

# Rules of Engagement: The Peacekeeper's Friend or Foe?

by Maj Paul D. Adams

*Peacekeeping and peace enforcement are complex undertakings that tax the ability of any military force. Rules of engagement are an important tool that set the tone of the entire operation. They should be drawn with care by those who will carry them out.*

In a period of world history rife with turmoil, the American soldier is increasingly being looked upon as the world's policeman. This role is one not desired by the American populace, having elected a president on a domestic agenda platform. Be that as it may, America is the last superpower in the world. She alone possesses the means, if not the will, to exert force and change world events. Thus a perception exists within the community of nations that the United States is the de facto middleman of world conflicts.

What does this mean to the American military who is charged with going abroad and quelling regional disputes? How will a soldier act in an environment short of war, and one with which he is generally ill-trained to cope? What are the rules he must follow to ensure he stays alive and that the mission is completed according to plan? Who do these rules benefit, the soldier who is a breath away from death, or politicians who are safe in their nation's capital?

The intent of this article is to study the dichotomy that exists within the rules of engagement (ROEs) for peacekeeping operations. I submit that ROEs are generally hostile to the peacekeeper in the interest of a politician's desire for peace. ROEs should be left to the discretion of the on-scene commander vice those in remote locations.

The law of armed conflict was originated with the "intent of bringing order to an activity that is highly disorderly." It also seeks to mitigate and retard the devastating effects of war, particularly for noncombatants. The law of armed conflict strives to give the appearance of normalcy and order to an inherently disorderly dilemma.

Throughout history, man has sought to reduce the occurrence of war by bringing together diplomats who would

try to solve disputes without warfare. The most notable recent efforts have been the League of Nations and the present United Nations. The United Nations strives to bring international order out of the disorder of nations. This disorder has been on the earth since the Tower of Babel, and will probably continue for the foreseeable future. Nonetheless, the United Nations works to solve disputes peacefully for the benefit of all nations. But what happens when regional strife or international disputes get out of hand? Ideally, the United Nations would have a military force capable of keeping the hostile parties apart while providing the politicians an opportunity to solve the dispute. Unfortunately, the necessary military force is often not available, and politicians are often unsuccessful.

Today, armed conflict brings forth devastation, suffering, and long-term misery inconceivable only a few generations ago. The level of suffering is such that massive international efforts are required to keep nations and ethnic groups from falling into extinction. Furthermore, instantaneous media access to the entire globe allows war's misery to be brought into the homes of millions. The demand for action to alleviate crises around the world reaches fever pitch and politicians attempt to respond. Into the fray is thrust the soldier, charged with somehow bringing factions to peace where none would be had.

ROEs are the guidelines under which a soldier operates during peacekeeping operations, but the means by which they are formed and the process of implementation are none too clear. On the one side stands the politician. His desire is to see the bloodshed stopped by using the military to stand between the antagonists, and by his presence

alone, cause calm to thrive. On the other side is the warrior. Trained to destroy his nation's foes, he is now charged with refereeing a brawl, frequently without being allowed to grab either side should blows come. Is this reasonable and prudent to expect from a warrior? Whether it is or isn't is debatable. The real point is that the rules he must play by may also kill him, and frequently, the rules are stacked against him.

Place one 18-year-old male who has been trained as an elite warrior into a complicated peacekeeping situation. He knows his craft well, and hopes some day to practice it. But his orders send him to a far off land in which the people are killing each other for reasons he doesn't understand or care to. He is told to stand in between the factions, and by his "presence," stop the killing. He must not fire at either side, or appear to take sides. If fired at he must use "discipline" and remain firm. He is there to keep the peace. Can the American people and the political process that sent him there really expect such saintly and/or healing conduct from a young, inexperienced warrior?

What are we as a nation bestowing upon this soldier who has volunteered to defend his country and finds himself as a "peacekeeper?" The answer has been to provide a means, a set of standards, ROEs, that "delineate the circumstances . . . under which United States forces [can] initiate and or continue combat engagement" with hostile forces, both in peacetime and in wartime. ROEs also represent the primary means by which the National Command Authorities guide deployed forces in peacetime crises and in wartime fighting.

ROEs, unlike the laws of armed conflict, are directives promulgated

through layers of political and military filters that govern the employment of firepower. These rules are self-imposed, and as such, leave a wide latitude in their scope, duration, and intent. Whereas the law of armed conflict is binding on all nations and their armed forces, ROEs are answerable only within the deciding framework.

In recent times, ROEs have gained a life of their own, as American forces find themselves more frequently deployed to peacekeeping operations. I submit that there is a fundamental struggle between the warrior and the statesman for the legitimacy of determining ROEs. This struggle is shaped around diverse interests in the resolution of factional and international crises. On the one side stands the statesman striving to resolve the conflict without bloodshed. To do so makes both the government and the citizenry happy. On the other side stands the warrior. He is sent in "harm's way" by the statesman to be the visible muscle that will hopefully send the message of resolve causing the belligerents to back off and negotiate. But the warrior is concerned about survival in a hostile environment. ROEs are the means by which he remains alive, and hopefully accomplishes the task he was sent to perform.

I submit that the formulation of ROEs is done, not with the warrior in mind, but with the goals the statesmen hope to meet as the driving concern. Statesmen desire restrictive ROEs in order to not cause deaths that might derail negotiations. They want ROEs that hold each warrior totally responsible for the use of deadly force, almost to the point where a warrior must be shot before being authorized to use his weapon. An example of this is the situation in Northern Ireland. There, British troops serve in the role of peacekeeper between religious and political antagonists. Their lives are on the line continually as they attempt to keep both parties apart. Rules governing the use of deadly force are such that each soldier must have a clear and compelling reason for firing his weapon. To discharge a weapon without meeting the ROEs is justification for substantial punishment. While this may seem right and proper, what requirements does this put on the warrior-peacekeeper? Seemingly, not many politicians know or care.



During peacekeeping operations in Somalia, a Marine senior noncommissioned officer was tried and convicted of abuse of deadly force. The incident involved the Marine killing a youth who had attempted to snatch a pair of sunglasses off the Marine's face as his vehicle drove through the streets of Mogadishu. The Marine was found negligent, in spite of his contention that he felt threatened. At the beginning of the operation, Somali warlords had been informed by various U.S. envoys that Marines would shoot-to-kill if threatened. If the Marine charged felt threatened, why the conviction? Probably because of the fact that "sunglasses" were involved. Another shooting incident in Mogadishu involved a Marine killing a youth who ran behind a Marine vehicle with what appeared to be an ammunition can. In that investigation it was determined that the shooting was within parameters because the Marine thought the can was a bomb. Clearly ROEs mean different things to many different people.

Can there be a satisfactory middle ground in the struggle between the statesman and the warrior for control of ROEs? Experience thus far would tend to answer in the negative. As long as the military is subordinate to civilian direction, statesmen will probably have the final say in determining ROEs. But should the warrior be silent and just accept the cards as dealt? I believe that the answer is also negative.

The leader of peacekeeping forces has a duty to ensure that all troops un-

der his command have the means to complete the mission, and come home alive. One of these means is prudent and effective ROEs. While no one is contesting the right of the warrior-peacekeeper to defend his life, I believe that the scope must be broadened to avoid needlessly encumbering the warrior with voluminous criteria for the use of deadly force. To carry this argument further, once given direction concerning the goals desired by the statesman, the military commander should be given *carte blanche* to conduct military operations with a free hand, to include formulation of ROEs.

Experience has thus far proven that this rarely occurs. Statesmen, in the form of State Department personnel, continually seek to determine ROEs to the detriment of the peacekeeper. Probably the most vivid example I can cite are the ROEs of the Marines in 1983 charged with guarding the Beirut International Airport. Though the tactical situation clearly warranted more liberal use of firepower, not only for defense but for preemptive purposes, the political situation was such that more restrictive ROEs were established. Thus in October 1983 a situation developed where U.S. Marines were providing security to unit billeting and headquarters areas with unloaded weapons. The result was the destruction of the barracks building. Other instances of restrictive ROEs involve Marines being fired on by belligerent forces of the various warring factions and not being able to return fire, or only

being able to return fire with equal type weapons, quantity of shot, etc. Were it not that men's lives were on the line, this might be humorous.

As the world convulses with ethnic, religious, and political strife, statesmen from all nations are searching for solutions. Increasingly, the military is being called early-on to deal with problems seemingly unsolvable by negotiations. This does not bode well for the world or for the soldier. If future military operations of a peacekeeping or peacemaking nature continue to multiply, new ways of dealing with ROEs must be found.

I submit that the United States learned valuable lessons during the Persian Gulf War that can now be successfully applied to the formulation of ROEs. In the Persian Gulf War, American political leaders permitted their warriors to conduct combat operations within the law of armed conflict without tying their hands with constraints. This, in turn, maximized the effectiveness of the sum total of coalition combat power. Because the warriors had an appreciation of the political and legal ramifications of violating the law of armed conflict, no abuses were seen. But the ability of combat commanders to do their job

was markedly increased. The use of judge advocates ensured that ROEs were no more restrictive or voluminous than necessary. The ultimate goal was to make them as "user friendly" as possible.

How will the statesman view what may be termed an abrogation of authority? I would hope it would be viewed as the exercise of good judgment on the statesman's part. To believe that persons in far away capitals can truly know what is best for peacekeepers under fire is spurious at best. The statesman will not want to part willingly with this power by giving it to the warrior who might "mess things up." But I believe that this is what must happen. It has been done before with excellent results. Through the use of judge advocates who continually scrub ROEs to ensure they meet national and international guidelines, ROEs can be made flexible, applicable, and capable of mission accomplishment without overt threat to the peacekeeper. What must be guarded against is superfluous language that elevates the concern for civilian casualties above the desire for mission success and personnel safety.

In the final analysis, both the statesman and the peacekeeper must come

to terms with dealing with ROEs. Both have an intimate stake in their formulation and implementation. Nonetheless, I believe that the peacekeeper should have the lead on ROEs, commensurate with the desire for mission accomplishment, little or no loss of life, and successful resolution of the matter at hand. To do less puts the peacekeeper needlessly at risk, and threatens the military's ability to resolve the issue it was sent to deal with.

As the frequency of peacekeeping missions increases, it is essential that the politician and the soldier work together in the search for peace and security, each with a complementary role. As pressure increases world-wide for American assistance in conflict resolution, the ability of U.S. forces to quickly get the "situation well in hand" may be determined by who has the authority to formulate ROEs to meet fast-paced situations. The military commander on scene needs the authority to determine ROEs and to not have the rules changed from above without just cause. Anything less invites misunderstanding, mistrust, and possible mission failure.

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