

CHAPTER 5

RULES OF ENGAGEMENT

I. INTRODUCTION

The primary source document and current version of the SROE is contained within the Chairman of the Joint Chiefs of Staff Instruction 3121.01B, Standing Rules of Engagement (SROE)/Standing Rules for the Use of Force (SRUF) for U.S. Forces, dated 13 June 2005.¹ At the time this handbook was published, the 2005 version is still the most current publication of the SROE.

A. Rules of Engagement (ROE) are the commanders' tools for regulating the use of force, making the ROE a cornerstone of the Operational Law discipline. The legal sources that provide the foundation for ROE are complex and include customary and treaty law principles from the laws of war. As a result, Judge Advocates (JA) participate significantly in the preparation, dissemination, and training of ROE. However, international law is not the sole basis for ROE; political objectives and military mission limitations are necessary to the construction and application of ROE. Therefore, despite the important role of the JA, commanders are ultimately responsible for the ROE.

B. To ensure that ROE are versatile, understandable, easily executable, and legally and tactically sound, JAs and operators alike must understand the full breadth of policy, legal, and mission concerns that shape the ROE, and collaborate closely in their development, implementation, and training. JAs must become familiar with mission and operational concepts, force and weapons systems capabilities and constraints, War-fighting Functions (WF), and the Military Decision Making Process (MDMP) and Joint Operations Planning and Execution System (JOPES). Operators must familiarize themselves with the international and domestic legal limitations on the use of force and the laws of armed conflict. Above all, JAs and operators must speak the same language to provide effective ROE to the fighting forces.

C. This chapter provides an overview of basic ROE concepts. In addition, it surveys Chairman of the Joint Chiefs of Staff Instruction (CJCSI) 3121.01B, *Standing Rules of Engagement/Standing Rules for the Use of Force for U.S. Forces*, and reviews the JA's role in the ROE process. Finally, this chapter provides unclassified extracts from both the Standing Rules of Engagement (SROE) and other operational concepts to highlight critical issues and demonstrate effective implementation of ROE.

NOTE: This chapter is NOT a substitute for the SROE. The SROE are classified SECRET, and as such, important concepts within it may not be reproduced in this handbook. National security law attorneys must have ready access to the complete SROE and study it thoroughly to understand the key concepts and provisions. JAs play an important role in the ROE process because of our expertise in the laws of war, but one cannot gain ROE knowledge without a solid understanding of the actual SROE.

II. OVERVIEW

A. **Definition of ROE.** Joint Pub 3-84, *Legal Support*: ROE are “[d]irectives issued by competent military authority that delineate the circumstances and limitations under which United States [naval, ground, and air] forces will initiate and/or continue combat engagement with other forces encountered.”

B. **Purposes of ROE.** As a practical matter, ROE serve three purposes: (1) provide guidance from the President and Secretary of Defense (SECDEF), as well as subordinate commanders, to *deployed units* on the use of force; (2) act as a control mechanism for the transition from peacetime to combat operations (war); and (3) provide a mechanism to facilitate planning. ROE provide a framework that encompasses national policy goals, mission requirements, and the law.

1. **Policy Purposes.** ROE ensure that national policies and objectives are reflected in the actions of commanders in the field, particularly under circumstances in which communication with higher authority may not

¹ CHAIRMAN OF THE JOINT CHIEFS OF STAFF INSTR. 3121.01B, STANDING RULES OF ENGAGEMENT (SROE)/STANDING RULES FOR THE USE OF FORCE (SRUF) FOR U.S. FORCES (13 June 2005).

be possible. For example, in reflecting national political and diplomatic purposes, ROE may restrict the engagement of certain targets, or the use of particular weapons systems, out of a desire to influence world opinion in a particular direction, place a positive limit on the escalation of hostilities, or avoid ineffective or improper use of military force. Falling within the array of political concerns are issues such as the influence of international public opinion (particularly how it is affected by media coverage of a specific operation), the effect of host country law, and the content of status of forces agreements (SOFA) with the United States.

2. **Operational Purposes.** ROE provide parameters within which the commander must operate to accomplish his or her assigned mission:

a. ROE provide a limit on operations and ensure that U.S. actions do not trigger undesired escalation, i.e., forcing a potential opponent into a “self-defense” response.

b. ROE may regulate a commander’s capability to influence a military action by granting or withholding the authority to use particular weapons systems or tactics.

c. ROE may also reemphasize the scope of a mission. Units deployed overseas for training exercises may be limited to use force only in self-defense, reinforcing the *training* rather than *combat* nature of the mission.

3. **Legal Purposes.** ROE provide restraints on a commander’s actions, consistent with both domestic and international laws, and may, under certain circumstances, impose greater restrictions than those required by the law. For many missions, particularly peace operations, the mission is stated in a document such as a UN Security Council Resolution (UNSCR), e.g., UNSCR 940 in Haiti, UNSCR 1031 in Bosnia, or UNSCR 1973 in Libya. These Security Council Resolutions also detail the scope of force authorized to accomplish the purpose stated therein. Mission limits or constraints may also be contained in mission warning or execute orders. Accordingly, commanders must be intimately familiar with the legal basis for their mission. Commanders may also issue ROE to reinforce certain principles of the Law of Armed Conflict (LOAC), such as prohibitions on the destruction of religious or cultural property or minimization of injury to civilians and civilian property.

III. CJCS STANDING RULES OF ENGAGEMENT

A. **Overview.** The current SROE went into effect on 13 June 2005, the result of a review and revision of the previous 2000 and 1994 editions. They provide implementation guidance on the inherent right of self-defense and the application of force for mission accomplishment. They are designed to provide a common template for development and implementation of ROE for the full range of military operations, from peacekeeping to war.

B. **Applicability.** Outside U.S. territory, the SROE apply to all military operations and contingencies. Within U.S. territory, the SROE apply to air and maritime homeland defense missions. Included in the SROE are the Standing Rules for the Use of Force (SRUF), which apply to civil support missions as well as land-based homeland defense missions within U.S. territory and DoD personnel performing law enforcement functions at all DoD installations. The SRUF supersede DoD Directive 5210.56, Arming and The Use of Force.²

C. **Responsibility.** The SECDEF approves the SROE, and through the CJCS may issue supplemental theater-, mission-, or operation-specific ROE. The J-3 is responsible for SROE maintenance. Subordinate commanders may also issue supplemental theater, mission, or operation ROE, but must notify the SECDEF through command channels if SECDEF-approved ROE are further restricted.

D. **Purpose.** The purpose of the SROE is twofold: (1) provide implementation guidance on the application of force for mission accomplishment, and (2) ensure the proper exercise of the inherent right of self-defense. The SROE outline the parameters of the inherent right of self-defense in Enclosure A. The rest of the document

² For further information regarding SRUF, see CJCSI 3121.01B, Enclosures L(UNCLASSIFIED) and M-Q (SECRET), and the Domestic Operations Handbook, available at http://www.loc.gov/rr/frd/Military_Law/CLAMO.html.

establishes rules and procedures for implementing supplemental ROE. These supplemental ROE apply only to mission accomplishment and do not limit a commander's use of force in self-defense.³

E. The SROE are divided as follows:

1. **Enclosure A (Standing Rules of Engagement).** This unclassified enclosure details the general purpose, intent, and scope of the SROE, emphasizing a commander's right and obligation to use force in self-defense. Critical principles, such as unit, individual, national, and collective self-defense, hostile act and intent, and the determination to declare forces hostile are addressed as foundational elements of all ROE. [NOTE: The unclassified portions of the SROE, including Enclosure A without its appendices, are reprinted as an Appendix.]

2. **Key Definitions/Issues.** The 2005 SROE refined the Definitions section, combining the definitions of "unit" and "individual" self-defense into the more general definition of "inherent right of self-defense" to make clear that individual self-defense is not absolute. Note, however, that if a subordinate commander imposes more restrictive ROE, he or she must send a notification through command channels, including the CJCS, to the SECDEF.

a. **Self-Defense.** The SROE do not limit a commander's inherent authority and obligation to take all appropriate action in self-defense of the unit, including other U.S. forces in the vicinity.

(1) **Inherent Right of Self-Defense.** Unit commanders always retain the inherent right and obligation to exercise unit self-defense in response to a hostile act or demonstrated hostile intent. Unless otherwise directed by a unit commander as detailed below, military members may exercise individual self-defense in response to a hostile act or demonstrated hostile intent. When individuals are assigned and acting as part of a unit, individual self-defense should be considered a subset of unit self-defense. As such, unit commanders may limit individual self-defense by members of their unit. Both unit and individual self-defense include defense of other U.S. military forces in the vicinity.

(2) **National Self-Defense.** Defense of the United States, U.S. forces, and, in certain circumstances, U.S. persons and their property and/or U.S. commercial assets from a hostile act or demonstration of hostile intent.

(3) **Collective Self-Defense.** Defense of designated non-U.S. military forces and/or designated foreign nationals and their property from a hostile act or demonstrated hostile intent. Only the President or SECDEF may authorize collective self-defense. Collective self-defense is generally implemented during combined operations.

(4) **Mission Accomplishment v. Self-Defense.** The SROE distinguish between the right and obligation of self-defense, and the use of force for the accomplishment of an assigned mission. Authority to use force in mission accomplishment may be limited in light of political, military, or legal concerns, but such limitations have NO impact on a commander's right and obligation of self-defense. Further, although commanders may limit individual self-defense,⁴ commanders always retain the inherent right and obligation to exercise unit self-defense. However, JAs must be aware that the line between action for mission accomplishment and action in self-defense is not always clear. Distinctions between mission accomplishment and self-defense, and between offensive and defensive operations, may vary based on the level of command, array of forces, and circumstances on the ground.

b. **Declared Hostile Force (DHF).** Any civilian, paramilitary or military force or terrorist(s) that has been declared hostile by appropriate U.S. authority. Once a force is declared "hostile," U.S. units may engage that force without observing a hostile act or demonstration of hostile intent; i.e., the basis for engagement shifts from conduct to status. Once a force or individual is identified as a DHF, the force or individual may be engaged, unless surrendering or *hors de combat* due to sickness or wounds. The authority to declare a force hostile is limited, and may be found at Appendix A to Enclosure A, paragraph 3, of the SROE.

³ Commanders may use supplemental measures for various purposes, including limiting individual self-defense by members of their unit within the context of exercising the inherent right and obligation of unit self-defense.

⁴ When assigned and acting as part of a unit, and in the context of unit self-defense. See para. III.E.2.(a).(1).

c. **Hostile Act.** An attack or other use of force against the United States, U.S. forces, or other designated persons or property. It also includes force used directly to preclude or impede the mission and/or duties of U.S. forces, including the recovery of U.S. personnel or vital U.S. government property.

d. **Hostile Intent.** The threat of imminent use of force against the United States, U.S. forces, or other designated persons or property. It also includes the threat of force to preclude or impede the mission and/or duties of U.S. forces, including the recovery of U.S. personnel or vital U.S. government property.

e. **Imminent Use of Force.** The determination of whether the use of force against U.S. forces is imminent will be based on an assessment of all facts and circumstances known to U.S. forces at the time and may be made at any level. Imminent does not necessarily mean immediate or instantaneous.

3. **Actions in Self-Defense.** Upon commission of a hostile act or demonstration of hostile intent, U.S. forces may use all necessary means available and all appropriate actions in self-defense. If time and circumstances permit, forces should attempt to deescalate the situation, but de-escalation is not required. When U.S. personnel respond to a hostile act or demonstration of hostile intent, the force used in self-defense should be sufficient to respond decisively to the hostile act / hostile intent. The means and intensity of the force used may exceed that of the hostile act or hostile intent, but the nature, duration, and scope of force should not exceed what is required to respond decisively.

4. **Enclosures B-H.** These classified enclosures provide general guidance on specific types of operations: Maritime, Air, Land, Space, Information, and Noncombatant Evacuation Operations, as well as Counterdrug Support Operations Outside U.S. Territory.

5. **Enclosure I (Supplemental Measures).**

a. Supplemental measures found in this enclosure (partially reprinted in Appendix A to this chapter) enable a commander to obtain or grant those additional authorities necessary to accomplish an assigned mission. In other words, supplemental measures are options that commanders can request or add to modify the SROE or mission ROE. Tables of supplemental measures are divided into those actions requiring President or SECDEF approval; those that require Combatant Commander approval; and those that are delegated to subordinate commanders (though the delegation may be withheld by a higher authority). The application of supplemental measures may trigger notification requirements through the chain of command.

(1) The current SROE recognizes a fundamental difference between the two sets of supplemental measures. Measures that are reserved to the President or SECDEF or Combatant Commander are generally **permissive**; that is, the particular operation, tactic, or weapon is generally restricted, and the President, SECDEF, or Combatant Commander implements the supplemental measure to specifically permit the particular operation, tactic, or weapon. Contrast this with the remainder of the supplemental measures, those delegated to subordinate commanders. These measures are all **restrictive** in nature.

(2) Absent implementation of supplemental measures, commanders are generally allowed to use any weapon or tactic available and to employ reasonable force to accomplish his or her mission, without having to get permission first. Only when enacted will these supplemental measures restrict a particular operation, tactic, or weapon. Finally, note that supplemental ROE relate to mission accomplishment, not self-defense, and never limit a Commander's inherent right and obligation of self-defense. However, as noted above, supplemental measures may be used to limit individual self-defense.

b. Supplemental measure request and authorization formats are contained in Appendix F to Enclosure I. Consult the formats before requesting or authorizing supplemental measures.

6. **Enclosure J (Rules of Engagement Process).** The current, unclassified enclosure (reprinted in the Appendix to this chapter) provides guidelines for incorporating ROE development into military planning processes. It introduces the ROE Planning Cell, which may be utilized during the development process. It also names the JA as the "principal assistant" to the J-3 or J-5 (or depending on the level of command, the G-3/G-5, or S-3/S-5, as appropriate) in developing and integrating ROE into operational planning.

7. **Combatant Commanders' Theater-Specific ROE.** The SROE no longer provide a separate Enclosure for specific ROE submitted by Combatant Commanders for use within their Area of Responsibility (AOR). Combatant Commanders may augment the SROE as necessary by implementing supplemental measures or by submitting supplemental measures for approval, as appropriate. Theater-specific ROE documents can be found on the Combatant Command's SIPR website, often within or linked to the SJA portion of the site. If you anticipate an exercise or deployment into any geographic Combatant Commander's AOR, check with the Combatant Commander's SJA office for ROE guidance.

8. **Enclosures L-Q (SRUF).** Much like what Enclosure A does for SROE, Enclosure L sets out the basic self-defense posture under the SRUF. Enclosures M-O provide classified guidance on Maritime Operations Within U.S. Territory, Land Contingency and Security-Related Operations Within U.S. Territory, and Counterdrug Support Operations Within U.S. Territory. Enclosures P and Q provide a message process for RUF, as well as RUF references. JAs utilizing RUF are encouraged to consult the Center for Law and Military Operations' (CLAMO) most recent Domestic Operational Law Handbook for Judge Advocates (DOMOPS Handbook) (<https://www.jagnet2.army.mil/CLAMO> or http://www.loc.gov/rr/frd/Military_Law/CLAMO.html), as well as the U.S. Army North, Office of the Staff Judge Advocate, for mission-specific RUF guidance.

IV. MULTINATIONAL ROE

A. U.S. forces will often conduct operations or exercises with coalition partners. When conducting operations as part of a multi-national force (MNF), the MNF ROE will apply **for mission accomplishment** if authorized by SECDEF order. If not authorized, the CJCS SROE apply. Apparent inconsistencies between the right of self-defense contained in U.S. ROE and multinational force ROE will be submitted through the U.S. chain of command for resolution. While final resolution is pending, U.S. forces will continue to operate under U.S. ROE. In all cases, U.S. forces retain the inherent right and obligation to exercise unit self-defense in response to a hostile act or demonstrated hostile intent.

B. The U.S. currently has combined ROE (CROE) with a number of nations, and is continuing to work on CROE with additional nations. Some CROE may apply to all operations and others only to exercises. Functioning within multinational ROE will present various legal challenges. Often times, each nation's understanding of the right to self-defense is different, and self-defense provisions will apply differently across the MNF. Each nation will have different perspectives on the LOAC, and will be party to different LOAC obligations that affect its ROE. Ultimately, each nation is bound by its own domestic law and policy, which significantly impact its use of force and ROE. With or without a multinational ROE, JAs must proactively coordinate with allied militaries to understand and minimize the impact of differing ROE.

C. One tool for JAs to consider when conducting MNF exercises is the *Rules of Engagement Handbook*.⁵ The *ROE Handbook* provides international partners with a framework for addressing a wide variety of operational issues, from the use of force in self-defense, to detention, to the use of various weapon systems. Once the staff creates the exercise ROE, legal and political advisors can work through each ROE Rule to produce a ROE matrix that allows the staff to quickly identify areas of commonality and friction. With a ROE matrix in hand, the staff can ascertain constraints on operations and then work through various scenarios to create ROE training that requires units to train on how to operate under a common MNF ROE.

V. ROLE OF THE JUDGE ADVOCATE

A. Judge Advocates at all levels play an important role in the ROE process. The remainder of this chapter will discuss the four major tasks JAs will confront and will identify techniques to accomplish them. Although presented as discrete tasks, they often are interrelated and occur simultaneously.

B. Task 1: Determining the current ROE.

⁵ INT'L. INST. OF HUMANITARIAN LAW, RULES OF ENGAGEMENT HANDBOOK (Nov. 2009), <http://iihl.org/sanremo-handbook-rules-engagement/>.

1. In operational units, the commander will typically task the Judge Advocate with briefing the ROE to the commander and staff during the operational planning process as well as the daily operational brief (at least during the beginning of an operation). In preparing this brief, the JA will want to consult the following sources:

a. The SROE related to self-defense. The rights and obligations of commanders to defend their units are always applicable, and bear repeating at any ROE briefing. The concepts of hostile act and hostile intent may require additional explanation.

b. As applicable, the enclosures of the SROE that deal with the type of operation (e.g., Land, Maritime, Space, or Counterdrug operations, etc.).

c. Depending on the location of an operation, the Combatant Commander's specific ROE for his or her AOR.

d. The ROE for this particular mission as provided in the OPLAN, as promulgated by separate message, or as it exists for a particular mission. For current examples of mission-specific ROE, as well as superseded, rescinded, or cancelled ROE, visit one of the geographic combatant commands' portals, such as the USCENTCOM portal.

e. Any additional ROE promulgated as the operation evolves or changes, or in response to requests for additional ROE. This is often a challenging area for JAs. During the first few days of an operation, the ROE may be quite fluid. Judge Advocates should ensure that any ROE message is brought to his or her immediate attention (close liaison with the JOC Chief/TOC Battle Captain is necessary here). Judge Advocates should periodically review the message traffic to ensure that no ROE messages were missed, and should maintain close contact with JAs at higher levels who will be able to advise that ROE changes were made or are on the way. Adhering to the rules for serializing ROE messages (Appendix F to Enclosure J of the SROE) will help JAs at all levels determine the current status of the ROE.

2. As the operation matures and the ROE become static, the JA will probably be relieved of the obligation to provide a regularly-occurring ROE briefing. However, the JA should continue to monitor ROE and bring notable changes to the commander's and his or her staff's attention.

C. Task 2: Requesting Supplemental ROE.

1. The SROE provides that commanders *at any level* may request supplemental ROE. Commanders must look to their mission tasking and existing ROE when determining courses of action for the mission. The commander may decide that the existing ROE are unclear, too restrictive, or otherwise unsuitable for his or her particular mission. In that case, he or she may request additional ROE.

2. Although the task of drafting an ROE request message (the format is located in Appendix F to Enclosure I) is often assigned to the JA, he or she cannot do it alone; the command and staff (especially J/G/S-3) must provide extensive input. The concept of an "ROE Planning Cell," consisting of representatives from all sections of the command, including the JA, is recognized in Enclosure J of the SROE. Such a cell should prove ideal for the task of drafting an ROE request. The JA, who should have the best grasp of ROE in general and the SROE in particular, will still play a significant advisory role in this process.

3. Some considerations for drafting an ROE request message.

a. Baseline ROE typically are promulgated at the Combatant Command and higher and receive great thought. Be especially careful about requesting supplemental measures that require President or SECDEF approval, since these items have already received significant consideration. This is not to say that there are no circumstances for which requesting such a measure is appropriate, only that they are relatively rare.

b. In the request message, justify why the command requires the supplemental measure(s). As above, those at higher headquarters who have reviewed the ROE reasonably believe that they have provided the most suitable rules; it is your job to explain otherwise. For example, your unit may have a mission that earlier ROE planners could not have foreseen and that the ROE do not adequately address. If the JA and staff can clearly explain this circumstance, the approval authority is more likely to approve the request.

c. Remember that the policy of the SROE (i.e., self-defense) is that the SROE is generally permissive in nature from the perspective of the tactical level commander. In other words, it is not necessary for the on-scene commander to request authority to use every weapon and tactic available at the tactical unit level unless a higher commander has previously imposed a restriction by a supplemental measure. See the discussion in Enclosure I of the SROE for more details.

d. Maintain close contact with JAs at higher headquarters. Remember that ROE requests rise through the chain of command until they reach the appropriate approval authority, but that intermediate commands may disapprove the request. Your liaison may prove instrumental in having close cases approved and in avoiding lost causes. Also, JAs at higher headquarters levels may determine that your ROE request is not necessary, as existing ROE already provide the requested authority.

e. Follow the message format. Although it may seem like form over substance, a properly formatted message indicates to those reviewing it that your command (and you) know and understand the SROE process.

D. Task 3: Disseminating ROE to Subordinate Units.

1. This process involves taking ROE that higher authority have approved, adding your commander's guidance (within the power delegated to her or him), and broadcasting it to subordinate units. To illustrate, CJCS/Joint Staff ROE, reflecting the guidance of the President or SECDEF, are generally addressed to the Combatant Commander. The supported Combatant Commander takes those President- or SECDEF-approved measures, adds appropriate supplemental measures from the group the Combatant Commander may approve, and addresses these to his or her subordinate commanders, or to a subordinate Joint Task Force (JTF), as applicable. The subordinate /JTF commander will take the President/SECDEF- and Combatant Commander-approved ROE, add any of his or her own, and distribute this ROE message throughout the force. To illustrate further, suppose that a JTF commander receives the Combatant Commander's ROE, and there is no restriction on unobserved indirect fire. The JTF commander, however, wants to restrict its use by his or her forces. The JTF ROE message to the field, therefore, should include the addition of the appropriate supplemental measure restricting unobserved indirect fire. Note, however, that commanders sometimes place restrictions on the ability to modify, change, or restrict ROE at lower levels. The SROE requires notification to the SECDEF if the ROE are made more restrictive.

2. Accordingly, the drafting of ROE is applicable at each of these levels. As stated above, a JA cannot do it alone. The ROE Planning Cell concept is also appropriate to this task. Some applicable considerations include:

a. *Avoid strategy and doctrine.* Commands should not use ROE as a mechanism through which to convey strategy or doctrine. The commander should express his or her battlefield philosophy through the battle order and personally-communicated guidance to subordinates.

b. *Avoid restating the Law of Armed Conflict.* ROE should not restate the LOAC. Commanders may desire to emphasize an aspect of the LOAC that is particularly relevant to a specific operation (e.g., DESERT STORM ROE regarding cultural property), but they should not include an extensive discussion of the Hague Regulations and Geneva Conventions.

c. *Avoid tactics.* Tactics and ROE are complementary, not synonymous. ROE are designed to provide boundaries and guidance on the use of force that are neither tactical control measures nor substitutes for the exercise of the commander's military judgment. Phase lines, control points, and other tactical control measures should not be contained in ROE. These measures belong in the coordinating instructions. Prescribing tactics in ROE only serves to limit flexibility.

d. *Avoid safety-related restrictions.* ROE should not deal with safety-related restrictions. Certain weapons require specific safety-related, pre-operation steps. These should not be detailed in the ROE, but may appear in the tactical or field SOP.

e. *Make ROE UNDERSTANDABLE, MEMORABLE, and APPLICABLE.* ROE are useful and effective only when understood, remembered, and readily applied under stress. They are directive in nature, and should avoid excessively qualified language. Commands must tailor ROE to both the unit and mission, and make ROE applicable to a wide range of circumstances presented in the field. Well-formulated ROE anticipate the

circumstances of an operation and provide unambiguous guidance to a Soldier, Sailor, Airman, and Marine before he or she confronts a threat.

3. Promulgation of ROE. ROE are often sent via formatted messages as found at Appendix F to Enclosure J of the SROE (discussed above). Mission-specific ROE also may be promulgated at Appendix 6, Annex C, of JOPES-formatted (joint) Operational Orders, or in Paragraph 3j(6) (Coordinating Instructions) or Appendix 11, Annex C (Rules of Engagement) of Army operations orders (*see* FM 6-0, Commander and Staff Organization and Operations (with Change 2)).

E. Task 4: Training ROE.

1. The commander, not the JA, is responsible for unit ROE training. The commander normally relies on the staff principal for training (the G-3 or S-3) to plan and coordinate all unit training. However, JAs should play a significant role in ensuring the troops (Soldiers, staff, and unit leaders) understand the mission-specific ROE and are able to apply the rules reflected therein.

a. A JA's first task in helping train the ROE may be to help the commander see the value in taking a systematic approach.

b. If the commander considers ROE training to be a "battle task," that is, a task that a subordinate command must accomplish in order for the command to accomplish its mission, it is more likely that junior leaders will see the advantages of ROE training.

c. The G-3 or S-3 is more likely to be willing to set aside training time for ROE training if it can be accomplished in conjunction with other unit training.

d. The task for the JA is to help the commander and staff realize that ROE are not contained in a discrete subject, but one that pervades all military operations and is best trained in conjunction with other skill training. Situational training exercises and other collective training events are opportune times to train ROE along with other training tasks. It is only through integrated training, where Soldiers are practicing their skills in an ROE-sensitive environment that effective training on ROE issues will occur.

2. There is little specific U.S. Army doctrine detailing how to train Soldiers on the SROE or mission-specific ROE. However, given that ROE are intended to be a control mechanism for operations in the field, there is no substitute for individual and collective training programs. Realistic scenario- or vignette-driven training exercises are much more effective than classroom instruction. Commanders and NCO's should conduct ROE training as they have the best understanding of the mission, their objectives, and how to apply ROE in a specific tactical environment. The JA must be willing to assist in drafting realistic training, and be present when able to observe training and answer questions regarding ROE application. If Soldiers at the squad and platoon level study and train to the ROE, they will better apply them as a team in actual missions.

3. Training should begin with individual discussions between Soldiers and NCOs on a one-on-one or small group basis. Soldiers should be able to articulate the meaning of the terms "declared hostile force," "hostile act," "hostile intent," and other key basic ROE principles. Once each Soldier in the squad is capable of doing this, the squad should be put through an "ROE lane," or Situational Training Exercise (STX). The ROE training should not be done in a vacuum. For the greatest value, the STX lane should be centered on a task that Soldiers will perform during the mission or exercise. This involves the creation of a plausible scenario that a Soldier and his or her squad may face related to the SROE or the relevant mission-specific ROE. Soldiers move through the lane as a squad and confront role players acting out the scenario. For example, if the Soldiers are preparing to deploy on a peacekeeping mission, the STX scenario may call for them to operate a roadblock or checkpoint. A group of paramilitary role players could approach the checkpoint in a non-threatening manner. As the scenario progresses, the role players may become more agitated and eventually they may begin shooting at the peacekeepers.

4. The primary goal in STX training is to help Soldiers recognize hostile acts and hostile intent, and become comfortable with applying the appropriate level of force in response. These concepts can usually best be taught by exposing Soldiers to varying degrees of threats of force. For example, in some lanes, the threat may be verbal abuse only. It may then progress to spitting, or physical attacks short of a threat to life or limb. Finally,

significant threats of death or grievous bodily harm may be incorporated, such as an attack on the Soldier with a knife or club, or with a firearm. Although not specifically in the ROE, the Soldiers might be taught that an immediate threat of force likely to result in death, or grievous bodily harm (such as the loss of limb or vital organs, or broken bones) is the type of hostile intent justifying a response with deadly force. Soldiers must understand that, even where deadly force is not authorized, they may use force short of deadly force in self-defense.

5. In most military operations other than war, *deadly* force is not authorized to protect property that is not mission-essential. However, *some* degree of force is authorized to protect property that is not mission-essential. A lane may be established in which a role player attempts to steal some MREs. The Soldier must understand that non-deadly force is authorized to protect the property. Moreover, if the role player suddenly threatens the Soldier with deadly force to take the non-essential property, the Soldier must understand that deadly force is authorized in response, not to prevent theft, but to defend himself from the threat by the role player. Once Soldiers understand what actions they can take to defend themselves, members of their unit, and property, the mission-specific ROE should be consulted and trained on the issue of collective self-defense.

6. In addition to training Soldiers on the ROE, the staff and war-fighting elements must receive ROE training as well. This is best accomplished in Field Training Exercises (FTX) and Command Post Exercises (CPX). Prior to a real-world deployment, ROE integration and synchronization must be conducted to ensure that all elements understand the ROE and how each system will apply the rules. The JA should ensure that the planned course of action, in terms of the application of the ROE, is consistent with the exercise or mission ROE.

F. Pocket Cards.⁶

1. ROE cards are a summary or extract of mission-specific ROE. Developed as a clear, concise, and UNCLASSIFIED distillation of the ROE, they serve as both a training and memory tool; however, ROE CARDS ARE NOT A SUBSTITUTE FOR ACTUAL KNOWLEDGE OF THE ROE. When confronted with a crisis in the field, the Soldier, Sailor, Airman, or Marine will not be able to consult his or her pocket card—he or she must depend upon principles of ROE internalized during the training process. Notwithstanding that limitation, ROE cards are a particularly useful tool when they conform to certain parameters:

a. *Maintain brevity and clarity.* Use short sentences and words found in the common vocabulary. Avoid using unusual acronyms or abbreviations. Express only one idea in each sentence, communicating the idea in an active, imperative format. Although such an approach—the classic “bullet” format—may not be possible in every case, it should be used whenever feasible.

b. *Avoid qualified language.* ROE are directives, advising subordinates of the commander’s desires and mission plan. They should, therefore, be as direct as any other order issued by the commander. However, while qualifying language may obscure meaning, its use is often necessary to convey the proper guidance. In such a case, the drafter should use separate sentences or subparagraphs to assure clarity of expression. At the same time, subtle differences in language or the organization of a card can convey a certain message or tone, or ensure that the tone set by the card reflects the commander’s intent for the operation.

c. *Tailor the cards to the audience.* ROE cards are intended for the widest distribution possible. Ultimately, they will be put in the hands of an individual Soldier, Sailor, Airman, or Marine. Be aware of the sophistication level of the audience and draft the card accordingly. Always remember that ROE are written for commanders, their subordinates, and the individual service member charged with executing the mission on the ground. They are not an exercise in lawyering.

d. *Keep the ROE card mission-specific.* Though the commander may want to reinforce a few LOAC principles in conjunction with ROE, the purpose of the card is to remind Soldiers of mission-specific issues that are not part of the regular ROE training plan, but are specific to a particular mission. For example, items which are normally on the ROE card include: (1) any forces that are declared hostile; (2) any persons or property that should

⁶ For examples of ROE cards from past operations, see www.jagcnet.army.mil/clamo.

or may be protected with up to deadly force; and (3) detention issues, including circumstances authorizing detention and the procedures to follow once someone is detained. Be aware that such information may be classified.

e. *Anticipate changing rules.* If the ROE change during an operation, two possible ways to disseminate the information are: (1) change the color of the card stock used to produce the new ROE card (and collect the old ones and destroy them); or (2) ensure every card produced has an “as of” date on it. Combined with an aggressive training and refresher training program, this will help ensure Soldiers are operating with the current ROE. ROE for a multi-phased operation, where the ROE are known in advance, should be published on a single card so as to minimize confusion.

G. Escalation of Force (EOF). Currently, one of the most important topics related to ROE is the concept of Escalation of Force (EOF). EOF is not integral to the SROE,⁷ but has been developed and emphasized during recent operations. EOF can take several different forms.

1. On one level, EOF is simply the modern variant of what used to be called “graduated force measures.” When time and circumstances permit, Soldiers should attempt to use lesser means of force to respond to a threat.

2. In the last several years, EOF measures have been used as a “threat assessment process”⁸ that provide Soldiers better information on whether an approaching person or vehicle is demonstrating hostile intent. For example, the proper configuration of a Traffic Control Point (TCP) will allow Soldiers to slow vehicles down using warnings (e.g., visual signs, loudspeakers, barricades, tire strips, laser pointers, laser dazzlers, warning shots, etc.). An approaching vehicle’s response to both the physical layout of the TCP and the Soldiers’ actions can yield valuable clues as to the driver’s intent, such that Soldiers can make more accurate determinations of whether hostile acts or hostile intent are present.

3. Soldiers can apply EOF concepts at TCPs, during convoy operations or dismounted patrols. However, the development of specific tactics, techniques, and procedures (TTPs) for use during convoy operations or dismounted patrols is much more challenging, as it is difficult or impossible to configure the battlespace in the manner that might be possible at a fixed, permanent TCP.

4. EOF concepts can be incorporated into the MDMP process.

5. References. The best reference for EOF is the Center for Army Lessons Learned (CALL) website (<https://call2.army.mil>), which contains valuable lessons learned regarding EOF, including the Escalation of Force Handbook and the TCP Operations Handbook. EOF scenarios are currently available for Engagement Skills Trainer 2000 (EST-2000), a video-based training system in use at many Army installations.

⁷ Arguably, EOF is inherent in the SROE principle of proportionality.

⁸ Lieutenant Colonel Randall Bagwell, *The Threat Assessment Process (TAP): The Evolution of Escalation of Force*, ARMY LAW., Apr. 2008, at 5.

APPENDIX



CHAIRMAN OF THE JOINT CHIEFS OF STAFF INSTRUCTION

J-3 CJCSI 3121.01B

DISTRIBUTION: A, C, S

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STANDING RULES OF ENGAGEMENT/STANDING RULES FOR THE USE OF FORCE FOR U.S. FORCES

References: Enclosures K and Q.

1. Purpose. To provide guidance on the standing rules of engagement (SROE) and establish standing rules for the use of force (SRUF) for DoD operations worldwide. Use of force guidance contained in this instruction supersedes that contained in DoD Directive 5210.56.
2. Cancellation. CJCSI3121.01A, 15 January 2000, CJCSI 3121.02, 31 May 2000 and CJCSI 3123.01B, 01 March 2002 are canceled.
3. Applicability.
 - a. The SROE (enclosures A through K) establish fundamental policies and procedures governing the actions to be taken by U.S. commanders and their forces during all military operations and contingencies and routine Military Department functions occurring outside U.S. territory (which includes the 50 states, the Commonwealths of Puerto Rico and Northern Marianas, U.S. possessions, protectorates and territories) and outside U.S. territorial seas. Routine Military Department functions include AT/FP duties, but exclude law enforcement and security duties on DoD installations, and off installation while conducting official DoD security functions, outside U.S. territory and territorial seas. SROE also apply to air and maritime homeland defense missions conducted within U.S. territory or territorial seas, unless otherwise directed by the Secretary of Defense (SecDef).
 - b. The SRUF (Enclosures L through Q) establish fundamental policies and procedures governing the actions to be taken by U.S. commanders and their forces during all DoD civil support (e.g., military assistance to civil authorities) and routine Military Department functions (including AT/FP duties) occurring within U.S. territory or U.S. territorial seas. SRUF also apply to land homeland defense missions occurring within U.S. territory and to DoD forces, civilians and contractors performing law enforcement and security duties at all DoD installations (and off-installation while conducting official DoD security functions, within or outside U.S. territory, unless otherwise directed by the SecDef). Host nation laws and international agreements may limit U.S. forces' means of accomplishing their law enforcement or security duties.

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4. Policy. IAW Enclosures A (SROE) and L (SRUF).

5. Definitions. Definitions are contained in Joint Pub 1-02 and the enclosures. Enclosures K and G list ROE/RUF references that provide additional specific operational guidance.

6. Responsibilities. The SecDef approves and the Chairman of the Joint Chiefs of Staff (CJCS) promulgates SROE and SRUF for U.S. forces. The Joint Staff, Operations Directorate (J-3), is responsible for the maintenance of this instruction, in coordination with OSD.

a. Commanders at all levels are responsible for establishing ROE/RUF for mission accomplishment that comply with ROE/RUF of senior commanders, the Law of Armed Conflict, applicable international and domestic law and this instruction.

b. Standing Rules of Engagement (SROE).

(1) Self-Defense. Unit commanders always retain the inherent right and obligation to exercise unit self-defense in response to a hostile act or demonstrated hostile intent. Unless otherwise directed by a unit commander as detailed below, military members may exercise individual self-defense in response to a hostile act or demonstrated hostile intent. When individuals are assigned and acting as part of a unit, individual self-defense should be considered a subset of unit self-defense. As such, unit commanders may limit individual self-defense by members of their unit. Both unit and individual self-defense includes defense of other U.S. Military forces in the vicinity.

(2) Mission Specific ROE

(a) Supplemental measures allow commanders to tailor ROE for mission accomplishment during the conduct of DoD operations. There are two types of supplemental measures:

1. Those supplemental measures that specify certain actions that require SecDef approval (001-099 in Enclosure I).

2. Those supplemental measures that allow commanders to place limits on the use of force during the conduct of certain actions (100-599 in Enclosure I). Enclosure I provides ROE supplemental measures guidance.

(b) Supplemental measures may also be used by unit commanders to limit individual self-defense by members of their unit, when in the context of exercising the right and obligation of unit self-defense.

(c) Commanders at all levels may use supplemental measures to restrict SecDef-approved ROE, when appropriate. U.S. commanders shall notify the SecDef, through the CJCS, as soon as practicable, of restrictions (at all levels) placed on Secretary of Defense-approved ROE/RUF. In time critical situations, make SecDef notification concurrently to the CJCS. When concurrent notification is not possible, notify the CJCS as soon as practicable after SecDef notification.

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(3) SROE are designed to be permissive in nature. Therefore, unless a specific weapon or tactic requires Secretary of Defense or combatant commander approval, or unless a specific weapon or tactic is restricted by an approved supplemental measure, commanders may use any lawful weapon or tactic available for mission accomplishment.

c. Standing Rules for the Use of Force (SRUF).

(1) Self-Defense. Unit commanders always retain the inherent right and obligation to exercise unit self-defense in response to a hostile act or demonstrated hostile intent. Unless otherwise directed by a unit commander as detailed below, military members may exercise individual self-defense in response to a hostile act or demonstrated hostile intent. When individuals are assigned and acting as part of a unit, individual self-defense should be considered a subset of unit self-defense. As such, unit commanders may limit individual self-defense by members of their unit. Both unit and individual self-defense includes defense of other U.S. Military forces in the vicinity.

(2) Mission Specific RUF.

(a) Commanders may submit requests to the SecDef, through the CJCS, for mission-specific RUF, as required.

(b) Commanders at all levels may restrict SecDef-approved RUF, when appropriate. U.S. commanders shall notify the SecDef, through the CJCS, as soon as practicable, of restrictions (at all levels) placed on Secretary of Defense-approved ROE/RUF. In time critical situations, make SecDef notification concurrently to the CJCS. When concurrent notification is not possible, notify the CJCS as soon as practicable after SecDef notification.

(3) Unlike SROE, specific weapons and tactics not approved within these SRUF require SecDef approval.

7. Summary of Changes. This instruction is a comprehensive update and replacement of the existing SROE and addresses SecDef guidance, USNORTHCOM establishment and USSTRATCOM/USSPACECOM reorganization. In addition, SRUF guidance is added to allow this single instruction to provide guidance for worldwide U.S. military operations. Existing combatant commander standing ROE/RUF guidance should be reviewed for consistency. Existing SecDef-approved mission-specific ROE/RUF remain in effect, unless otherwise noted.

8. Procedures.

a. Guidance for the use of force for self-defense and mission accomplishment is set forth in this document. Enclosure A (less appendixes) is UNCLASSIFIED and is intended to be used as a ROE coordination tool in developing combined or multi-national ROE, if necessary. Enclosure L is UNCLASSIFIED and intended to be used with U.S. law enforcement agencies and organizations as a RUF coordination tool in developing combined RUF, if necessary.

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b. Combatant commander requests for ROE supplemental measures and combatant commander requests for mission-specific RUF will be submitted to the SecDef, through the CJCS, for approval.

c. Combatant commanders will also provide the following, when applicable:

(1) Notification to the SecDef, through the CJCS, as soon as practicable, of restrictions (at all levels) placed on Secretary of Defense-approved ROE/RUF. In time critical situations, make SecDef notification concurrently to the CJCS. When concurrent notification is not possible, notify the CJCS as soon as practicable after SecDef notification.

(2) Notification of all supplemental measures, not requiring SecDef approval, to the SecDef through the CJCS, as soon as practicable.

d. Geographic combatant commanders may augment these SROE/SRUF, as necessary, through theater-specific ROE/RUF in order to reflect changing political and military policies, threats and missions specific to their respective areas of operations.

e. Ensure that operational ROE/RUF currently in effect are made available on appropriately classified command web sites.

9. Releasability. This instruction is approved for limited release. DoD components, including the combatant commands and other Federal agencies may obtain this instruction through controlled Internet access at <http://www.js.smil.mil/masterfile/sjsimd/jel/Index.htm>. Joint Staff activities may access or obtain copies of this instruction from the Joint Staff local area network.

10. Effective Date. This instruction is effective upon receipt for all U.S. commanders and supersedes all other nonconforming guidance. It is to be used as the basis for all subsequent mission-specific ROE/RUF requests to SecDef and guidance promulgated by combatant commanders.

11. Document Security. This basic instruction is UNCLASSIFIED. Enclosures are classified as indicated.

//signed//

RICHARD B. MYERS

Chairman of the Joint Chiefs of Staff

13 June 2005

Enclosures:

- A -- Standing Rules of Engagement for U.S. Forces
 - Appendix A -- Self-Defense Policies and Procedures
- B -- Maritime Operations
 - Appendix A -- Defense of U.S. Nationals and their Property at Sea
 - Appendix B -- Recovery of U.S. Government Property at Sea
 - Appendix C -- Protection and Disposition of Foreign Nationals in the Control of U.S. Forces
- C -- Air Operations
- D -- Land Operations
- E -- Space Operations
 - Appendix A -- Hostile Acts and Hostile Intent Indicators in Space Operations
- F -- Information Operations
- G -- Noncombatant Evacuation Operations
- H -- Counterdrug Support Operations Outside U.S. Territory
- I -- Supplemental Measures
 - Appendix A -- General Supplemental Measures
 - Appendix B -- Supplemental Measures for Maritime Operations
 - Appendix C -- Supplemental Measures for Air Operations
 - Appendix D -- Supplemental Measures for Land Operations
 - Appendix E -- Supplemental Measures for Space Operations
 - Appendix F -- Message Formats and Examples
- J -- Rules of Engagement Process
- K -- ROE References
- L -- Standing Rules for the Use of Force for U.S. Forces
- M -- Maritime Operations Within U.S. Territory
- N -- Land Contingency and Security-Related Operations Within U.S. Territory
- O -- Counterdrug Support Operations Within U.S. Territory
- P -- RUF Message Process
- Q -- RUF References

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ENCLOSURE A**STANDING RULES OF ENGAGEMENT FOR U.S. FORCES**1. Purpose and Scope.

a. The purpose of the SROE is to provide implementation guidance on the application of force for mission accomplishment and the exercise of self-defense. The SROE establish fundamental policies and procedures governing the actions to be taken by U.S. commanders during all military operations and contingencies and routine Military Department functions. This last category includes Antiterrorism/Force Protection (AT/FP) duties, but excludes law enforcement and security duties on DoD installations, and off-installation while conducting official DoD security functions, outside U.S. territory and territorial seas. SROE also apply to air and maritime homeland defense missions conducted within U.S. territory or territorial seas, unless otherwise directed by the SecDef.

b. Unit commanders at all levels shall ensure that individuals within their respective units understand and are trained on when and how to use force in self-defense. To provide uniform training and planning capabilities, this document is authorized for distribution to commanders at all levels and is to be used as fundamental guidance for training and directing of forces.

c. The policies and procedures in this instruction are in effect until rescinded. Supplemental measures may be used to augment these SROE.

d. U.S. forces will comply with the Law of Armed Conflict during military operations involving armed conflict, no matter how the conflict may be characterized under international law, and will comply with the principles and spirit of the Law of Armed Conflict during all other operations.

e. U.S. forces performing missions under direct control of heads of other USG departments or agencies (e.g., Marine Corps Embassy Security Guards and other special security forces), operate under use of force policies or ROE promulgated by those departments or agencies, when authorized by the SecDef. U.S. forces always retain the right of self-defense.

f. U.S. Forces Operating With Multinational Forces.

(1) U.S. forces assigned to the operational control (OPCON) or tactical control (TACON) of a multinational force will follow the ROE of the multinational force for mission accomplishment, if authorized by SecDef order. U.S. forces retain the right of self-defense. Apparent inconsistencies between the right of self-defense contained in U.S. ROE and the ROE of the multinational force will be submitted through the U.S. chain of command for resolution. While a final resolution is pending, U.S. forces will continue to operate under U.S. ROE.

(2) When U.S. forces, under U.S. OPCON or TACON, operate in conjunction with a multinational force, reasonable efforts will be made to develop common ROE. If common ROE cannot be developed, U.S. forces will operate under U.S. ROE. The multinational forces will be informed prior to U.S. participation in the operation that U.S. forces intend to operate under U.S. ROE.

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(3) U.S. forces remain bound by international agreements to which the U.S. is a party even though other coalition members may not be bound by them.

g. International agreements (e.g., status-of-forces agreements) may never be interpreted to limit U.S. forces' right of self-defense.

2. Policy.

a. Unit commanders always retain the inherent right and obligation to exercise unit self-defense in response to a hostile act or demonstrated hostile intent.

b. Once a force is declared hostile by appropriate authority, U.S. forces need not observe a hostile act or demonstrated hostile intent before engaging the declared hostile force. Policy and procedures regarding the authority to declare forces hostile are provided in Appendix A to Enclosure A, paragraph 3.

c. The goal of U.S. national security policy is to ensure the survival, safety, and vitality of our nation and to maintain a stable international environment consistent with U.S. national interests. U.S. national security interests guide global objectives of deterring and, if necessary, defeating armed attack or terrorist actions against the U.S., including U.S. forces, and, in certain circumstances, U.S. persons and their property, U.S. commercial assets, persons in U.S. custody, designated non-U.S. military forces, and designated foreign persons and their property.

d. Combatant Commander Theater-Specific ROE.

(1) Combatant commanders may augment these SROE as necessary by implementing supplemental measures or by submitting supplemental measures requiring SecDef approval to the CJCS. The mechanism for requesting and disseminating ROE supplemental measures is contained in Enclosure I.

(2) U.S. commanders shall notify the SecDef, through the CJCS, as soon as practicable, of restrictions (at all levels) placed on Secretary of Defense-approved ROE/RUF. In time-critical situations, make SecDef notification concurrently to the CJCS. When concurrent notification is not possible, notify the CJCS as soon as practicable after SecDef notification.

3. Definitions and Authorities.

a. Inherent Right of Self-Defense. Unit commanders always retain the inherent right and obligation to exercise unit self-defense in response to a hostile act or demonstrated hostile intent. Unless otherwise directed by a unit commander as detailed below, military members may exercise individual self-defense in response to a hostile act or demonstrated hostile intent. When individuals are assigned and acting as part of a unit, individual self-defense should be considered a subset of unit self-defense. As such, unit commanders may limit individual self-defense by members of their unit. Both unit and individual self-defense includes defense of other U.S. military forces in the vicinity.

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b. National Self-Defense. Defense of the United States, U.S. forces, and, in certain circumstances, U.S. persons and their property, and/or U.S. commercial assets from a hostile act or demonstration of hostile intent. Unit commanders may exercise National Self-Defense, as authorized in Appendix A to Enclosure A, paragraph 3.

c. Collective Self-Defense. Defense of designated non-U.S. military forces and/or designated foreign nationals and their property from a hostile act or demonstrated hostile intent. Only the President or SecDef may authorize collective self-defense.

d. Declared Hostile Force. Any civilian, paramilitary or military force or terrorist(s) that has been declared hostile by appropriate U.S. authority. Policy and procedures regarding the authority to declare forces hostile are provided in Appendix A to Enclosure A, paragraph 3.

e. Hostile Act. An attack or other use of force against the United States, U.S. forces or other designated persons or property. It also includes force used directly to preclude or impede the mission and/or duties of U.S. forces, including the recovery of U.S. personnel or vital USG property.

f. Hostile Intent. The threat of imminent use of force against the United States, U.S. forces or other designated persons or property. It also includes the threat of force to preclude or impede the mission and/or duties of U.S. forces, including the recovery of U.S. personnel or vital USG property.

g. Imminent Use of Force. The determination of whether the use of force against U.S. forces is imminent will be based on an assessment of all facts and circumstances known to U.S. forces at the time and may be made at any level. Imminent does not necessarily mean immediate or instantaneous.

4. Procedures.

a. Principles of Self-Defense. All necessary means available and all appropriate actions may be used in self-defense. The following guidelines apply:

(1) De-escalation. When time and circumstances permit, the forces committing hostile acts or demonstrating hostile intent should be warned and given the opportunity to withdraw or cease threatening actions.

(2) Necessity. Exists when a hostile act occurs or when a force demonstrates hostile intent. When such conditions exist, use of force in self-defense is authorized while the force continues to commit hostile acts or exhibit hostile intent.

(3) Proportionality. The use of force in self-defense should be sufficient to respond decisively to hostile acts or demonstrations of hostile intent. Such use of force may exceed the means and intensity of the hostile act or hostile intent, but the nature, duration and scope of force used should not exceed what is required. The concept of proportionality in self-defense should not be confused with attempts to minimize collateral damage during offensive operations.

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b. Pursuit. Self-defense includes the authority to pursue and engage forces that have committed a hostile act or demonstrated hostile intent, if those forces continue to commit hostile acts or demonstrate hostile intent.

c. Defense of U.S. Persons and Their Property, and Designated Foreign Persons.

(1) Within a Foreign Nation's U.S.-Recognized Territory, Airspace or Seas. The foreign nation has the principal responsibility for defending U.S. persons and property within its territory, airspace or seas. Detailed guidance is contained in Enclosures B, C and D.

(2) Outside territorial seas. Nation of registry has the principal responsibility for protecting civilian vessels outside territorial seas. Detailed guidance is contained in Appendix A to Enclosure B (Maritime Operations).

(3) In International Airspace. Nation of registry has the principal responsibility for protecting civil aircraft in international airspace. Detailed guidance is contained in Enclosure C (Air Operations).

(4) In Space. Detailed guidance is contained in Enclosure E (Space Operations).

d. Piracy. U.S. warships and aircraft have an obligation to repress piracy on or over international waters directed against any vessel or aircraft, whether U.S. or foreign flagged. For ship and aircraft commanders repressing an act of piracy, the right and obligation of unit self-defense extend to the persons, vessels or aircraft assisted. Every effort should be made to obtain the consent of the coastal state prior to continuation of the pursuit if a fleeing pirate vessel or aircraft proceeds into the territorial sea, archipelagic waters or airspace of that country.

e. Operations Within or in the Vicinity of Hostile Fire or Combat Zones Not Involving the United States. U.S. forces should not enter or remain in areas in which hostilities (not involving the United States) are imminent or occurring between foreign forces, unless directed by proper U.S. authority.

f. Right of Assistance Entry.

(1) Ships and, under certain circumstances, aircraft have the right to enter a foreign territorial sea or archipelagic waters and corresponding airspace without the permission of the coastal state when rendering emergency assistance to those in danger or distress from perils of the sea.

(2) Right of Assistance Entry extends only to rescues where the location of those in danger is reasonably well known. It does not extend to entering the territorial sea, archipelagic waters or territorial airspace to conduct a search.

(3) For ships and aircraft rendering assistance on scene, the right and obligation of unit commanders to exercise unit self-defense extends to and includes persons, vessels or aircraft being assisted. The extension of self-defense in such circumstances does not include interference with legitimate law enforcement actions of a coastal nation. Once received on board the assisting ship or aircraft, however, persons assisted will not be surrendered to foreign authority unless directed by the SecDef.

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ENCLOSURE I**SUPPLEMENTAL MEASURES**

1. **Purpose and Scope.** Supplemental measures enable commanders to tailor ROE for specific missions. This enclosure establishes the procedures for formulation of, request for, and approval of supplemental measures. Appendices A through E to Enclosure I list supplemental measures for commanders to use when requesting and authorizing supplemental ROE measures.

2. **Policy.** IAW Enclosure A.

a. The goal in formulating ROE is to ensure they allow maximum flexibility for mission accomplishment while providing clear, unambiguous guidance to the forces affected. ROE must be properly crafted and commanders properly trained to avoid any hesitation when determining whether and how to use force.

b. Operational ROE supplemental measures are primarily used to define limits or grant authority for the use of force for mission accomplishment. However, unit commanders may issue supplemental measures to limit individual self-defense by members of their units. The use of force for mission accomplishment may sometimes be restricted by specific political and military goals that are often unique to the situation. Developing and implementing ROE is a dynamic process that must be flexible enough to meet changes in the operational situation. In addition to ROE, a commander must take into account the assigned mission, the current situation, the higher commander's intent and all other available guidance in determining how to use force for mission accomplishment.

c. The SROE are fundamentally permissive in that a commander may use any lawful weapon or tactic available for mission accomplishment, unless specifically restricted by approved supplemental measures or unless the weapon/tactic requires prior approval of the SecDef or a combatant commander. Thus, other commanders are authorized to employ the full range of supplemental measures set forth in measures 200 through 699 for mission accomplishment, unless specifically constrained by more restrictive measures promulgated by higher authority.

d. Although normally used to place limits on the use of force for mission accomplishment, supplemental measures may also be used specifically to authorize a certain action if clarity is required or requested.

3. **Objectives.** This enclosure establishes the procedures for formulation of, request for, and approval of supplemental measures. Supplemental measures are intended to:

a. Provide enough of the framework underlying the policy and military guidance to enable the commanders to appropriately address unforeseen situations when immediate decisions and reactions are required. Commanders must never forget that ROE are a tool to guide them through their decision-making process and can never substitute for their sound judgment.

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- b. Provide clear and tactically realistic military policy and guidance to commanders on the circumstances in which use of force can be used for mission accomplishment.
- c. Enable subordinate commanders to request additional measures needed to carry out their mission.

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ENCLOSURE J**RULES OF ENGAGEMENT PROCESS**

1. **Purpose and Scope.** Developing and implementing effective ROE are critical to mission accomplishment. This enclosure provides guidelines for incorporating ROE development into the crisis action planning (CAP) and deliberate planning processes by commanders and staff at all levels. All supplemental measures not specifically requiring Presidential, SecDef or combatant commander approval (001-199) are available for use by commanders unless expressly withheld by higher authority.

2. **ROE Development.**

a. **General Guidelines.**

(1) ROE are an operational issue and must directly support the operational concept. Once assigned a mission, the commander and staff must incorporate ROE considerations into mission planning. Operations planning and ROE development are parallel and collaborative processes that require extensive integration.

(2) As missions develop and requirements emerge, it is natural to need to request supplemental measures from higher headquarters for mission accomplishment. The issues addressed throughout the planning process will form the basis for supplemental ROE requests requiring SecDef or combatant commander approval in support of a selected course of action (COA). ROE development is a continuous process that plays a critical role in every step of crisis action and deliberate planning.

(3) Due to the operational nature of ROE, the Director for Operations (J-3) and his staff are responsible for developing ROE during crisis action planning. Likewise, the Director for Strategic Plans and Policies (J-5) should play a large role in ROE development for deliberate planning.

(4) As an expert in the law of military operations and international law, the Staff Judge Advocate (SJA) plays a significant role, with the J-3 and J-5, in developing and integrating ROE into operational planning.

(5) ROE should be classified at the lowest level possible to ensure widest distribution to U.S. forces.

b. **Task Steps.** The following steps can be used to assist staffs in developing and implementing ROE during planning.

(1) **Mission Analysis.**

(a) Review the SROE, including any current combatant commander theater-specific ROE.

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(b) Review supplemental ROE measures already approved for the mission by higher headquarters, and determine the need for existing authorizations.

(c) Review higher headquarters planning documents for political, military and legal considerations that affect ROE. Consider tactical or strategic limitations on the use of force imposed by:

1. Higher headquarters in the initial planning documents.
2. U.S. law and policy.
3. International law, including the UN Charter.
4. HN law, policy and agreements.
5. For multinational or coalition operations:
 - a. Foreign forces ROE, NATO ROE, NORAD ROE and other RUF policies.
 - b. UN Security Council resolutions or other mission authority.

(d) Internal review of developed ROE by command ROE review team prior to submission for execution or approval, as appropriate.

(e) Desired End State. Assess ROE requirements throughout pre-conflict, deterrence, conflict and post -conflict phases of an operation. ROE should support achieving the desired end state.

(2) Planning Guidance.

(a) Review commander's planning guidance for considerations affecting ROE development.

(b) Ensure ROE considerations derived from commander's planning guidance are consistent with those derived from initial planning documents.

(3) Warning Orders. Incorporate instructions for developing ROE in warning orders, as required. Contact counterparts at higher, lower and adjacent headquarters, and establish the basis for concurrent planning.

(4) Course of Action (COA) Development. Determine ROE requirements to support the operational concept of each proposed COA.

(5) COA Analysis.

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(a) Analyze ROE during the wargaming process. In particular, assess each COA to identify any ROE normally retained by a higher headquarters that must be delegated to subordinate commanders. Identify ROE required by decision and decisive points.

(b) Refine ROE to support synchronizing each phase of proposed COAs.

(6) COA Comparison and Selection. Consider ROE during the COA comparison process, including affects if ROE supplements are not authorized as requested.

(7) Commander's Estimate. Identify Presidential or SecDef-level ROE required to support recommended COA.

(8) Preparation of Operations Order (OPORD).

(a) Prepare and submit requests for all supplemental ROE measures IAW Enclosure A. Normally, the OPORD should not be used to request supplemental measures.

(b) Prepare the ROE appendix of the OPORD IAW CJCSM 3122.03 (JOPES Volume II: Planning Formats and Guidance). The ROE appendix may include supplemental ROE measures that are already approved.

(c) Include guidance for disseminating approved ROE that is consistent with SecDef-approved guidance.

Consider:

1. Developing "plain language" ROE.
2. Creating ROE cards.
3. Issuing special instructions (SPINS).
4. Distributing ROE to multinational forces or coalitions.
5. Issuing ROE translations (for coalitions).

(9) ROE Request and Authorization Process. Commanders will request and authorize ROE, as applicable, IAW Enclosure A.

(10) ROE Control. The ROE process must anticipate changes in the operational environment and modify supplemental measures to support the assigned mission. Commanders and their staffs must continuously analyze ROE and recommend modifications to meet changing operational parameters.

(a) Ensure that only the most current ROE serial is in use throughout the force.

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- (b) Catalog all supplemental ROE requests and approvals for ease of reference.
 - (c) Monitor ROE training.
 - (d) Modify ROE as required. Ensure that a timely, efficient staff process exists to respond to requests for and authorizations of ROE changes.
3. Establish ROE Planning Cell. Commanders may use a ROE planning cell to assist in developing ROE. The following guidelines apply:
- a. The J-3 is responsible for the ROE planning cell and, assisted by the SJA, develops supplemental ROE.
 - b. ROE are developed as an integrated facet of crisis action and deliberate planning and are a product of the Operations Planning Group (OPG) or Joint Planning Group (JPG), or equivalent staff mechanism.
 - c. An ROE planning cell can be established at any echelon to refine ROE derived from the OPG or JPG planning and to produce the most effective ROE requests and/or authorizations possible.

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Enclosure J

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