



[ANNEX 1-04 LEGAL SUPPORT TO OPERATIONS](#)

**RULES OF ENGAGEMENT**

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**Rules of engagement (ROE)** are rules that govern the use of force to reflect the will of the civilian and military leadership. ROE are defined as “directives issued by competent military authority that delineate the circumstances and limitations under which United States forces will initiate and/or continue combat engagement with other forces encountered”<sup>1</sup>. ROE constrain the actions of forces to ensure their actions are consistent with domestic and international law, national policy, and objectives. ROE are based upon domestic and international law, history, strategy, political concerns, and a vast wealth of operational wisdom, experience, and knowledge provided by military commanders and operators. [Appendix D](#) offers considerations to assist the commander with ROE development.

**Purposes**

ROE ensure that any use of force is consistent with national security and policy objectives. Used chiefly to regulate the use of force, ROE either allow or limit the ability and means to employ force. ROE serve political, military, and legal purposes and define the parameters within which Air Force personnel accomplish their missions. They ensure national policy and objectives are reflected in the actions of Air Force forces and set constraints on a commander's actions so they are consistent with domestic and international law and national policy. ROE help ensure the appropriate military capability is applied prudently and often reflect collateral limitations that restrict the use of force far beyond what is required by the law of armed conflict (LOAC). History has demonstrated that, **to be most effective, ROE should represent a confluence of legal considerations, national policy objectives, and operational concerns.** When the actions of military personnel and units are framed by the disciplined application of force through effective ROE, commanders can make sound judgments and select the best possible course of action to accomplish the mission.

**ROE ensure that Air Force forces comply with the LOAC.** Although not law, ROE derive much of their influence from the law. Air Force forces adhere to the LOAC and embrace the principles set forth therein, including the principles of military necessity, humanity, proportionality, and discrimination. ROE are an important mechanism to assist commanders in fulfilling their obligations under the LOAC and are often used to reinforce certain principles of the LOAC.

<sup>1</sup> JP 1-04, [Legal Support to Military Operations](#)

## Principles

**Absent specific operational necessity, ROE should never impede the inherent right of self-defense of US forces.** ROE for US forces should not limit a commander's inherent authority and obligation to use all necessary means available to take action in self-defense of the commander's unit and other US forces in the vicinity. The right and obligation of self-defense should be specified in every set of ROE and should never be compromised; for example, anticipatory self-defense serves as a foundational element in the Chairman of the Joint Chiefs of Staff (CJCS) standing rules of engagement (SROE), in the concept of hostile intent. US forces do not have to be the subject of a hostile act before responding in self-defense. Commanders at every echelon are responsible for establishing or requesting ROE for mission accomplishment that comply with ROE of senior commanders and the SROE.

By following the ROE principles outlined below, Air Force forces' missions have a lesser possibility of being compromised and the chances of US political and military objectives being obtained are increased:

- ★ **ROE should complement US interests and military objectives.** Commanders should impose restrictions on the use of force when justified to accomplish the mission. Restricting the use of force should be designed in accordance with the commander's intent and mission planning guidance. A proper balance is essential to ensure Air Force forces appropriately respond to enemy forces, as political and diplomatic reasons may exist for controlling the use of force. Commanders should have the latitude and flexibility necessary to employ force to meet military objectives within a broad array of permissible boundaries.
- ★ **ROE should not be too specific or restrictive.** ROE should restrict the use of force to prevent overreaction or unnecessary escalation of the conflict, but should be permissive enough to ensure friendly forces are not too limited. For example, ROE that are written too broadly may result in an unintentional escalation of conflict or the possibility of fratricide. By contrast, ROE that are too narrow may unnecessarily restrict the effects of Air Force operations.
- ★ **ROE should be current and responsive to change.** Changing mission requirements equates to a constant review of ROE. ROE should account for changes in political or military objectives, the commander's intent, and the threat to US forces. For example, ROE that govern information operations should be responsive to changes in the mission, environment, technology, and the evolving threat. Commanders should establish or request changes to the ROE to ensure the use of force is consistent with mission accomplishment and the commander's intent.
- ★ **ROE should not diminish operational effectiveness.** ROE should permit effective control over forces by the commander, Air Force forces (COMAFFOR). ROE should not be specific instructions for how to employ forces, as no set rules—no matter how lengthy or detailed—can address every possible scenario that combat forces may face while conducting operations. ROE should permit flexibility and

enable the commander to maximize the contributions of airpower across the spectrum of conflict and support to operations.

- ★ **ROE should permit the timely and appropriate use of force.** ROE should ensure force is applied in a well-disciplined manner, but should not delay the prompt execution of time-sensitive operations or attacks on targets of opportunity. Commanders should seek clarification or guidance through the chain of command, or submit a request to modify the ROE, if the ROE are not clear or could jeopardize the prompt engagement of time-sensitive targets.

## Characteristics

Effective ROE allow commanders to apply the principles of war and the tenets of airpower to support national security objectives without constraining capabilities of forces. To maximize operational effectiveness, ROE should:

- ★ Be transparent and clearly linked to mission accomplishment.
- ★ Be continually briefed to all Airmen by commanders, warfighters, and JAGs.
- ★ Be tailored to the audience and easy to understand, remember, and apply.
- ★ Be constantly reviewed for modification or amplification.
- ★ Be simple, clear, brief, and seamless.
- ★ Avoid excessively qualified language.
- ★ Avoid mention of strategy or doctrine.
- ★ Avoid restating the LOAC.

## JAG Staff Role in ROE Development

JAGs and paralegals do not own or control the ROE process, but serve as the principal advisor to the COMAFFOR and staff. The JAGs and paralegals have an affirmative duty to provide legal advice to commanders and their staffs that is consistent with the law and the governing ROE at all times. Ordinarily, JAGs provide legal advice to commanders who will select the most appropriate course of action to accomplish the mission. For example, during joint operations, a JAG assists in the development of ROE, but the operators (planning and executing in the operational chain of command) have the responsibility to formulate and submit ROE for approval to the COMAFFOR. In turn, the COMAFFOR presents proposed changes to the [joint force commander](#) (JFC).

## Developing ROE

JAGs and paralegals provide advice during all levels of operations planning to support and sustain ROE development. They advise commanders and their staffs throughout all phases of the joint operations planning process to help ensure ROE are legally acceptable, operationally feasible, and properly balanced against applicable law, national policy, and commander's intent and guidance. JAGs and paralegals should be involved early in the planning process to ensure effective ROE are developed. Early involvement ensures legal issues are identified and legally acceptable courses of action and supporting ROE are developed consistent with the commander's intent. A thorough understanding of operational issues aids JAGs in preparing advice that allows commanders to achieve their objectives within the limits of the law and national policy. For example, to properly advise an operational commander, a JAG should be fully cognizant of the commander's "no strike" and "restricted" target lists. Involved and engaged JAGs maximize planning efforts and help ensure proper ROE are developed to support mission accomplishment.

ROE should be developed to support the mission requirements of an operation and should be crafted to minimize delays in the execution of time-sensitive operations. For example, during all phases of an operation, from planning to execution, JAGs and paralegals tailor legal advice to support the targeting cycle. JAGs assist in the development of ROE that allow Air Force forces to attack time-sensitive targets effectively.

**ROE development and mission planning are collaborative processes and require significant staff integration.** ROE development is best achieved when legal support and operators collaborate to develop ROE or request supplemental measures to fully implement the commander's intent. JAGs advise operations and planning staffs on the legality of proposed ROE and, when necessary, recommend actions to ensure compliance with the law and policy.

## Interpreting ROE

An Air Force JAG's ROE role is that of an interpreter and advisor, not a decision maker. JAGs and paralegals interpret ROE to support the execution of time-sensitive operations. Legal staff should understand the intent of the President, Secretary of Defense (SecDef), combatant commanders (CCDR), and subordinate commanders when preparing advice on ROE. A JAG's primary duty is accurate counsel to command on the law and the commander's responsibilities with respect to the law. In this advisory capacity, JAGs focus on interpreting the ROE, the LOAC, and other guidance to develop legal recommendations that will advance the commander's objectives. Thus, JAGs should be thoroughly familiar with international and domestic law, national policy, operations orders, and other information to interpret intent and meaning of ROE, effectively. After considering legal advice, commanders ultimately exercise their discretion, wisdom, and decision-making authority to select the best course of action that will comply with the law and further mission accomplishment.

JAGs and paralegals interpret ROE issued from multiple sources. Each operation has a unique set of ROE to support the needs of a particular mission. Generally, combatant commanders and higher authority establish ROE. ROE usually incorporates political, military, and legal concerns. For all US operations, the Chairman, Joint Chiefs of Staff (CJCS) SROE is the starting point for ROE unless rules have been previously established in contingency plans or through agreements with other nations. Drafting ROE to support multinational forces under the operational control of a US or a foreign commander requires detailed coordination and a thorough understanding of the laws, policies, and political objectives of each contributing nation. JAGs and paralegals develop comparative law studies that identify the legal requirements of each nation to ensure multinational ROE will not conflict with the obligations of each contributing nation. JAGs support commanders by analytically interpreting legal requirements and obligations of other nations. They also deduce ROE from multiple sources.

## **Modifying ROE**

JAGs and paralegals assist commanders in modifying or requesting changes to the ROE. With few exceptions, ROE are fundamentally permissive in nature and allow commanders to modify or request changes to the ROE to support mission accomplishment. At various levels in the operational chain of command, ROE supplemental measures may be approved to allow or limit the use of force for mission accomplishment. JAGs and paralegals assist commanders in determining appropriate ROE and recommend changes when necessary. Commanders should seek modification to ROE through the chain of command. Modification and clarification may be warranted when the ROE are inadequate, faulty, create the risk of fratricide, or hinder a commander's ability to carry out the mission.

## **Implementing ROE**

**Air Force commanders expect JAGs to know and fully advise Air Force forces on ROE.** JAGs and paralegals at every stage of an operation maintain situational awareness of current ROE and should be prepared to recommend changes to the commander.

JAGs and paralegals assist commanders in fulfilling their obligations to implement and disseminate ROE. In addition, they work in concert with commanders and their staffs to train forces on the ROE and to standardize and interpret their intent and meaning. JAGs provide tailored ROE training to various audiences, from aircrews to security forces. For example, JAGs may provide training on ROE, status of personnel, mission and forces, Code of Conduct for US Forces, and other constraints imposed by the law.

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