



ROLE OF AIR FORCE JUDGE ADVOCATE GENERAL CORPS IN RULES OF ENGAGEMENT AND RULES FOR THE USE OF FORCE DEVELOPMENT

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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.”³ 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 Department of Defense (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 the Posse Comitatus Act) or outside the US.

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

PURPOSES

ROE and RUF ensure that any use of force is consistent with national security and policy objectives. Used chiefly to regulate the use of force, ROE and 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 war. History has demonstrated

³ Joint Publication 3-84, Legal Support

that, **to be most effective, ROE and RUF 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 law of war. Air Force forces adhere to the law of war 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 law of war and are often used to reinforce certain law of war principles.

PRINCIPLES

Absent specific operational necessity, ROE and RUF should never impede the inherent right of self-defense of US forces. ROE and 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 US Standing ROE.

By following the ROE and RUF principles outlined below, Air Force forces' missions are less likely to be compromised and US political and military objectives are more likely achieved:

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

CHARACTERISTICS

Effective ROE and 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.
- ✦ 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 law of war.

AFJAGC STAFF ROLE IN ROE AND RUF DEVELOPMENT

Judge advocates serve as the principal advisor to the [commander, Air Force forces](#) and staff, as well as to the [joint force air component commander](#) (when the COMAFFOR is so appointed) for ROE and RUF. A judge advocate assists in the development of ROE and RUF, but the operators (planning and executing in the operational chain of command) have the responsibility to formulate and submit ROE and RUF for approval.

Modifying ROE and RUF

Judge advocates and paralegals assist commanders in modifying or requesting changes to the ROE and RUF. With few exceptions, ROE are fundamentally permissive in nature and allow commanders to modify or request changes to them 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. Judge advocates and paralegals assist commanders in determining appropriate ROE and RUF and recommend changes when necessary. Commanders should seek modification to ROE and RUF through the chain of command. Modification and clarification may be warranted when the ROE or RUF are inadequate, faulty, create the risk of friendly fire incident, or hinder a commander's ability to carry out the mission.

Implementing ROE and RUF

Air Force commanders expect judge advocates to know and fully advise Air Force forces on ROE and RUF.
