

IDEAS & ISSUES (ROE)

The ROE Test

Is there an automatic default decision?

by MajGen Robert B. Neller

Rules of engagement, or ROE, are a part of any operation. We teach and train the force to understand them and how to apply them. Marines memorize them and can quote them verbatim. But do they "understand" how to apply them in the context of their assigned mission? Do they comprehend their application and the effects caused even if they are interpreted technically accurately? Have we "educated" them to really understand the ROE?

The following is a scenario-based discussion of the ROE that, if used in training, will, I believe, improve your

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unit's understanding of the ROE. In this scenario you can play the role of the unit leader or the higher headquarters as you consider your options for action. There are right and wrong answers. But the intent of the "test" is to make all think, not just about the ROE and its application, but about the consequences of any action and the benefits of, in some cases, no action.

Before we begin, let's review the foundational principles of ROE:

- 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 (USG) property.
- 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



Our Marines must have a firm grasp of ROE fundamentals. (Photo by LCpl Brian D. Jones.)

U.S. personnel or vital USG property.

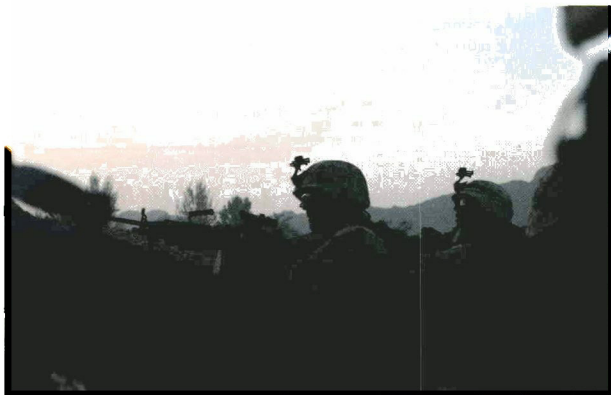
- **Positive identification (PID).** PID is a reasonable certainty that the proposed target is a legitimate military target.

- **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.

- **Collateral damage.** The unintentional or incidental injury or damage to persons or objects that would not be lawful military targets in the circumstances ruling at the time. Such damage is not unlawful so long as it is not excessive in light of the overall military advantage anticipated from the attack.

OK. Let's start. Your unit has been given the mission to surveil an improvised explosive device (IED) "hotspot." This particular area is near an intersection and is surrounded by a fair number of buildings housing shops with some number of buildings being unoccupied. You conduct a map and photo study and believe that under the cover of darkness you can occupy a vacated building to observe the IED site. The next night you execute your move and after a long and tiring move are able to make it to a third story room in an empty building, you believe, undetected. After you post security you begin your surveillance mission.

Not long after sunrise you see a man down the shoulder of the road moving toward the intersection with a white rice bag over one shoulder and a shovel over the other. Action? Engage? No, there has been no hostile act though the individual certainly bears watching. Report to higher headquarters what you are seeing and continue to observe. Request that intelligence, surveillance,



ROE should not point our Marines into a box. (Photo by Sgt Freddy G. Cantu.)

and reconnaissance (ISR), if available, be vectored to support you.

The man continues down the road toward the intersection and stops next to an old IED shot hole. Action? Report. Observe. No hostile act. Hopefully, your ISR is getting close to being on station.

The individual takes the bag and the shovel off of his shoulder and sets it on the ground. Action? Report. No hostile act. No hostile intent.

The individual picks up the shovel and begins to dig in the old shot hole. Action? Digging a hole, by itself, is not a hostile act, but in the context of your mission and the situation, you are crossing into what could become a hostile act. I would recommend continuing to report and, if not yet available, press harder for ISR support. What is the mission? Surveillance, right?

The man stops digging, puts down the shovel, reaches into the bag, and pulls out a long cylindrical object with two red wires coming out of the nose. Action? Continue to report? Clearly the guy has an IED, and he is performing a hostile act. So what do you do? Engage? If yes, how do you engage? Rifle fire. Indirect? Air? What is the potential for collateral damage? Can you safeguard civilians who may be in the area?

Let's say you engage the individual with small arms fire, kill him, and report this to higher headquarters. In the best case you have killed a man who was probably paid by some other guy who was paid by some other guy who was paid by the bomb maker who was paid by the ringleader. The one who knows the first link in this chain is dead. You will never know who paid him. You already know where the IED is so no one should run over it if you have been properly reporting. The bottom line is that in the worst possible case your shot has now compromised your position. The locals nearby now know where you are. They may come at you either in curiosity or anger. They may call the police. They may go home and get their own weapons and take you under fire. Now you are pinned down. You call for emergency extract. The quick reaction force (QRF) of your unit is dispatched to come get you. They hit an IED en route. They have killed and wounded. You are still pinned down, and "tell me again what you got out of shooting this one guy?"

Here is an alternative. Don't shoot him. If ISR came on station, follow him. Explosive ordnance disposal can get the IED later and possibly identify the bomb maker from some exploitation of the device. You remain uncom-

promised and can continue to observe and make your return to the unit after dark. The ISR follows the man home. The QRF goes to his house and detains him, finds other IEDs, and is able to take him in for questioning. He may give up the next guy in the chain, and if we are having a good day we unravel the entire cell. Does this alternative sound idealistic and Pollyannaish? Maybe, but if we kill him we will never know if we could have gotten to that end state.

The moral of the story is not just to know your ROE but to understand how to employ the ROE in the context of the mission. We all know that we have the inherent right of self-defense. When a guy shoots at me and I can get PID on him, well, he dies. But only if I know he is not some off duty police officer or a member of the governor's personal security detail, and I can engage without endangering innocents. I am sure some will say the above

thought process is going to put the force at risk. I emphatically disagree. Going kinetic is not always the right answer, and certainly, if we have learned anything in the last few years

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about this type of fight it should be that dead men tell no tales, and killing is not hard, but it is also not always the right answer.

Again, my intent here is to make you and your unit think about the con-

sequences of your actions within the context of the mission. Operating effectively in a counterinsurgency is a "thinking man's game." As much as leadership wants to make the ROE "black and white," the situations we are presented with in a counterinsurgency are usually anything but. The enemy knows this, and he leverages our compliance with the rule of law by hiding among/using innocents to shield his actions. Going kinetic may be the correct answer, but it should not be our automatic default decision. In fact, our default in an unclear situation must be not to engage.

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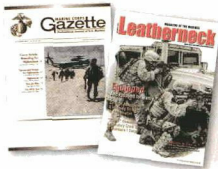


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