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RULES OF ENGAGEMENT AS AN OPERATIONAL TOOL

by

Major Douglas C. Palmer, United States Army

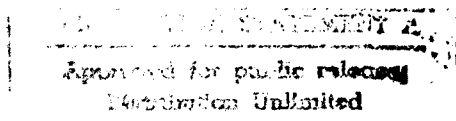
A paper submitted to the Faculty of the Naval War College in Partial satisfaction of the requirements of the Department of Operations.

The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.

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Abstract of
RULES OF ENGAGEMENT AS AN OPERATIONAL TOOL

The use of rules of engagement as an operational tool is looked at by a discussion of the development of rules of engagement, the sources from which rules of engagement derive and the role of ROE in the adaptive planning process. Rules of engagement as a bridge between policy and operations is examined, and the relationship between them explored. Operational commanders tend to view rules of engagement as a restriction on their freedom of action, and not as a means of controlling forces and allowing for freedom of action of subordinate commanders. The problems which develop as a result of a disconnection of policy and operational direction and the direct effect on ROE, using the Beirut case study is also looked at.

PREFACE

Little has been written on the use of ROE as an operational tool, hence many subjective observations have been made regarding the use of ROE. These are a combination of personal observation, and inference from reading gathered from a variety of sources. The use of historical examples is intended to illustrate the effect of ROE, and is not intended as a critical review of the actions or intentions of the commanders on the ground.

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RULES OF ENGAGEMENT AS AN OPERATIONAL TOOL

CHAPTER I

INTRODUCTION

"No major proposal required for war can be worked out in ignorance of political factors; and when people talk, as they often do, about harmful political influence in the management of war, they are not really saying what they mean. This quarrel should be with the policy itself, not with its influence. If the policy is right - that is, successful - any intentional effect it has on the conduct of the war can only be to the good."¹

For as long as armies have marched into battle commanders have issued orders and directives designed to focus the efforts of their legions towards accomplishment of the mission, maintenance of the force and relations with the civilian population. During the past several decades these rules have come to be promulgated as Rules of Engagement (ROE).

What has grown out of this over the past decade or so, is a coordinated set of joint rules of engagement. This list promulgated by the Joint Chiefs of Staff (JCS) are one of the best and most often ignored tools available to assist operational commanders in crisis management, and to account for policy and political sensitivities. Rules of engagement are in effect "...guidelines specifying under what conditions or circumstances force may be used to satisfy political and/or military demands."²

The united states system of subordinating the armed forces

¹ Carl Von Clausewitz, Michael Howard and Peter Paret Eds, On War (Princeton: Princeton University Press, 1984), p. 608.

² Ashely, J. Roach, "Rules of Engagement", Naval War College Review, January/February 1983, p. 46.

under civilian control is an inevitable source of tension between political and military leaders. Rules of Engagement provide a mechanism that assists the operational commander in easing this tension by clearly defining the boundaries of military action. For the operational commander ROE provide a very important tool for managing and controlling the escalation of a conflict, by the exercise of positive control over his assigned forces. ROE function as an authorizing device to allow for centralized control and decentralized execution, a hallmark of the American way of executing operations. In short, ROE provide commanders at various levels up and down the chain of command the authority to decide what use of force is required.

ROE are the product of a clearly defined, carefully crafted and simply stated mission. Without such a clear and understandable mission, the development of and effective application of ROE becomes an almost impossible task. Ideally, ROE do not enhance or detract from the mission or its accomplishment. Roach summed up this idea best in his article Rules of Engagement, where he states: "ROE should not delineate specific tactics, should not cover restrictions on specific system operations, should not cover safety-related restrictions, should not set forth service doctrine tactics or procedures."³

Rules of engagement still remain a valuable tool for the operational commander to use to bridge the gap between the political dimension and military operations, while maintaining

³ Roach, p.46.

centralized control and permitting decentralized execution. ROE also provide a means of effectively managing crisis, controlling escalation, and insuring policy compliance.

BACKGROUND. To clearly understand the value of Rules of Engagement to the operational commander it is necessary to understand the relationship and differences between ROE, policy and operational plans and orders. As a crisis develops or as the military proceeds across the spectrum of conflict (Figure 1) ROE will change as required. Policy on the other hand, will tend to remain fairly constant. By way of example, a policy objective of the United States may well be to insure that the U.S. is not viewed as the aggressor in a given situation. This implies a very conservative and, from the operational standpoint, restrictive set of Rules of Engagement. However, ROE are never intended to deny the operational commander the ability to accomplish his assigned mission, or to place his forces in undue danger. In a situation such as this, tension between the military necessity and the political and policy realities is high. This tension can be managed and to a large measure mitigated by the skillful use of Rules of Engagement.

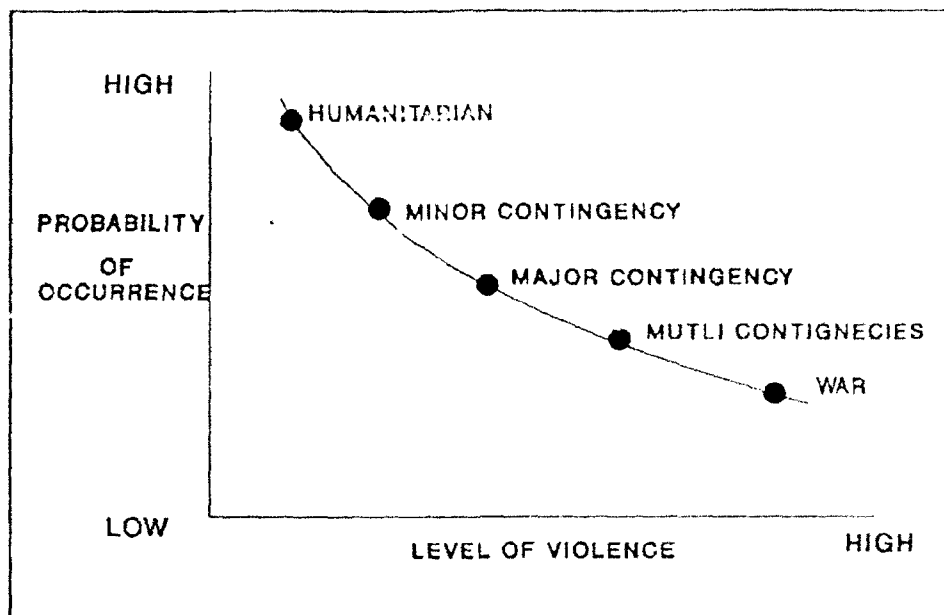


Figure 1 THE SPECTRUM OF CONFLICT

The Spectrum of Conflict. To further illustrate and amplify the case for using ROE as an effective tool for both the conduct and planning of operations this paper will look at the development of Rules of Engagement, the dissemination of the ROE, the relationship of ROE to policy, and how ROE can and should be used as a tool by the operational commander, to assist him in planning, conducting and managing operations across the entire spectrum of conflict.

CHAPTER II

UNDERSTANDING RULES OF ENGAGEMENT

On a very general level, Rules of Engagement derive from a variety of sources: . Established law (both international and national), future operations planning, past operational experience and national policy.⁴ The intersection of all of these diverse parts is in essence ROE. The diagram below, the idea of which is borrowed from Captain Roach's article, Rules of Engagement, has been modified from the original.

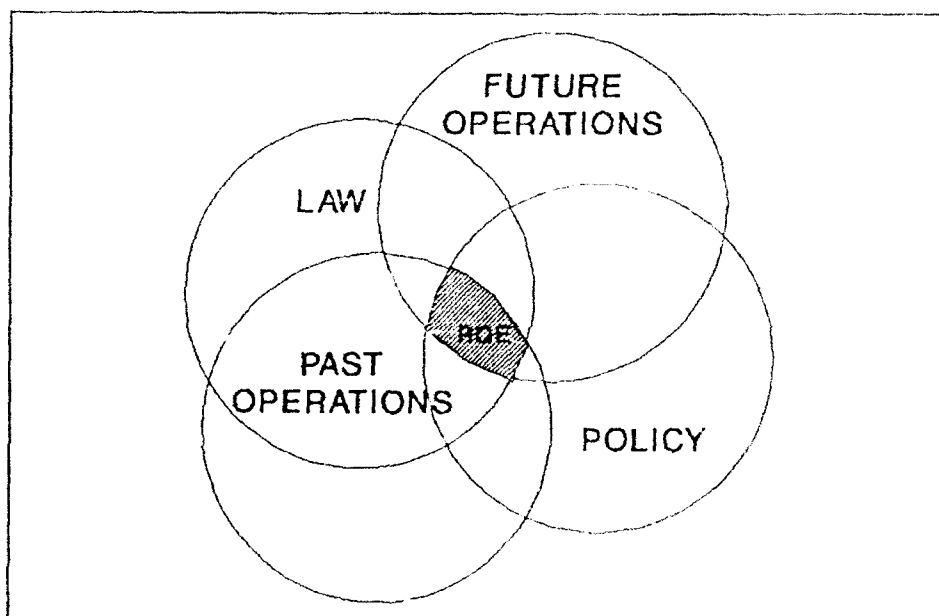


Figure 2 Sources of ROE

Sources of ROE. As is clearly illustrated by figure 2, Rules of Engagement are a combination of law, policy, experience and

⁴ Paraphrased from Roach page 48. Here Roach dealt also with diplomacy and ignored the dimension of past operational experience, one which has a profound influence on ROE development and use by operational commanders.

expectation. Roach includes diplomacy as a separate function contributing to ROE development. This is a redundancy, in that diplomacy and diplomatic efforts all tend to coalesce under the function of policy making and implementation. More important is the contribution of past operational experience. In his article Naval Rules of Engagement: Management Tools for Crisis, Hayes calls this "history" and places it outside of rules of engagement. This ignores the importance of past operational experience. The maxim that we tend to become what we have been, can not be overlooked. One needs only to take a cursory look at the development of ROE since the bombing of the marine barracks in Beirut in 1983 up thru the present to see the influence that past operational experience has had on ROE development and application. An example which illustrates the influence of experience on ROE, is the missile attack on the *USS Stark* and the subsequent downing of an Iranian Airbus by the *USS Vincennes*. Almost immediately after the missile attack on the *Stark*, revised rules of engagement were issued to the forces in the Persian Gulf. It is more than mere speculation to say that the issuance of revised rules of engagement, and the decision of the skipper of the *Vincennes* to engage the Iranian airliner were in large measure a result of the attack on the *Stark*. Clearly, past operational experience not only influenced the development of the ROE, but also the application.

Basis of ROE. An important aspect of Rules of Engagement, that has yet to be mentioned is that the basis for them is in the inherent right, and duty, of the commander for self defense. The

tension that develops between policy and operations over this basic issue can be effectively lessened by the skillful use of ROE. "ROE are one of the most effective tools for implementing strategic decisions made at higher levels, and provide a mechanism for controlling the shift from peace to war."⁵ Rules of engagement have some other more specific functions which fall into three broad categories: Military, Political, and Legal.

Military Purposes. Rules of engagement represent guidelines for the on scene commander. They are not intended to limit his freedom of action, within established operational and political boundaries, or inhibit his right and duty to defend himself and his unit, still difficulties exist. "Commanders commonly have differing interpretations of the criteria for conducting offensive or defensive operations. Although rules [ROE] will never be comprehensive enough to cover all situations, questions related to specific points...must be clarified by higher authority prior to any operation...to maintain a tactical advantage with the ROE."⁶ The main military purpose is to insure freedom of action, within established guidelines, while not unduly restricting tactical operations.

Political Purposes. Here Rules of Engagement are the link in the chain between the political dimension of a conflict or crisis and the operational dimension. Standing Rules of Engagement

⁵Roach page 47

⁶ John P. Morse, "ASUW: Getting a Run For Our Money", U.S. Naval Institute Proceedings, July 1982, p. 100.

provide "...a measure of assurance that National Policy will be followed in wartime or in sudden emergencies which do not allow time for communication between Washington and the field."⁷ When viewed from the operational level, it is here that Rules of Engagement become a viable factor in the adaptive planning process. That process, a product of the increased emphasis on reaction to crisis and regional contingencies, puts the burden on the war fighting Commanders in Chief (CINC) to develop Flexible Deterrent Options (FDO). These Flexible Deterrent Options are options which a decision maker may use other than violence to preclude or manage a crisis. It is here that Rules of Engagement provide not only the National Command Authorities (NCA), but the CINC with a measure of assurance that inadvertent actions or reactions will not have an adverse effect on the situation.

Legal Purposes. Rules of engagement provide commanders, and the NCA, a warm and fuzzy that actions either taken or contemplated, are within the bounds of established law. ROE provide in effect a little bit of moral high ground from which the use of force can be justified and defended. Borrowing once again from Captain Roach's article Rules of Engagement, the figure below will help to illustrate how ROE fit into and are complementary of established international law and conventions on armed conflict.⁸

⁷Roach page 47

⁸Roach page 47. I have expanded some on exactly what makes up the body of rules which encompass ROE. None the less, the idea is from Roach's illustration on this page of Rules of Engagement.

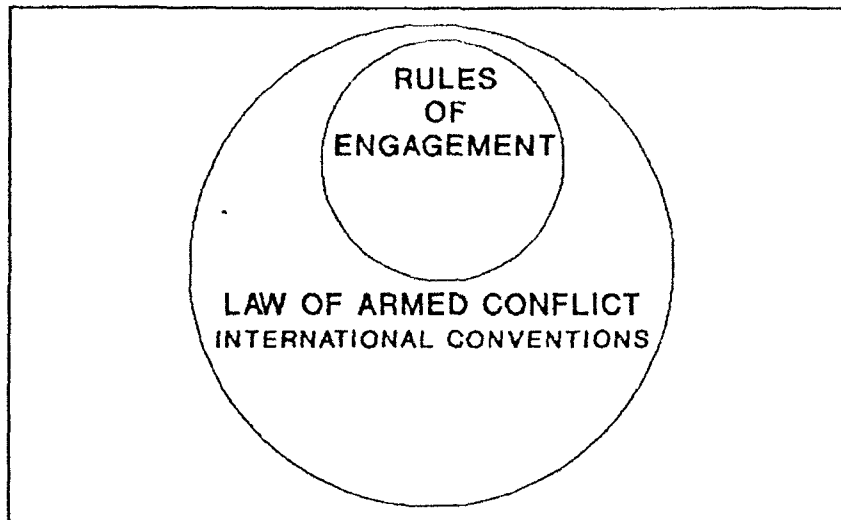


Figure 3

Characterization of ROE. Rules of Engagement can be further characterized by the distinction between Peacetime and Wartime ROE. Peacetime ROE are those rules promulgated to manage the lower end of the conflict scale. Perhaps a better term for this collection of Rules of Engagement is Rules of Engagement for operations short of war, since these rules cover much more than just day to day operations. They cover an entire range of operations from humanitarian assistance, as we are currently engaged in Somalia, to peace making operations on the scale of Bosnia which we may soon be engaged in. These ROE for operations short of war impact the operational commander in two important areas:

- The ROE provide the CINC a range of options and responses to action which he may select to contain a crisis or conflict, or at the very least to mitigate the escalation of an ongoing conflict.

- These Rules of Engagement provide a mechanism for the CINC to manage his forces during the transition from operations short of war to wartime operations. This transition is very difficult for the operational commander to manage. It is simply not practical to believe that all peacetime ROE restrictions can be suddenly lifted and units operate effectively, within the bounds of policy and operational necessity.

The Wartime Rules of Engagement pickup where those designed for operations short of war leave off. Wartime ROE have less of an impact on the interpretation of policy than do the peacetime ROE. The reason for this is that national policy and military objectives are generally much more closely related during a war than prior to it. The real impact and importance of Wartime ROE (WROE) for the operational commander is as a tool to help him manage the level of violence consistent with policy guidance and established conventions on armed conflict.

Implicit in Rules of Engagement and their use is that there are two ways they can be applied. The first, control by negation⁹, roughly equates to the concept of decentralized execution. The second, positive control¹⁰, roughly equates to the notion of centralized command. In the case of control by negation the commander is free to take any action which has not been

⁹ Bradd C. Hayes, Naval Rules of Engagement: Management tools for crisis. (Santa Monica: The Rand Corporation, 1989) p.v

¹⁰ Hayes p.v. For both this and the preceding footnote, the Rand Study uses the term command vice control. I have added the interpretation of these as control and equated them to centralized command and decentralized execution.

specifically prohibited. In the case of positive control, the operational commander is free to take only those actions which have been specifically authorized.

An area mentioned earlier, but worth a few more words is the spectrum of conflict across which Rules of Engagement apply (Figure 1). This spectrum goes from the low end of normal day - to - day operations up to the high end of total nuclear war. As a conflict or crisis moves across this spectrum the probability that violence will escalate to all out war decreases. It is here that ROE play an important role for the operational commander. ROE assist in the management of the crisis, and the control of his forces particularly during the transition phase from peacetime to wartime operations. However, in order to be an effective operational tool, ROE development must have been a part of the overall planning process, with contingent approval for ROE already sought prior to escalation of a conflict or crisis. This notion will be addressed in subsequent sections of this paper.

CHAPTER III

THE RELATIONSHIP OF ROE TO POLICY AND OPERATIONAL DIRECTIVES

Little has been written on the use of the Rules of Engagement as a tool by the operational commander, but they are nonetheless there for the CINC's use. In a very general sense Rules of Engagement have been defined by former Secretary of Defense Casper Weinberger in his book Fighting for Peace, as "...the charter for ship and plane captains when they operate in foreign waters."¹¹ More specifically, the Joint Chiefs of Staff have defined Rules of Engagement as rules intended to "...provide general guidelines on national and unit self-defense...insure a full range of options consistent with the right of self-defense and U.S. Policy."¹²

As Mr. Weinberger has pointed out ROE determine the boundaries within which commanders may operate. In this sense they function much the same way as control symbols on a map. These symbols delineate specific operational areas, and points beyond which coordination with other authority is required, or the risk of undesirable consequences becomes too high. For example, a ground commander will make every effort not to cross into an adjacent commander's operational area to preclude inadvertent engagement by friendly forces, so to is it with Rules of Engagement. Operational commanders can and should use ROE as a control measure,

¹¹ Casper W. Weinberger, Fighting For Peace (New York: Warner Books Inc, 1990), p. 183.

¹² Joint Chiefs of Staff, JCS Peacetime Rules of Engagement, (Washington D.C., 1988) p. I-2

not as a restricter of action, but as a means to enhance positive control of his assigned forces. The effective application of ROE assist the commander in focusing the efforts of his forces within established boundaries, and towards mission accomplishment.

Eventhough the Rules of Engagement which bound military actions short of war are restrictive, they do not inhibit the commanders right of self-defense. Nor do they absolve him of responsibility for the defense of his own forces. In a much broader sense the ROE place on the JCS much the same burden for the defense of the United States.

The first thought is that self-defense is just that: defense against attack, defense to preserve one's own forces. However, self-defense comes in a variety of flavors, ranging from taking the first hit to the idea of "anticipatory self defense".¹³ There are some who cling to the notion that self defense means being physically engaged before a reaction is justified. Such was the case in 1982 in Beirut. Fortunately, this somewhat archaic view of self - defense has steady given way to the notion that a commander may exercise his right of self - defense based on the firm belief that the enemy is about to engage him. This concept of anticipatory self - defense is not without drawbacks. Anticipatory self - defense is a difficult concept which tends to leave the operational commander in a damned if he does, damned if he doesn't

¹³George Bunn, "International Law and The Use of Force in Peacetime: Do U.S. Ships have to take the First Hit?", Naval War College Review, May/June 1986, p. 69.

dilemma.

To illustrate this last point a look at two fairly recent incidents will prove useful. The first is the now infamous case of the *USS Stark*. In May of 1987 the *Stark* was hit by two air to surface missiles fired from an Iraqi fighter. As a result of the attack 37 American sailors lost their lives, the *Stark* was almost sunk and American policy and operational thinking on ROE were dramatically influenced. One can argue whether the actions of Captain Brindel, skipper of the *Stark*, were correct or not. The intent here is to highlight the dilemma he was placed in and to assert that by taking more of an operational view of the Rules of Engagement, the outcome may have been different. Much of the details of this case are classified, but what is unclassified suggests that the operational commanders allowed ROE to be used to define tactical actions. The ROE delineated what amounted to a checklist of actions to be taken prior to engaging targets. This series of warnings, and other actions were in effect substituted for clear operational thinking. In short, the ROE were not used to enhance the operational plan they were instead a checklist for tactical actions that were imposed by the ROE.

The postscript to the *Stark* incident is the downing of the Iranian Airbus by the *USS Vincennes*. The details of that event are widely known, but once again the issue becomes one of the operational commander failing to use operational judgement. Once again, the ROE became the substitute for, vice a part of, the operational decision - making process.

The Nature Of ROE. The nature of Rules of Engagement makes them at times difficult to define, and hence difficult to differentiate from policy and operational directives. In the very broadest sense policy deals with the "...what, where, when and why force will be used."¹⁴; operational directives deal with the "...how, when and where force will be implemented."¹⁵ and rules of engagement focus on "...when force is allowable."¹⁶, and the degree of force which will be employed. The issue gets fuzzy in that all three deal with the "when" of force. This is where ROE, skillfully crafted and forwarded for approval from the CINC to the JCS and NCA, can clarify both the intent and direction of the decision makers. The most tragic example of a failure of the operational commander to use ROE to clarify a fuzzy situation is the Marine barracks incident in Beirut. The issue, of when to use force and to what degree was essential to the protection of the force and accomplishment of the mission. However, policy guidance was unclear, hence operational guidance in the form of a clear executable mission was also unclear. Here, an operational view of ROE as an operationally defining instrument vice a restriction on operations could have made a vast difference. This appears to be Monday morning quarterbacking, and that clearly is not the intent. What is intended is to show, that just like a signpost or a map symbol, ROE perform a function in defining the operational

¹⁴Hayes p.7

¹⁵ibid

¹⁶ibid

boundaries within which the commander must work.

The figure below, is a simplification of that presented by Hayes in his study Naval Rules of Engagement: Management Tools For Crisis.

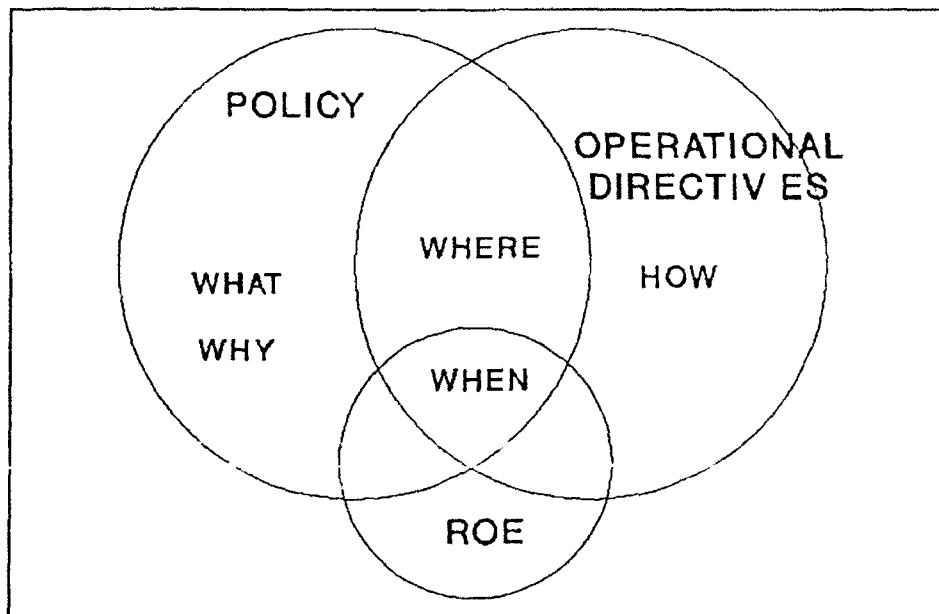


Figure 4 ROE, POLICY AND OPERATIONAL OVERLAP

Clearly illustrated here is the notion that if operational directives become separated from policy, then the development and effective application of ROE becomes close to impossible. In order to clearly define the "when" all of the functions of "what", "where", "why", and "how" must be present.

Training to Use ROE. A function of our democratic system is the periodic change in the civilian leadership. During the past several administrations the civilian policy makers and the senior military leadership have enjoyed a close relationship which has been instrumental in the effective development and application of

ROE. This has been due, in large measure, to the fact that policy has been clear and as a consequence military objectives to support the policy have been attainable. As a new administration takes office the possibility exists that the military may no longer enjoy this close relationship between policy and operational direction. This is not intended as an attack on the incoming administration, but, to highlight a continuing problem. That problem is that the civilian leadership receives no formal ROE training. This is exacerbated by the fact that most formal ROE training for the military is directed at, and conducted for lawyers.

An interview with LCDR Dornberger of the Naval Justice School at NETC, Newport revealed that the formal teaching of ROE is limited to one week during a joint course on the "Law of Military Operations". This course is taught by and to operational lawyers from all of the services. Once again highlighting the problem of a lack of understanding of ROE by the operational community.

Training for senior military leadership is conducted primarily by Professor Grunerwald of the College of Naval Warfare also at NETC Newport. Professor Grunerwald is the recognized expert in ROE and as such teaches classes to senior military leaders from all of the services. However, there is no formal, recurring program for the training of senior civilian policy makers in ROE development, application or the implications of poorly crafted ROE.

The danger here is obvious. A more detailed look at what can, and has happened, when policy and operational direction separate is included in the next section of this paper.

CHAPTER IV

PLANNING FOR THE USE OF RULES OF ENGAGEMENT

To this point much has been said about the operational commander's use of ROE. This really begins during the planning process. It is here that the CINC must begin to define the Rules of Engagement under which a given OPLAN will be executed. ROE can be an effective vehicle to bridge the gap between policy and operational reality; or, as has been tragically demonstrated, a failure to use it for this function can be disastrous. The Joint Chiefs of Staff have recognized the significance of ROE and since 1988 have required that ROE be included in all joint OPLANS forwarded for approval from the CINCs. The detailed guidance found in JCS PUB 5-03.2 JOPES Vol II, states that "...rules of engagement (ROE) issued by the Chairman, Joint Chiefs of Staff, and existing and proposed ROE of the supported commander to be applied during the conduct of operations ..." ¹⁷ will be submitted for approval.

The format proscribed is in essence the standard format for field orders: Situation, Mission, Execution, Administration and command and control (figure 5).

¹⁷JCS PUB 5-03.2 Vol 2

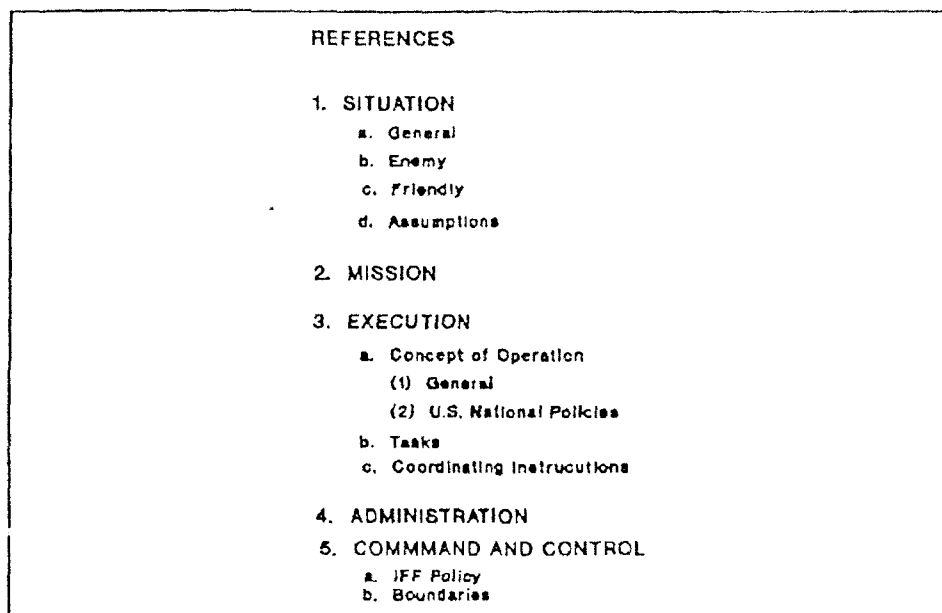


Figure 5JCS ROE FORMAT

As can be seen in the figure above, the JCS has recognized that planning is an essential link in the ROE chain, which stretches from the national command authority to the tactical commander. In order to effectively manage a given situation requires "...effective top level command and control...intimate interaction between civilian and military officials...skill and flexibility in adopting existing contingency plans...[and] up to date, reliable information."¹⁸ As already noted, but worth repeating here - the ability of the NCA to effectively manage a situation, and the ability of both civilian and military leaders to control and effectively employ military forces demand that these leaders have at their disposal detailed knowledge of the rules of engagement in effect, and planned. Here again the direct link to

¹⁸This passage is a condensation of several paragraphs in George page 233.

the adaptive planning process and ROE development is evident.

To this point the basis of ROE have been explained, as well as the utility of ROE in the planning, control and conduct of operations. Deserving of further explanation is the effect that the relationship between policy and operational direction has on Rules of Engagement. As noted in figure 4 ROE is a link which tends to keep operational direction and policy closely bound. The danger comes when the policy component and the operational component become disconnected. When this occurs, the outcome can be categorized into three distinct cases. First, ROE can become an exclusive subset of policy. Second, ROE can become an exclusive subset of operations and third, the ROE link will be stretched to try to compensate for the gap between policy and operational direction.

ROE as Policy. When Rules of Engagement become the exclusive subset of policy is the first case which deserves attention. In this case, as occurred in Vietnam, ROE became the mechanism for the micromanagement of not only the operational issues, but down to the tactical level as well. ROE became ever more restrictive and in many cases took the place of operational thinking and direction. Furthermore, and perhaps the most damaging outcome of a situation which fits this case, is that ROE became the reason for not applying sound operational thinking. The stories are numerous about the degree to which the NCA was involved in the day to day operations in Vietnam. Suffice it to say that when ROE become the exclusive subset of policy, they cease to be an effective

operational tool.

ROE as Operational Direction. The second case, when ROE becomes an exclusive subset of operations is a little harder to pin down, but the consequences are none the less disastrous. In this case the policy, read government, leg of the Clausewitz trilogy plays no role in military action. Clausewitz tell us

"...If we keep in mind that war springs from some political purpose, it is natural that the prime cause of its existence will remain the supreme consideration in conducting it. That, however, does not imply that the political aim is tyrant. It must adopt itself to its chosen means, a process which can radically change it; yet the political aim remains the first consideration."¹⁹

If policy and operational direction are disconnected and ROE subordinated completely to the operational side of the equation, the ROE begin to lose their definition as a control element for the operational commander. They become in essence tactical directives which supplement the operational directives and are not effective tools for the operational commander to manage a given situation, control escalation and insure decentralized execution of operations, with centralized control.

Defining Policy with ROE. The final case, when ROE are stretched to compensate for the gap between the policy and operational spheres, can be viewed as the most likely case. In this case ROE remain in both the operational and policy areas, ROE is used by the policy makers, NCA, as a means to coerce the armed forces into acceptance of an otherwise unacceptable or inexecutable policy. On the operational side, the tendency is for ROE to become

¹⁹Clausewitz, p. 87

the reason for not applying sound operational thinking. The results are disastrous when this case occurs. One of the most tragic examples of this case occurred in October of 1983 at the Marine barracks in Lebanon. Here 241 US marines died, in part , because the US policy had become disconnected from the operational realities of the situation, and ROE were stretched between the two. This is a sweeping statement; obviously, there were other factors which contributed to the incident, but ROE played a major role. The NCA failed to adapt policy to a changing situation, and the operational commanders did not seek an adjustment in policy. Instead, the operational commanders sought to effect a policy change through the use of ROE. As the US role became fuzzy, and US policy started to disconnect from operational direction, the commanders sought to adjust that policy by changing ROE. What happened is well known, ROE became the reason for not applying sound judgement, under the belief that this was indeed compliance with policy.

CHAPTER V

CONCLUSION

The world has seen a shift from bipolar to unipolar, and with that shift, the world has become a more volatile place. As the likelihood of regional contingencies, and operations short of war increases, the management of these operations becomes an ever more important area of focus for the CINCs. One very good, but often overlooked, tool available to the operational commander for controlling and containing a crisis is the rules of engagement.

O'Connell writes that the conduct of operations in tension situations "...always involves a nice balance of threat and counter-threat on the part of both sides, and the main purpose of rules of engagement is to prevent that balance being disturbed by the thrusting of apparent necessity of self-defense too obviously upon one player rather than the other."²⁰ If this balance is disturbed, which can be caused by any number of factors outside of the scope of ROE, the situation quickly crosses the threshold to conflict. It is here during the difficult transition period between the two that ROE plays a key role.

ROE and Policy. Rules of Engagement help to maintain a link between the competing elements of national policy and operational directives. The ROE do not, or should not, establish policy, nor direct operational actions. However, when "...policy direction is either lacking or unclear...the responsibility for determining

²⁰O'Connell p.180

policy falls, by default, on the shoulders of the on-scene commander."²¹ Such was the case with the *USS Stark*. Worse yet is the case where ROE are used to define policy by the operational commanders, when policy guidance is unclear, as was the case in Lebanon in 1983. "ROE reflect policy - they do not establish it."²²

ROE and Planning. Once the policy has been clearly sorted out, and a clear, executable mission established, a careful look at Rules of Engagement can be easily undertaken. The more in-depth the planning, the better the resulting Rules of Engagement. This is particularly true in the area of contingency planning. Since a crisis can develop very quickly, preplanned Rules of Engagement which are a reflection of the political and operational realities are essential. As O'Connell asserts, "The...commander who is confident about his rules [ROE] and does not require to ponder over them in an emergency is likely to have the advantage over one who is not..."²³

Finally, ROE are not the whole answer to effective crisis management and operational control. However, precisely crafted ROE can go a long way towards eliminating unwanted consequences, easing the tension between policy and operations and managing a crisis. Rules of Engagement can not be divorced from either the political or operational dimensions from which they derive. A combination of

²¹Hayes, p.75

²²Hayes p.76

²³O'Connell p.81

careful planning, precise operational direction and firm policy guidance are essential for the effective operational use of Rules of Engagement.

BIBLIOGRAPHY

- Armed Forces Staff College. AFSC Pub 1 The Joint Staff Officers Guide, Norfolk, Va, 1991.
- Bunn, George. "International Law and the use of Force in Peacetime: Do U.S. Ships Have to Take the First Hit?" Naval War College Review, May/June 1986, pp.69 - 80.
- Bush, George. "The Use of Military Forces: The President's Difficult Choice." An Address by President Bush to the Corps of Cadets, at the U.S. Military Academy, West Point New York, 5 January 1993. Defense Issues Vol 8 No. 1. pp. 1 - 4.
- Carlucci, Frank. "Public Statement" Department of State Bulletin, July 1988, pg. 61.
- Crews, Ed. "ROE That Kill" U.S. Naval Institute Proceedings, September 1988, pg. 121.
- Cushman, John H. "Navy is Under Hair Trigger Rules on Escort Duty in The Gulf" The New York Times, 17 June 1987.
- Cushman, John H. "Missile Attack: Pulling the Hair Trigger" The New York Times, 12 August 1987, A3.
- Department of The Army, FM 100-5 Operations, Washington D.C., 1986.
- Emerson, Terry J. "Making War Without Will: Vietnam Rules of Engagement." Address before the American Bar Association Conference To Review The Vietnam Debate, Charlottesville, Virginia, October 17, 1986.
- Friedman, Norman. "The Vincennes Incident" U.S. Naval Institute Proceedings, Naval Review Issue, May 1989, pp. 72 - 92.
- George, Alexander L. "Crisis Management: The Interaction of Political and Military Considerations" Survival, September/October 1985, pp. 223-234.
- Graf, Fredrick A. "Knowing The Law" U.S. Naval Institute Proceedings, June 1988, pp. 58-61.
- Harlow, Bruce. "The Legal Use of Force...Short of War" U.S. Naval Institute Proceedings, November 1966, pp.88-98.
- Hayes, Bradd C. Naval Rules of Engagement: Management Tools For Crisis, Santa Monica CA, 1989.

- Humphries, John G. "Operations Law and The Rules of Engagement: In Operations Desert Shield and Desert Storm." Air Power Journal, Fall 1992, pp.25-41.
- International Committee of the Red Cross. "Summary of The Geneva Convention of 12 August 1949 and The Additional Protocols" Geneva, CH, 1983.
- Joint Chiefs of Staff, Joint Pub 1 Joint Warfare of the U.S. Armed Forces, Washington, D.C., 1991.
- Joint Chiefs of Staff, JCS Pub 3-0 Doctrine for Unified and Joint Operations, Washington, D.C., 1990.
- Joint Chiefs of Staff, Joint Pub 5-03.2 Joint Operations Planning and Execution System Volume I and Volume II, Washington D.C., 1992.
- Joint Chiefs of Staff, JCS Pub 0-2 Unified Action Armed Forces, Washington D.C., 1986.
- Kaplan, Stephen S. Force Without War: The United States Use of The Armed Forces as a Political Instrument. Washington: The Brookings Institution, 1979.
- Kifner, John. "U.S. Navy Escort Fires in Warning in Gulf Encounter" The New York Times, 25 August 1987.
- Langston, Bud and Bringle, Don. "The Air View: Operation Praying Mantis" U.S. Naval Institute Proceedings, Naval Review Issue, May 1989, pp.54-64.
- Letter To The Speaker of The House and The President Pro Tempore of The Senate. "The Downing of an Iranian Jetliner by The United States Navy in The Persian Gulf 4 July 1988" President Ronald Regan.
- Matthews, William. "U.S. Flag of Convenience Ships May be Targets" Navy Times, 2 November 1987.
- Matthews, William. "Navy Rules of Engagement Explained in Gulf" Navy Times, 12 October 1987.
- Millis, Walter. Arms and The State, New York: The Twentieth Century Fund Inc., 1958.
- Morse, John P. "ASUW: Getting a Run For Our Money" U.S. Naval Institute Proceedings, July 1982, pp.100-103.

- C. Connell, D.P. The Influence of Law on Sea Power, Annapolis: The Naval Institute Press, 1975.
- O'Rourke, Ronald. "Gulf Ops" U.S. Naval Institute Proceedings, Naval Review Issue, May 1989, pp. 42-50.
- Operation Urgent Fury ROE.
- Parks, Hays W. "Righting the Rules of Engagement", U.S. Naval Institute Proceedings, Naval Review Issue, May 1989, pp.83-93.
- Parks, Hays W. "Rolling Thunder and the Law of War" Air University Review, January/February 1982, pp. 2-23.
- Parks, Hays W. "Linebacker and the Law of War" Air University Review, January/February 1983, pp. 2-30.
- Parks, Hays W. "Crossing the Line" U.S. Naval Institute Proceedings, November 1986, pp.40-52.
- Perkins, J.B. III. "The Surface View: Operation Praying Mantis" U.S. Naval Institute Proceedings, Naval Review Issue, May 1989, pp. 66-70.
- Pyle, Richard. "U.S. Warship Fires Warning at Iranian Boat" The Washington Post, 1 July 1988, A25.
- Roach, Ashley J. "Rules of Engagement" Naval War College Review, January/February 1983, pp.46-55.
- Ropelewski, Robert R. "Antiquated Rules of Engagement" Aviation Week and Space Technology, 1 June 1987, pp.115-116.
- ROE Cards for Desert Shield/Desert Storm.
- Sciolino, Elaine. "A Failed Bid For Safe Passage in The Gulf" The New York Times, 10 January 1988.
- "Text of Vietnam Rules of Engagement" The Congressional Record - Senate, 26 March 1985, S3511-S3520.
- Tyler, Patrick E. "Gulf Rules of Engagement a Dilemma for the U.S." The Washington Post, 4 July 1988.
- "U.S. Forces Seek Wider Authority to Strike Iran" The Washington Post, 13 October 1987.
- U.S. Navy Department. NWP 9 (REV A) The Commanders Handbook on the Law of Naval Operations, Washington, D.C., 1989.

U.S. Navy Department. NWP 11 (REV F) Naval Operational Planning, Washington, D.C., 1991.

"Vietnam Rules of Engagement" The Congressional Record - Senate, 6 March 1985, pp.S2632-S2641.

"Vietnam Rules of Engagement Declassified - 1966-69" The Congressional Record - Senate, 14 March 1985 pp.S2982-S2990.

"Vietnam Rules of Engagement 1969-1972" The Congressional record - Senate, 18 March 1985, S3011 - S3018.

Weinberger, Casper W. Fighting For Peace, New York: Warner Books Inc, 1990.

Zelmick, Robert C. "A Harder Look at Capt Rogers Judgment" The New York Times, 17 July 1988.