the nature of the conflict, and risk were factors that needed to be considered if a transition is to be conducted. The fact that the overwhelming majority of respondents rejected a system with a transition, based upon their experiences in modern conflict, sparked the author to re-examine modern conflict to draw out any other issues that could affect transition, while attempting to draw some conclusions as to the way ahead for Canadian ROE doctrine. This review of the literature on modern warfare identified that the nature of the battlespace needed to be considered as a factor when considering transition, and that any Canadian ROE doctrine needed to be applicable in this modern battlespace. The nature of the battlespace, including enemy or belligerent forces, is characterized by an increased mix of combatant and non-combatant and an increased urbanization of the battlespace.<sup>72</sup>

These two factors, mixing of combatant and non-combatant and urbanization, seem to go hand in hand however each has its own unique characteristics. The open carrying of weapons by non-combatants will complicate the continuing mix of combatant and non-combatant on the battlespace. In many cultures it has become a matter of routine to openly carry weapons for personal protection. This combines with the fact that many combatant forces do not dress themselves in uniforms enabling easy identification of them as combatants. Therefore, in accordance with the law of armed conflict, when

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<sup>72</sup> Horn, "Complexity Squared ...," 9.

attempting to distinguish between a combatant and a non-combatant, or even unlawful combatant, the common element to all legitimate targets is that they openly carry weapons. In attempting to apply the principle of distinction in this environment, the LOAC states that if they take part in hostilities, dependant on other factors, they are either combatants, or unlawful combatants.<sup>73</sup> Either way they become legitimate targets. In an environment where ‘taking part in hostilities’ relates to a hostile act, how does one therefore distinguish between a legitimate target and the civilian population prior to the conduct of an attack? The peacetime principle of hostile intent in Canadian doctrine makes this delineation much more clear than merely relying on the LOAC. The LOAC gives huge latitude to the individual in deciding whether and individual has negative intentions, or should be considered hostile, which would be counter productive in limiting escalation in OOTW.

On the modern battlefield the ability to discern between combatant and non-combatant is becoming more difficult. The criteria used in the LOAC do not assist. Basically a civilian who takes part in hostilities, in the eyes of the LOAC, becomes a legitimate target. Many of the countries that Canada operates into have, as part of their culture, the tradition to have small arms, sometime automatic weapons carried by the inhabitants as a matter of routine. The local security situation may also dictate that individual civilians carry weapons to mitigate personal risks. The construct for determining threat based upon hostile intent and hostile acts better enables, control of

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<sup>73</sup> Definition of combatant and civilian: HIVR Art 1, HIVR Art 2, AP I Art 48 &51. Definition of unlawful combatant: HIVR Art 2, AP I Art 51(3), and AP II Art 13(3). Office of the Judge Advocate General, “1977 Additional Protocol to the Geneva Conventions, Article 57 Para 2 (b),” in *Collection of Documents on the Law of Armed Conflict*, 2001 ed., ed. Directorate of Law Training (Ottawa: DND Canada, 2001), 162.

force through procedural methods, the enabling of a more modern and applicable and acceptable concept of distinction, enabling transition through different types of operations throughout the spectrum of conflict.

The increased urbanization of warfare has contributed to the increase of non-combatants in the battlespace and mixed them amongst the combatants in close proximity. However the urban environment increases the amount of infrastructure that requires protecting from the effects of war, and exponentially increases the concentration of forces, both enemy and friendly, in the same geographic area. This decreases the distance of engagements with all types of weapons, increases the collateral damage of all weapons types, and increases the threat to friendly forces. These two factors, non-combatants and urban operations, increases the necessity for solid control over the use of force in the future battle environment. This demand for strict control over the use of force will directly influence the type of architecture that is chosen for an operation, and may amplify considerations on the battlespace and nature of conflict pertaining to the three-block war.<sup>74</sup>

Although a complete analysis of the Canadian ROE architecture, and the impact of completely changing the current system is beyond the scope of this research, the consultations and the literature review both lead to the conclusion that the NATO and Canadian architectures, with their transition to warfighting and a fundamental change in the approach to ROE, needs to be re-examined and the options deliberated upon.

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<sup>74</sup> Horn, "Complexity Squared...", 11.



## **The Transition Analysis Methodology**

Although the majority of respondents did not feel that the current system is applicable across the spectrum of conflict, the General officers closest to the decision-making authorities disagreed and chose the status quo, or status quo modified. This research set out to identify the link between ROE and national interests, specifically the link that would trigger a transition. This was the status quo modified. Working within the current Canadian doctrine, research has developed a decision making model to enable clear consideration of the pertinent factors surrounding a transition.

The literature review on national interests produced those survival and vital issues or situations that would warrant a transition from a ROE system based upon permissions, to one where ROE are issued as restrictions. These issues form the national interest filter of the Transition Analysis Methodology (See Fig. 3). The analysis of the consultations and of the literature surrounding ROE has lead to the development of four factors that form

forces that combine with non-combatants and cultures that carry automatic weapons as a matter of routine, are examples of how the next criteria of the Military Filter needs to be the 'nature of the battlespace'. The different requirements of conventional, asymmetric, guerrilla and terrorist actions, matched with the intensity of those operations, require that the next criteria be the 'Nature of the Conflict.' Lastly, the requirement to manage all of the 'risks' associated with transition forms the last criteria of the Military Filter.

The analysis of Canadian national interests has produced the criteria for the national interest filter. The analysis of military factors affecting ROE architecture has produced the military filter. Placing these two filters within a decision-making framework enables for a coherent analysis of whether or not to transition to a restrictions based architecture (Fig 3). A quick review of the items in each of the filters will assist in showing how the filters relate to one another, and as well show some of the limitations of the analysis model. Lastly, an example of how the entire analysis process would work will be presented.

In the national interest filter, the first criterion is whether or not Canada is in an armed conflict. What is meant by armed conflict? The government of Canada must be willing to state openly that it is in an armed conflict with a state or entity. In Afghanistan Canada declared itself to be in an armed conflict with Al Qaeda and the Taliban regime. When looking at the other criteria in this filter it is easy to see that most of the instances in which Canada would be party to an armed conflict coincide with other criteria. A threat causing NATO to invoke Article V or a NORAD response of DEFCON Three could very well be followed by a declaration that Canada is entering into an armed conflict. However there are some instances where Canada would want the liberty of

action to engage in an armed conflict that does not necessarily directly relate to the other criteria. Canada could have entered into an armed conflict in Afghanistan without NATO invoking Article V. It is a natural threshold over which the government of Canada can see the implications from not only a military side but as well from an international legal side as it gives justification through the UN charter and the body of the LOAC.

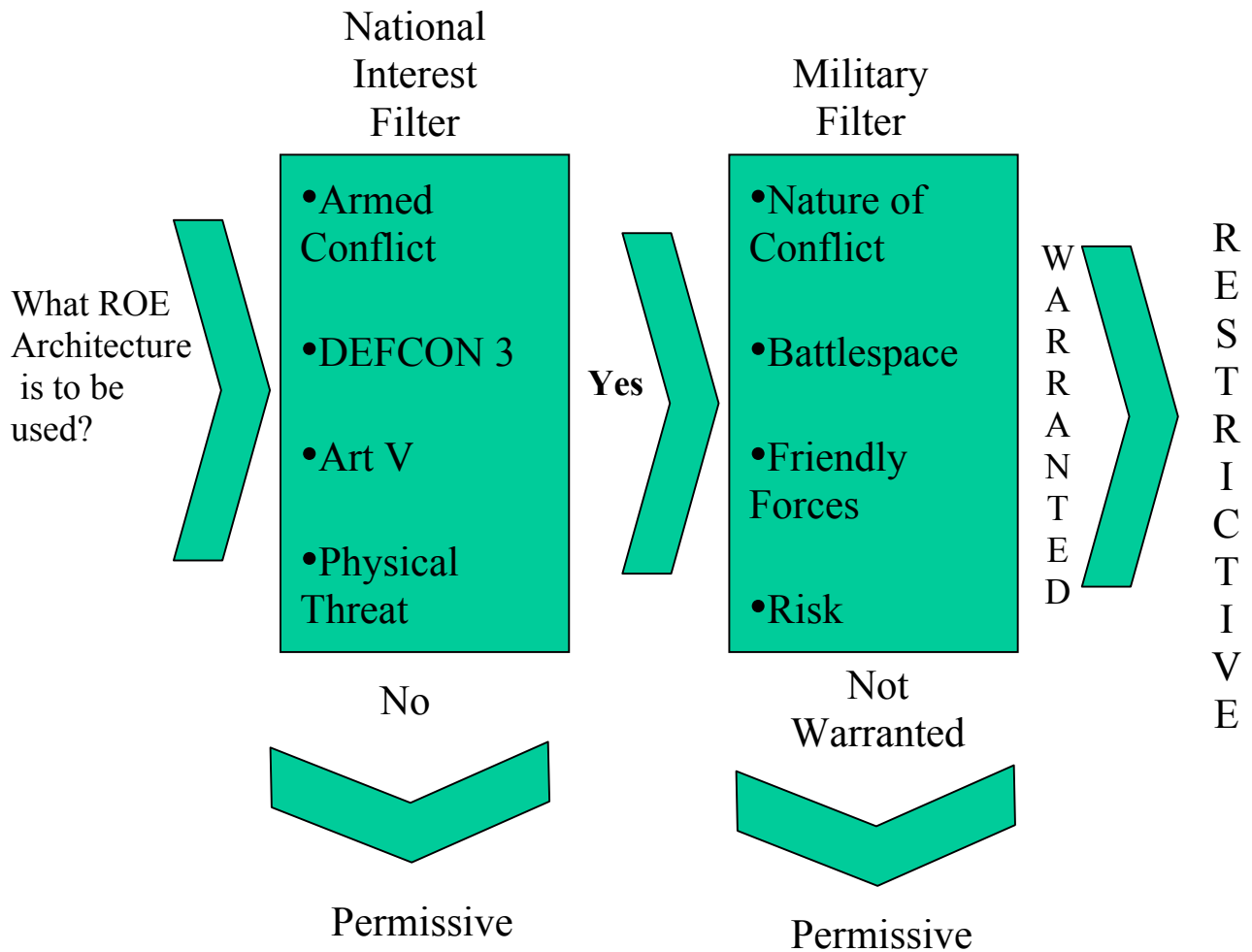


Figure 3: Recommended Transition Analysis Methodology

The next two criteria in this filter is the NORAD alert posture reaching DEFCON Three, and NATO invoking Article V. Both of these have been explained in detail but it is important to note that either of these could be preceded or followed by Canada

declaring an armed conflict against a state or entity. The last criteria that would justify a change in ROE methodology is a grave and imminent physical threat to Canada.

These criteria would be considered first. The logic is that unless the national interests of a country are at stake, then there will be no transition therefore it need not be considered. If one or more of these criteria are affirmed, then an analysis of the military factors is now undertaken. If none of the criteria are affirmed then a transition will not be contemplated and permission based ROE will be used. It should be noted at this point that although this model could apply to either a governmental body or a military one, it is meant for use by the strategic level of the Canadian Forces, and once a decision is made as to whether transition is required or not, then the government has the authority to approve.

The military criteria are not as easily answered with yes or no answers during consideration. There are certain factors that are easily answered. The nature of the conflict will refer to the type of warfare that is being waged and for what purpose. This will attempt to distinguish between peace enforcement and warfighting as well as conventional and asymmetric means used by the enemy. A deep analysis of the enemy also must lead to the identification of the types of tactics and weapons he will use, and the impact these tactics will have on the battlespace. The analysis of the entire battlespace will lead to an understanding of the local population, their culture, the urban or rural nature of the conflict and where it will most likely be played out. The status of the ROE of our allies within an operation as well as the political issues that they bring to a coalition will also be factored in. If forces are already in theatre or their pre-deployment training is complete, then transitioning them while deployed will incur some

risks. Lastly the permissions and restrictions based methodologies must be assessed for the risk associated with their implementation during this operation. The analysis attempts to measure the requirement for freedom of action in order to conduct warfighting, against those factors that would limit or complicate that freedom.

In order to understand how the filter would work, the example of the war in Afghanistan will be used. Three of the criteria in the National Interest Filter had been filled in the months preceding the operation. NORAD had reached DEFCON Three, NATO had invoked Article V and Canada had declared itself to be in an armed conflict. However a more detailed analysis would have questioned whether the reaching of DEFCON Three in NORAD was directly related to the commitment of troops to Afghanistan and the Persian Gulf. Secondly, although NATO voted to invoke Article V on September 12<sup>th</sup> 2001, the NATO collective defence arrangement did not form the basis of the military response in Afghanistan. In the end the government of Canada declared that it was entering into an armed conflict with Al Qaeda and the Taliban regime. Therefore the answer to the filter is yes and according to the Transition Analysis Methodology the discussion must now proceed to the next filter; The Military Filter.

The conflict in Afghanistan was going to be complex. It would remove a regime from power, but had also to deal with the presence of regional warlords, which wielded much power in the country. The Taliban regime and especially Al Qaeda would not fight as a conventional force as massing and organising to do so would expose them to the overwhelming might of coalition air power. Therefore it would be a guerrilla and terrorist type conflict. The battlespace would be a complex one as well. Obviously it would be non-contiguous. As well it would be mostly rural with some operations being

conducted in Kabul. The Taliban and Al Qaeda would not be easily discernable from the civilian population and the civilian population carried automatic weapons for personal security. The allies in the coalition were relying on ROE from their respective governments. Post conflict planning, and the coalitions objectives required that the focus of efforts be totally on the Taliban and Al Qaeda. The people of Afghanistan were to be the receivers of liberation. The risk associated with not transitioning was minimal. However there was the requirement for very robust ROE in order to allow for tactical level escalation to be undertaken in order to accomplish the mission. The risks associated with a restrictive ROE architecture were larger. The involvement of Canadian air, land and sea elements in the operation meant that the any decision to transition would have to affect the entire task force, or else the Task Force commander would have forces operating under his command with both permissive and restrictive methodologies being used. The nature of the battlespace in the air or at sea did not necessitate consideration of restrictions based ROE in order to accomplish the mission. The imperative to facilitate post-conflict return to peace support operations and to be able to discriminate between combatant and non-combatant based upon actions and intent dictated that the use of force be controlled via a permissions based architecture. Using this recommended methodology the result would have been that the forces operating in Afghanistan remained operating under a permissions based ROE architecture, even though criteria in the national interest filter were met.

## **CONCLUSION**

The Transition Analysis Methodology can be used in focusing thought processes as to where, when and why a transition would occur. However there is a caveat. A force that is trained and prepared for a peacetime operation and then transitioned to a restrictive architecture, or the other way around, incurs substantial risks. This could pose serious problems as the time and space of deploying follow on forces can be rather difficult, and in some cases unmanageable. The risk associated with having forces deployed and trained under a permissive architecture, then transition to conducting warfighting will pertain to force protection, as soldiers grapple with the liberty of action, and the risk to mission accomplishment as well. It is these facts that lead the majority of the respondents to the consultation to call for a single unifying architecture that would not have to vary.

The analysis of Canadian national interests within the Mr Nuechterlein's model of national interests displayed the emphasis placed on survival and vital interests of homeland defence within Canadian defence policy. In this manner, only a few measurable circumstances could produce the requirement for warfighting, and therefore a transition to a restrictions based ROE architecture. The analysis also showed that national interests filter their way into the fabric of Canadian Force operations via strategic level doctrine. The link between national interests and military operations is therefore strongest at the military strategic level.

In analysing the defence policy of Canada, with its two imperatives of defending Canada and defence of North America, survival interests have two indicators that they will be threatened to the point of requiring the warfighting abilities of the CF. These

indicators are a grave imminent physical threat to Canada and the elevating of the NORAD alert posture to DEFCON Three. The invoking of Article V of the North Atlantic treaty is a strong indicator of threat to Canada since the alliance forms such a large part of the fabric of Canadian security. This was therefore a survival issue threatening Canada's national interests. Analysis then showed that there was a large number of permutations and combinations of situations that could threaten Canadian vital interests, as opposed to survival ones, in the category of either homeland defence, international security or humanitarian crisis. Any of these could lead to the requirement for warfighting. The measure of this would be the declaration of an armed conflict. These four criteria together formed the National Interest Filter. Canada would not use a more liberal ROE architecture unless at least one of these criteria was filled.

The Military Filter was much more difficult to define. In reviewing the ROE doctrine of our allies and the alliances various options were raised. The need to consider our allies and their ROE in deliberation on transition became a factor. The responses from the consultations provided valuable insights into the other factors that were pertinent in the consideration for transition. The nature of the conflict and the possibility of conducting simultaneous warfighting, peacekeeping and constabulary/humanitarian operations within the same battlespace spawned the question as to whether transition was a good idea at all. However the amount of risk associated with warfighting under permissions based ROE lead to the conclusion that a transition was called for. These two points highlighted the need to consider risk and the nature of the conflict as factors. The influence of government and the media were shown to be elements of either risk assessment or of the battlespace, especially in dealing with escalation and public



sensitivity to use of force issues. Lastly the increasing mix of combatant and non-combatant combined with the increasingly urbanized conduct of operations displayed that the nature of the enemy and the entire battlespace are also key factors.

The dichotomy between the majority of respondents and General officers serves to highlight the need for a comprehensive review of the entire ROE system. Until a change in the current doctrine is accomplished, this research has attempted to assist by providing a decision making tool that emphasizes the key factors surrounding a transition in a methodology that structures thought. The CF has evolved an experience base on ROE. This experience base is founded on a permissions based architecture. That same base of knowledge does not exist for restrictions based ROE. Training in the actual transition, not merely in taking the gloves off and conducting warfighting, will assist the strategic military and governmental levels in conducting this transition.

As seen in the example used for explanatory purposes the Transition Analysis Methodology is not a complicated tool but is merely a means to focus consideration and discussion on the requirement and implications of the use of force in a warfighting scenario. The transition to a restrictions based architecture needs to be exercised and explained to political leaders as well as tactical level practitioners. Although this is a strategic level decision model, it has tactical implications. In the end the link between national interests and the use of force is a tight one due to these implications. This model is designed to make sure that the linkage remains tight thereby enabling mission accomplishment.

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## **Annex A: REQUEST FOR EXPERT OPINION**

4500-1(CSC 30)

10 December 2003

Distribution List

### **REQUEST FOR EXPERT OPINION; CSC 30 RESEARCH - RULES OF ENGAGEMENT**

Reference: B-GJ-005-501/FP-000, Use of Force in CF Operations, 2001-06-01.

1. As a member of Command and Staff Course 30 currently underway I am conducting research into Rules of Engagement, for the Masters in Defence Studies (MDS). The research requires some expert knowledge to complement the theoretical elements.
2. Your position, and the experience that you have had with the topic, mean you are well placed to offer an opinion on the current doctrine and possible changes to it. Annex A is provided in order to place the opinion in a specific format, but not to constrain it. Initial contact will be made through secretaries or aides, and as a last resort, directly. An electronic copy of Annex A will also be sent once this is done. Feedback can be given by either returning the completed annex by mail, return a completed electronic version, or by telephone.
3. This input will greatly increase the relevance of this research. Thank you for your time and support.

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Annexes: Annex A – Analysis of Current ROE Architecture

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**Annex B: ANALYSIS OF CURRENT ROE ARCHITECTURE**

Ref: B-GJ-005-501/FP-000, Use of Force in CF Operations, 2001-06-01

1. **Current Doctrine.**

4. **Analysis.** Please fill in the table below using the following parameters:

a. Place numbers from 1 to 5 in each box:

1 – Option does not cater to the analysis criteria at all.

2 - Option does not quite satisfy minimum suitability of analysis criteria.

3 - Option is marginally suitable in terms of analysis criteria.

4 - Option mostly fulfills suitability of analysis criteria.

5 - Option is completely suitable for analysis criteria.

b. Analysis Criteria.

i. Aim. Using this option maintains the twofold aim of use of force direction providing an effective tool to control of the use of force and clear direction to subordinates on its use.

ii. Administration. Once this option is in place it will be easy to administrate throughout the spectrum of conflict.

iii. Implementation. The training and cultural background that the CF has built with the current ROE will need to change to implement new options. As well it will necessitate a re-write of the use of force manual. Gauge the degree to which this will be easy.

- iv. Flexibility/ Manoeuvre. Once implemented does this change still allow the commanders at all levels the flexibility required to conduct operations effectively throughout the spectrum of conflict.

5. **Analysis Table**

	Aim	Admin	Implementation	Flexibility/ Manoeuvre
Status Quo				
US Model				
Permissive Always				
Status Quo Modified				

6. **Comments.** Please comment on your impression of the best option and why:

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