



ROLE OF JUDGE ADVOCATES IN RULES OF ENGAGEMENT/RULES FOR THE USE OF FORCE

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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 US forces will initiate and/or continue combat engagement with other forces encountered.”¹ 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.

Rules for the use of force (RUF) apply when DOD forces are performing civil support missions and routine Service functions including force protection within the US and its territories or when DOD forces are performing law enforcement or security duties within (when permitted by Posse Comitatus) or outside the US.

Appendix F offers considerations to assist the commander with ROE development.

Purposes

ROE/RUF ensure any use of force is consistent with national security and policy objectives. Used chiefly to regulate the use of force, ROE/RUF 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/RUF should represent a confluence of legal considerations, national policy objectives, and operational concerns.** When the

¹ JP 1-04, [Legal Support to Military Operations](#)

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 Air Force forces comply with the LOAC. Air Force forces adhere to 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 LOAC and are often used to reinforce certain LOAC principles.

Principles

Absent specific operational necessity, ROE/RUF should never impede the inherent right of self-defense of US forces. ROE/RUF 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 unit self-defense should never be compromised. US forces do not have to be the subject of a hostile act before responding in self-defense. US forces may respond in self-defense to demonstrated hostile intent against the United States, US forces or other designated persons or property. Commanders at every echelon are responsible for establishing or requesting ROE for mission accomplishment that comply with ROE of senior commanders and the standing rules of engagement.

By following the ROE/RUF 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/RUF should complement US interests and military objectives.**
- ★ **ROE/RUF should not be too specific or restrictive.**
- ★ **ROE/RUF should be current and responsive to change.**
- ★ **ROE/RUF should not diminish operational effectiveness.**
- ★ **ROE/RUF should permit the timely and appropriate use of force.**

Characteristics

Effective ROE/RUF allow commanders to apply 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 judge advocates (JAs).

- ✦ 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.

JA Staff Role in ROE/RUF Development

JAs serve as the principal advisor to the commander, Air Force forces and staff for ROE/RUF. A JA assists in the development of ROE/RUF, but the operators (planning and executing in the operational chain of command) have the responsibility to formulate and submit ROE/RUF for approval.

Modifying ROE/RUF

JAs and paralegals assist commanders in modifying or requesting changes to the ROE/RUF. With few exceptions, ROE are fundamentally permissive in nature and allow commanders to modify or request changes to the ROE to support mission accomplishment. Unlike the permissive nature of ROE, special weapons and tactics not authorized within RUF are not approved. 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 or for self-defense. JAs and paralegals assist commanders in determining appropriate ROE/RUF and recommend changes when necessary. Commanders should seek modification to ROE/RUF through the chain of command. Modification and clarification may be warranted when the ROE/RUF are inadequate, faulty, create the risk of friendly fire incident, or hinder a commander's ability to carry out the mission.

Implementing ROE/RUF

Air Force commanders expect JAs to know and fully advise Air Force forces on ROE/RUF.
