

Rules of Engagement in Military Operations Other Than War, From Beirut to Bosnia

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Title: Rules of Engagement in Military Operations Other Than War, from Beirut to Bosnia

Author: Major Herman C. Broadstone, USMC

Thesis: Have we made any improvements in developing and implementing Rules of Engagement in Military Operations Other Than War in order to accomplish the mission and allow for force protection?

Discussion: With the end of the Cold War and a break up of world order Military Operations Other Than War (MOOTW) have been on the increase. In these operations it is often difficult to define an enemy and an exact mission. There is also a strong desire to limit the use of military force to prevent an escalation of the situation beyond a politically acceptable means. The measure used to control this are the rules of engagement (ROE). They define guidelines for the commander and forces committed concerning when the use of force is authorized and to what extent. Of primacy within the ROE is the right to self-defense which can never be denied regardless of the situation. The uncertainty of the mission and a changing political environment often cause the mission to change or creep. As this happens the ROE must be changed to match the mission. This has failed to happen on many occasions. The ROE must be in concert with the mission.

Conclusions: Unfortunately, the ROE and the right to self defense are often over controlled and regulated by civilian and military leaders. With the uncertainty MOOTW brings commanders try to maintain too much control and fail to grant the authority needed to the subordinate commanders on the ground. This has caused delays in actions when the use of force was required and has led to US casualties. In addition, commanders at all levels, must understand the situation of the personnel on the ground and the complexities and uncertainty they face. They must train them, trust them, and supervise them, but not tie their hands by husbanding needed authority and implementing complex chains of command. MOOTW are very complex for leaders at all levels, particularly at the small unit level where the decision to shoot or not to must be made. Higher echelons of command are responsible for not making this decision all the more difficult by trying to maintain too much control of the situation and not trusting their subordinates and giving them the flexibility they require to accomplish the mission and stay alive.

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"War is Merely the Continuation of Policy by Another Means"

Carl Von Clausewitz

The Right to Self Defense is Never Denied!

The above concepts are widely understood and accepted by America's political and military leaders. The individual unit cannot be restricted from the right to defend itself and policy drives the conduct of military operations. When the nation is at war encompassing large-scale combat operations these concepts are easy to understand and implement. However, when the nation has forces involved in Military Operations Other Than War (MOOTW) the implementation becomes more difficult.¹ This has bearing on the mission statement and Rules of Engagement (ROE) given to the on-scene military commander. Political considerations permeate all levels of operations and the military may not be the primary player. As a result, these operations normally have more restrictive ROE.² From Beirut, 1982-84 to Bosnia, 1995, have we made any progress in ROE development and implementation for MOOTW in order to accomplish the mission and allow committed forces to protect themselves?

As complicated as the decision to commit forces is, the decision on the amount and type of force to use is equally difficult. Military forces are normally committed only after other political, diplomatic, or economic options have failed. They may be committed in conjunction with or in addition to the other operations. Still, it is desirable to minimize the amount of force authorized while still achieving the desired results. Too much force or force applied in the wrong manner could escalate the situation beyond a

politically desirable point, conversely, not enough force could place the forces in danger and/or fail to achieve the desired results. This is why ROE are so important, particularly for MOOTW.

ROE

ROE are defined as directives issued by competent military authority which delineate the circumstances and limitations under which US forces will initiate and/or continue combat engagement with other forces encountered.³ They are a subset, completely encased by the law of war, which is defined as, that part of international law that regulates the conduct of armed hostilities.⁴ It is important to note that under the Joint Chiefs of Staff (JCS) definition, ROE should not delineate specific tactics, should not cover restrictions on specific system operations, should not cover safety-related restrictions and should not set forth service doctrine, tactics or procedures.⁵ While the government of the US cannot change the internationally recognized law of war, it can change specific ROE based on other factors.

The factors that influence ROE are: the law of armed conflict, domestic law, operational factors, political factors, diplomatic factors and the values of the nation. The influence each of these factors will have on a particular set of ROE will be situational dependent. However, where the influence of each of these factors overlap is the influence each has on the ROE. The ROE will then shape the force that may be used to achieve the political purpose of the mission.⁶ The political purpose of ROE is simply to ensure military courses of action are in coherence with political intentions and minimize the chance of undesired escalation or reactions. The military purpose of ROE give guidelines

or limits to the commander in the use of his forces to accomplish the mission. Within this context ROE must not interfere with the military force's right and responsibility to self-defense. The legal purpose is to give the commander operational guidance to achieve his mission within the constraints of national and international law. Values of the nation will bear on what the nation will tolerate and accept. This can have bearing on committing forces, the mission and withdrawal. From these definitions it is readily apparent that the ROE must be in concert with the mission. They are important in implementing strategic decisions and to provide a mechanism for controlling the shift from peace to war.⁷

Peacetime ROE are based on the right of self-defense and how that right may be exercised when presented with hostile act or demonstrations of hostile intent in situations short of armed conflict. While wartime ROE (WROE) are broader and do not limit military responses to defensive action they do limit the amount or magnitude of the response based on national policy.⁸

Major factors in peacetime ROE are, hostile action, and hostile Intent. Hostile action is direct attack or other use of force by a foreign force or terrorist unit. While hostile intent can be more difficult to measure, it is the threat of imminent use of force. An example of hostile intent would be potentially hostile forces moving toward friendly positions with rifles or machineguns. Another consideration is the use of the minimum force required. For example, a building would not be destroyed by artillery just because rifle fire was received from within the building.

Understanding the basic difference between ROE and WROE is relatively simple. Unfortunately, defining and understanding the difference between peace and war is very

complex, particularly in the post-Cold War era. This complexity is caused, in part, by mission creep. This operational phenomenon can be defined as the changing of a mission as an operation continues or the initial difficulty of defining the mission from its inception. Often governments have the tendency to dispatch military forces without very clear objectives in mind in hopes that they will do something to resolve the situation while doing nothing to aggravate it. This can lead to an unclear or inappropriate mission statement. In spite of that, a precise mission statement is needed to determine the forces required and acceptable ROE in order to accomplish the political objective.

When developing ROE or requesting a change to ROE, at all levels, it is imperative that the ROE allow for force protection and mission accomplishment. This is very difficult in MOOTW where ROE are generally more restrictive, detailed and sensitive to political concerns than in war and political objectives drive operations at every level from strategic to tactical.⁹ ROE vagueness and imprecision in the ROE can only compound the dangers of uncontrolled escalation.¹⁰ Additionally, it is imperative that the ROE are easily understood so the individual can make a timely and correct decision in extremely stressful situations. Achievement of this requires timely dissemination of the ROE to allow sufficient time for instruction and practical, situation based exercises that hone the individual and unit leader's decision making process. This is important considering the force's loss of a certain amount of security as they are placed in a reactive situation. For instance, forces are often required to patrol populated areas where potential belligerents blend in with the population and do not follow a set of ROE. Because of this the tendency is to over supervise or regulate the force's actions.

Other important factors in ROE are how they are developed and disseminated. Peacetime ROE are developed by the Joint Staff and approved by the National Command Authority (NCA). They are then disseminated to the various Commanders in Chief (CINCs) to guide them in their day to day duties. When a crises or contingency mission arises, supplements to those ROE are issued or new ROE are developed and issued. During this process the involved CINC has a chance to provide input and request changes. The CINC then disseminates the ROE down his chain of command to subordinate units and supporting CINCs.¹¹ Any commander can make the ROE more stringent, but he cannot relax them without the approval of the level of command that stipulated the original ROE.

During October 1994, the Chairman of the Joint Chiefs of Staff (CJCS) issued Standing ROE to all CINCs with a ninety day response time. This amount of time was allotted so each CLNC could request supplements he felt were warranted by his particular responsibilities and regional requirements.¹² It is important to note that in the area of semantics the word standing replaced peacetime. This was done to reduce the implication that peacetime meant no forces were in danger or using deadly force.¹³

The increasing prominence of MOOTW is a fact our nation faces. The goals and end states may not be crystal clear in MOOTW and ROE will play a prominent role. Correspondingly the national policy may be ill defined and shifting as the situation develops. With this in mind we must ask the question; were clear, concise mission statements given and applicable ROE developed? Also, is the commander on the ground allowed to employ his forces within the ROE in order to accomplish the mission, or is

there an inordinate amount of influence that detracts his focus from the mission? I will now apply those considerations to four MOOTW scenarios to determine if progress has been made. Those scenarios are; The Marines in Beirut, 1982-1984, military operations in Somalia, 1992-1994, military operations in Haiti, 1994-1995, and the rescue of Captain Scott O'Grady in Bosnia-Herzegovina, 1995.

MISSION/ROE

BEIRUT

The initial US mission in Beirut was basically to support Ambassador Habib and the Multi National Force (MINF) committee in their efforts to evacuate the Palestinian Liberation Organization (PLO), secure and occupy the port of Beirut in conjunction with the Lebanese Armed Forces (LAF), maintain contact with other multi-national forces (MNF), and be prepared to withdraw.¹⁴ The MNF consisted of US, French, and Italian forces. This mission was executed from 21 August through 1 September 1982 after which the MNF began their withdrawal on 10 September. On 25 August 1982 Bashir Gemayel was elected President of Lebanon and he was assassinated on 14 September 1982 while addressing members of his Phalange Party. In retaliation, Christian members of the Phalange Party, supported by members of the Israeli Army, massacred 800 Palestinians in two refugee camps. Since the US had guaranteed the safety of the refugees in these camps at the time of the PLO evacuation, the killings were an embarrassment to the Reagan administration.¹⁵

This led to another request by the Lebanese government for MNF support in

maintaining order. On 29 September 1982 Marine forces were reintroduced as part of a MNF presence in the Beirut area to occupy and secure positions on a designated line from south of the Beirut International Airport to the vicinity of the Presidential Palace and, on order, retrograde as required.¹⁶ The Marines were instructed that, they would not be engaged in combat, peacetime ROE would apply, and USCINCEUR would be prepared to extract US forces in Lebanon if required by hostile action.¹⁷ The interpretation of presence was not the same by all levels of command.¹⁸ It also held a different meaning for the commanders of the Marine Amphibious Unit (MAU) and its Battalion Landing Team (BLT) that rotated throughout the period that US forces were in Beirut. One commander saw presence as providing stability, while another read it as a cop on the street, and still another saw it as showing the flag.¹⁹ The peacetime ROE were based on use of force only in self defense; a key part of those ROE was "hostile act." Hostile act was defined as an attack or use of force against the United States' Multi-National Forces (USMNF), or against MNF or LAF units operating with the USMNF, that consisted of releasing, launching, or firing of missiles, bombs, individual weapons, rockets or any other weapon".²⁰ However, return fire had to be authorized up the chain of command to CINCEUR.²¹

Regrettably, the political and military situation failed to stabilize. On 18 April 1983 the US embassy was destroyed by a car bomb and 61 people were killed, to include 17 Americans. This resulted in a permanent unit from the BLT being tasked with guarding the US Embassy after its relocation to both the Duraffourd Building and the British Embassy. The mission escalated at this point. With this relocation tasking

USCINCEUR promulgated an expanded set of ROE for participating forces. These ROE directed that magazines would be inserted in weapons, weapons on safe, with no round in the chamber for some posts, while other posts required a round in the chamber.²² These ROE better prepared forces to respond to terrorist type acts, such as car bombings and allowed a Marine "to fire if he perceived hostile intent."²³ The forces ashore now had two sets of ROE, one based on hostile act and the other on hostile intent.

Having two sets of ROE and forces at two separate locations the MAU commander developed the "Blue Card", "White Card" system. The blue card contained the ROE for personnel at the Duraffourd Building (hostile intent) and the white card (hostile action) contained ROE for the personnel at the airport. The two card system was further diluted when personnel guarding interior posts, 3 through 6, at the airport were instructed not to have a magazine inserted in their weapons while personnel at exterior posts, 1 and 2, were instructed to insert a magazine in their weapon. What commanders and personnel now had was a very complicated set of ROE and a feeling that some posts were more dangerous than others. Adding to this confusion was the decision to billet approximately one-quarter of the MAU, about 300 personnel, in a single structure. The result was the creation of a front line and rear area atmosphere.

During early September 1983, the Israeli forces were withdrawn from the Beirut area. This move created a void that the LAF was unprepared to fill, and the result was fierce fighting along factional lines-essentially, a battle for the city.²⁴ During this time attacks against the MNF began to increase and on 6 September 1983 the first Marine casualties were incurred from artillery fire. On 19 September naval gunfire was used by

the US for the first time to attack artillery positions in the hills overlooking Beirut.

Subsequently, on 19 September, the National Security Council directed the use of US naval gunfire in support of the LAF.²⁵ These fires were used in support of LAF forces to ensure control of the Christian town of Suq-Al-Gharb, located in the high ground overlooking Beirut. The mission was escalating again. On 26 September a cease-fire agreement was signed and talks began on the formation of a new coalition government for Lebanon.²⁶

On 23 October 1983, the Battalion Landing Team (BLT) headquarters building was destroyed by a suicide truck-bomb. The truck was laden with the explosive equivalent of over 12,000 pounds of TNT crashed through the perimeter of the USMNF compound at Beirut International Airport, penetrated the Battalion Landing Team Headquarters building and detonated.²⁷ The truck drove past Marine posts utilizing white card ROE that had been further diluted with the order to remove magazines from the weapons. Almost simultaneously a building geographically separated from the BLT and occupied by French Paratroopers was destroyed. The US suffered 241 killed and 70 wounded while the French suffered 58 killed.²⁸ From the time of the bombing until 26 February 1984, when Marine forces withdrew to ships offshore, the Marines continued with their mission. During this time fighting increased as the Marine's positions received fire from gun positions in Syrian-held territory, the first air combat missions were flown against Syrian anti-aircraft positions in retaliation, and Druze gunners attacked the Airport with 23mm fire. The US experience in Lebanon had been humbling.

US forces initially entered Beirut with a clear, concise mission; however, they

returned with an ambiguous mission that lent itself to interpretation. This confusion was aggravated with ROE that did not allow the force to protect itself without a substantial delay as permission was requested through several echelons of command. This created a vulnerability that the belligerents used to their advantage. When additional ROE were issued pertaining only to the forces protecting the Durafford building the message was sent that the airport was considered safe, despite indirect fire that was being received. The importance of a clear mission statement and applicable ROE that allowed for force protection were both missing in the Beirut scenario.

SOMALIA

In September 1991, the Somalia government was overthrown by Siad Barre in an uprising that had popular support within the country. For the next two years warring factions fought in bloody rivalry that virtually destroyed the country and brought on mass starvation, as many as 4.5 million Somalis by the summer of 1992.²⁹ The UN passed a series of resolutions that recognized the unique character of the situation in Somalia and the magnitude of the suffering caused by the conflict. This led to the authorization of, United Nations Operation Somalia (UNOSOM) to assist the humanitarian relief effort.

The violence continued and threats of violence against personnel participating in humanitarian efforts were reported. On 20 November 1992, the I Marine Expeditionary Force (I MEF) received a warning order from the US Central Command to commence planning for humanitarian intervention in Somalia; Operation Restore Hope.³⁰ This was done in response to the UN Secretary General's recommendation that action under Chapter VII of the UN charter should be taken to establish a secure environment for the

humanitarian relief effort.³¹ Operation Restore Hope was a US led, combined joint task force (CJTF), comprised of forces from 20 nations. The mission was clearly defined: to provide security for delivering relief supplies.³² This was to be accomplished in four phases; introduce forces, establish humanitarian relief sectors, stabilize the situation, transition control to UNOSOM II and redeploy.³³ The initial mission CINC Central Command (CENTCOM) received from the NCA included the task of disarming the warring factions. Ambassador Oakley and General Hoar, CINC CENTCOM, understanding the culture and the difficulty associated with disarming requested that it be deleted.³⁴ Virtually, the only safety options to the Somali citizen was the possession of a firearm and alliances formed within the various clans. The confiscation of these weapons would pit the forces against the very people they were trying to help. The final decision to not become involved in disarming was made by the president against the urgings of the Secretary General of the UN.³⁵

The Restore Hope ROE contained language based on the new Joint Chiefs of Staff (JCS) standing ROE (SROE).³⁶ This was the first mission based on the new SROE and hostile action and hostile intent were included together. In early December 1994 the Commander of the Combined Joint Task Force (CJTF) requested supplemental ROE that would essentially declare technicals (vehicles with mounted crew-served weapons) and individuals with crew-served weapons as hostile. Possession alone would signify hostile intent or act. In addition, it requested using proportional force. The final ROE saw "minimum" replacing "proportional", and "clearly demonstrating" being placed before "hostile intent". Another factor that became an issue of concern was the definition of non-

lethal and less than lethal. The terms imply that the system cannot be employed lethally when used correctly. The ROE were approved only four days before the landing as these issues were settled.³⁷

The ROE were delayed as the wording was carefully considered reflected an attempt to control the conduct of the forces with carefully crafted words and a "legislative approach."³⁸ This displayed a lack of understanding the impact of controlling conduct by issuing a rule can have on the individual that must make a life and death decision during stressful, uncertain circumstances. If I need them to act a certain way, I'll simply write instructions on how I want it done.³⁹

The ROE were expanded shortly after the CJTF landed, to clarify that possession of a crew-served weapon or a rocket propelled grenade launcher (RPG) constituted hostile intent and that deadly force was not authorized to prevent theft or to restrain individuals.⁴⁰ It was felt that the permissive ROE allowed the forces to lean back vice forward, because the Somali's recognized that the forces would protect themselves.⁴¹

The mission remained constant for the five months ashore.⁴² On 12 December 1992 the Marines escorted their first relief convoy beyond Mogadishu. It was also the first day that Marine helicopters were fired on. The forces were able to protect themselves within the established ROE. As control over the violence was gained a more stable environment emerged. With the feeling of protection Somali's began giving up their weapons. In addition, the cantonment of heavy weapons, initially instigated by Ambassador Oakley and Lieutenant General Johnston, did much to control the level and frequency of violence. By late spring of 1993 coalition forces had confiscated over 4,000

weapons.⁴³ However, hostile acts against the JTF and small incidents of violence continued through February as the US began to transition control to the UN and UNOSOM II, a Chapter VI operation.

The events of UNOSOM II are not within the scope of this paper.⁴⁴ However, the UN ROE were very aggressive and similar US SROE for self-defense, requiring the demonstration of hostile act or intent.⁴⁵ The overly ambitious UN mission of rebuilding Somalia failed because the UN allowed the mission to escalate. This, coupled with the failed attempt to capture Mohammad Farrah Aideed, that left 18 US military personnel dead, ultimately lead to the decision to withdraw from Somalia and UNOSOM II.

A CJTF was subsequently formed in late 1994 with Lieutenant General Zinni, USMC, the operations coordinator for Restore Hope, assigned as its Commander. The CJTF's mission was to support the withdrawal of UNOSOM II and the retrograde of US and UNOSOM II equipment.⁴⁶ This was conducted with 23 ships from seven countries and involved relieving UN forces who were protecting the air and sea ports so they could withdraw. The operation ashore was executed from 27 February 1995 to 2 March 1995 and was highly successful.

The ROE were essentially the same as the ROE for Restore Hope; self defense was authorized in response to a hostile act or clear demonstration of hostile intent. These ROE were received three weeks before the operation and allowed sufficient time for training the forces. This included coordination with forces from other nations. The one issue that did arise was with the Italian forces who use warning shots during crowd control. The issue was resolved by all forces conforming to the use of warning shots.⁴⁷

Operation Restore Hope was planned with the lingering memories of Beirut. A clear, concise and achievable mission was given and modified at the request of the CINC and CJTF commander. When the withdrawal from Somalia was deemed necessary the mission statement for that operation was also clear, concise, and achievable. Forces were given flexibility when the ROE combined hostile action and intent. However, the ROE were delayed and modified as a legislative approach was used in their drafting. This consumed valuable time the forces needed for training to the ROE. The benefit of them being unclassified was nullified by their late dissemination. Improvements were made, however over control of the force's actions through ROE was still evident.

HAITI

The current unrest in Haiti started when Jean-Bertrand Aristide, the first democratically elected President of Haiti was ousted by a military coup. Once expelled, he sought political asylum in the US. Almost immediately, the US began pursuing diplomatic and economic efforts to return him to power. These efforts were not successful and Haiti's economy suffered greatly from imposed embargoes. Fear of the political regime and the poor economic situation induced many Haitians to attempt to reach the US in small boats and improvised rafts.

From October 1993 until US forces were introduced into Haiti during September 1994 there were US naval forces and Marine units in the Caribbean in support of Haitian migrant control and/or prepared to conduct Noncombatant Evacuation Operation (NEO) of US citizens from Haiti. During August 1994 the 2d Marines command element

deployed as the command element of a Special Purpose Marine Air Ground Task Force (SPMAGTF).⁴⁸ At the time of deployment the mission was to be prepared to conduct a NEO of US citizens from Haiti.

Preparing for a NEG, the US Atlantic Command (USACOM) issued their NEO ROE which were based on hostile action. These ROE were felt to be satisfactory for a NEO with the following supplements.⁴⁹ No indirect fire was allowed, US forces could not enter Haitian territorial seas or airspace without permission from higher headquarters and riot control agents (RCA) use authority rested with the commander of the naval forces, but he could grant that authority to the mission commander.

Granting the mission commander RCA authority varied with commanders.⁵⁰ The situation in which the use of force could rapidly escalate and the delay time often involved in ship to shore communications was explained to the commanders. Their response varied between granting authority prior to the mission and granting authority only if trouble arose. With the issue of RCA came the question about whether pepper spray was an RCA or not. It must be noted that pepper spray can be legally purchased and carried within the US and many other nations.

During August the mission started to shift from a NEO to an invasion as the Clinton administration formulated policy that would not tolerate an elected president being denied his rightful position. At this time the NEO ROE needed to be supplemented, but the ROE for the assault were contained in a classified operations plan and were not disseminated to subordinate units. The MAGTF's staff judge advocate (SJA) finally received a 45 page ROE annex approximately ten days prior to D-Day.⁵¹ Due to the

mission the ROE had to be broken down into three phases and various ROE changed as the mission progressed from forcible entry, to establishment of control ashore, to the conduct of civil military operations. Once the ROE were understood by the SJA he began teaching classes to the various units within the MAGTF that were on three ships. The last classes were given within 24 hours of H-Hour.

These ROE were felt to be valid with one exception. The ROE stated that civilians armed with crew served weapons, automatic weapons or rifles were presumed to be member of the Fad'h (Haitian military) and possession of those weapons constituted hostile intent.⁵² However, if a person was armed with a pistol or shotgun he had to display hostile action before he could be engaged. This rule could cause great confusion for the man on the scene as he hesitated to determine whether an individual was carrying a shotgun, rifle or automatic weapon while simultaneously determining if he presented a threat.

Unfortunately, this was not the end of the ROE dilemma; there were numerous changes as the authority to use indirect fire weapons and the use of pepper spray were discussed at higher levels. Finally, it was determined that the MAGTF commander had the authority to use indirect fire weapons, including illumination rounds, and that pepper spray was not a RCA.

Eight hours prior to H-Hour, 2400, 18 September 1994 the mission changed from forcible entry to an unopposed landing. The Carter-Nunn-Powell delegation had arrived at a compromise with the coup leaders who agreed to cooperate vice contest the planned invasion.⁵³ H-Hour was moved to 0800 the next morning. The ROE changed to reflect the

mission change and the changes were literally briefed as units were preparing to board landing craft and helicopters. Hostile intent was changed to hostile action, once again. The mission change had a drastic impact on US Army units scheduled to invade Port Au Prince as elements of the 82d Airborne Division were enroute. When the mission was changed the aircraft had to be diverted back to the US and elements of the 10th Mountain Division were scrambled for an earlier than planned deployment to Haiti.

When addressing the Landing Force, Colonel Thomas S. Jones, the SPMAGTF Commander, painstakingly covered his commander's intent. He was explicit in explaining that the security of the SPMAGTF and the Haitian civilians was one in the same, and that a positive, professional security posture must be maintained at all times in order to prevent violence. However, he cautioned, if the use of deadly force was necessary and applied under the ROE, it would be done decisively. Finally, he pledged that he would not second-guess the battlefield judgment of his subordinates if deadly force was used.⁵⁴ He felt to do so would cause leaders to second guess themselves and hesitate when decisive action was needed to save lives, both Marine and Haitian.

The initial days of the operation went relatively smooth as the Haitian military and police wearing civilian vice military clothing maintained a low profile. As the citizens began feeling their new found freedom there was jubilant celebration and the streets of Cap Haitien were filled with people. Unfortunately, the Haitian military and police were frustrated by their loss of power and feared a population that they had so recently suppressed. This led to several incidents of violence where civilians were beaten and on one occasion shot by Haitian police. These incidents caused Colonel Jones to increase the

security posture and patrols throughout the city. During the evening of 25 September one such patrol was involved in a firefight outside a police headquarters. The fighting began when two policemen who had been very agitated raised their weapons at the patrol leader. Who fired first is unclear but hostile action was clearly evident. The firefight was violent, over rapidly and decisive.

Almost immediately, while the patrol, now reinforced, was attempting to clear the police headquarters of an unknown number of belligerents, there were requests from higher headquarters to question the patrol leader as to his actions and whether they were within the ROE.⁵⁵ These demands intensified the next morning when a reporter filed a story that was completely inaccurate. Colonel Jones stuck to his commander's intent and refused to question the patrol leader beyond the routine situation report submitted.

The next ten days were relatively uneventful as the SPMAGTF prepared to turn control of Cap Hatien to a US Army brigade from the 10th Mountain Division. Civil military operations and unopposed raids into outlying villages to unarm local military and police units were conducted without incident.

The mission statements for Operation Support and Uphold Democracy were clear, concise and achievable. The mission shifted due to political policy changes and it was the military's responsibility to shift accordingly. However, policy must be solidified at some point during military operation. The late decision to change the mission was adjusted to only with great difficulty. Unfortunately, just as with Operation Restore Hope, the ROE for the invasion of Haiti were not disseminated in a timely manner and as a consequence valuable training time was lost. This was because the Haiti ROE were classified, while

the ROE for the Somalia operations were unclassified. The ROE were changed as the mission changed in an attempt to control the force's actions. Hostile action and hostile intent were not placed together as they had been in the Somalia Operations. Rather, they were held separate as in Beirut. This caused confusion as the force had to go from one to the other as the mission shifted. Hostile action was the focus for the NEO and unopposed landing, while hostile intent was the focus for the invasion. This and the discord caused in giving the SPMAGTF Commander the authority to approve indirect fire and the use of RCA plainly showed the legislative approach to controlling the forces ashore. As did the demand to have the patrol leader questioned by the SJA immediately after the firefight.⁵⁶

The ROE in Haiti contained a combination of the flaws from Beirut and Somalia.

BOSNIA

Since February 1992 the United Nations Protection Force (UNPROFOR) has operated in the former Yugoslavia. Their original mandate directed them to monitor a cease-fire agreement between the Serb-Croat frontline. While performing this mission those forces were present when the first shots of the war were fired in April 1992.⁵⁷

Since that time UNPROFOR's tasks have expanded to monitoring "No Fly Zones" and securing UN safe areas. Without an enforcement arm the UN sought and received assistance from the North Atlantic Treaty Organization (NATO) in the form of air support aimed at protecting safe areas. While the US has not been directly involved, there has been an Amphibious Ready Group (ARG) with its associated Marine Expeditionary Unit, Special Operations Capable (MEUSOC) in the Adriatic Sea, almost continuously,

since 1992.

A primary role of this ARO has been to have a force prepared and ready to conduct a Tactical Recovery of Aircraft and Personnel (TRAP) on a six hour notice. All MEU's since 1992 have been attached to the 6th Fleet with a prepared concept of operations to conduct a TRAP mission into Bosnia-Herzegovina, if so tasked. The 24th MEU was no different, it submitted its concept of operations within three days of coming under the operational control of the 6th Fleet on 9 April 1995.⁵⁸ This concept was very similar to previous MEU's concept and had been trained for prior to the deployment. One concern the command had was the ROE that would be in effect if a TRAP mission was executed. They were informed by higher headquarters on several occasions, that US SROE would be used.

When Captain Scott O'Grady was shot down on 2 June 1995 the MEU commander once again verified that US SROE would be used.⁵⁹ At 0337 on 8 June the TRAP force was shifted to operational control of NATO via a verbal order. This order was followed by a message that confirmed the shift of control and stated that NATO ROE would be used and included hostile intent engagement authority.⁶⁰ It went on to explain that any threat to the TRAP force would be dealt with using air assets in theater. While these air assets were supporting NATO, they were virtually all US aircraft and pilots. At 0500 the TRAP launched to recover Captain O'Grady with the knowledge that Lieutenant Colonel Gunther, the BLT Commander, was the Mission Commander, that NATO ROE were in effect, and that any threat would be dealt with by the numerous supporting assets dedicated to the mission.⁶¹ The TRAP force itself was embarked on two

CH-53E helicopters and was supported by numerous attack aircraft and an Airborne Warning and Control Systems Aircraft (AWACS).

During the flight into Bosnia-Herzegovina the TRAP helicopters were picked up by a ground-to-air associated radar.⁶² This information was received by the PHIBRON staff aboard the command ship. It was felt that the radar presented a threat, hostile intent, if the enemy should decide to launch missiles using that radar to guide them.⁶³ This assessment of the situation was based on sound insight in that Captain O'Grady had been shot down by a surface-to-air missile. Based on this threat an air strike was requested to destroy the radar. While this request was clearly within the bounds of the existing ROE, the pilot contacted the AWACS for permission and the AWACS contacted the NATO Combined Air Operations Center (CAOC) in Vicenza, Italy.⁶⁴ The CAOC instructed the radar to be jammed and not destroyed. The rest of the mission is history. The TRAP force proceeded to the pick up zone, recovered Captain O'Grady and flew him safely to ARG shipping.

The mission had remained the same since 1992. Just as clear were the ROE, at least until the force was attached to NATO within two hours of execution. This left no time for the MAGTF commander to access the changes in ROE from US to NATO. It also caused confusion for the NATO pilots who did not understand who had the authority to request an air strike. A very successful mission could have resulted in a great loss of life and embarrassment to the US as a result of the last minute change in the chain of command.

CHAIN OF COMMAND

The chain of command and its depth plays an important role in ROE. A clearly understood chain of command is essential to providing a unity of effort and focus on mission accomplishment. It is also important for the commanders to focus on the mission and not receive undo and distracting influence. Once the decision is made to use military forces and ROE have been promulgated, the commander must be given the latitude to function within that guidance.

BEIRUT

During operations in Beirut there were essentially four separate chains of command and numerous senior military officer and government dignitary visits. While only the operational chain had direct authority over the MAU, the other three had a great amount of influence. There was the operational chain of command that included four layers between the MAU Commander and CINC Europe. Added to this was a JCS liaison, Brigadier General Carl Stiner, who reported directly back to the CJCS. Additionally, there was the political influence of the Middle East Special Envoy and an Ambassador to Lebanon. Finally, there was the administrative chain to the Commanding General of Fleet Marine Forces Atlantic and the Commandant of the Marine Corps (CMC). All four of these chains had direct access to the MAU Commander. This convoluted situation led to the finding by the Senate investigation by the The Long Commission which states, "there was a series of circumstances beyond the control of these commanders that influenced their judgment and their actions relating to the security of the USMNF."⁶⁵

One example of the influence on the MAU Commander was the directive from the US Embassy that fighting positions could not be dug. The concern was that Marines in fighting positions would give the appearance that there was a potential hostile threat to the Marines. Another was when the CMC contacted the MAU Commander concerning the number of negligent weapon discharges. This led to the unloading of weapons at the internal airport posts mentioned earlier.

The commander on the ground received entirely too much outside influence. This influence coupled with an ambiguous mission contributed greatly to the substantial loss of life in the airport bombing. The amount of influence placed on the commander in Beirut was not missed by the Goldwater-Nichols Act of 1986. The act placed CINCs directly under the National Command Authority (NCA), although the JCS is used as a conduit and coordinator.

SOMALIA

Operation Restore Hope was a CINC Central Command (CENTCOM) mission. The chain of command was very clear and well understood. It went from, CINCCENTCOM, (Gen Hoar), to CJTF, (LtGen Johnston), to the subordinate commands. While not in the chain of command, very close liaison was conducted with Ambassador Oakley. Despite the Goldwater Nichols Act and clarification of the operational chain of command there was one occasion when CIINCCENTCOM was bypassed and the CJTF was contacted from outside the chain of command. This situation was immediately corrected by General Hoar and was never repeated.⁶⁶ What General

Hoar did was exercise his authority to ensure unity of effort and to allow the CJTF to focus on the mission.

The chain of command for United Shield was similar to Restore Hope's. However, it was a CJTF and involved a sizable naval force. This required the CTF to be placed under Naval Forces Central Command and the ground components under Naval Forces. Just as with Restore Hope, the chain of command was not violated and unity of effort was achieved. Influence from outside the operational chain of command was stopped only because the C1NC would not allow it. This displays that the Goldwater-Nichols Act is only viable if it is followed and enforced.

HAITI

The operations in Haiti were under the command of CINC US Atlantic Command (USACOM). JTF 120 was a Destroyer/Cruiser Group that was enforcing the economic embargo, assisting with delivering Haitian migrants to Guantanamo Bay, Cuba, and was prepared to conduct a NEO. When the mission changed from a NEO to an invasion two more task forces were established, JTF 180 and JTF 190. Both JTFs were composed of units from the US Army's 18th Airborne Corps. JTF 180 was comprised of units from the 82nd Airborne Division and were tasked with seizing and maintaining control of Port-Au-Prince. Simultaneously, JTF 120, now redesignated, would conduct an amphibious assault to seize and control Cap Hatien. Both units would turn control over to JTF 190, units from the 10th Mountain Division, who would conduct civil military operations and prepare to turn the mission over to the UN.

This placed the MAGTF under a Destroyer/Cruiser Group vice an Amphibious Squadron (PhibRon) that was trained in amphibious operations. Further complicating the chain of command, a PhibRon staff was assigned to JTF 120 and its commander, the Commander Amphibious Task Forces (CATF) was assigned as JTF 120's chief of staff. It also led to great confusion for US Army forces going into Port-Au-Prince when the mission was changed at the last minute. JTF 180 was in control with its command element was aboard the USS Mount Whitney and 82nd Airborne units were in the air.⁶⁷ These units were turned around when the invasion became benign and JTF 190 was placed under the command of JTF 180. This created a problem because the command element and its subordinates had not worked together. The familiarity and understanding between a commander and his subordinates had not been developed. This led to delays in the 10th Mountain Division assuming control of Port-Au-Prince and Cap Haitien. A unity of effort was compromised and had to be reestablished.

The convoluted chain of command that evolved caused significant confusion. While the operational chain of command was not violated there was considerable confusion within that chain. This contributed greatly to the delay in receiving the ROE. It also distracted the MAGTF Commander's focus on the mission as he worked with commanders that were unfamiliar with amphibious and ground operations.

BOSNIA

The chain of command for the Amphibious Ready Group (ARG) in the Adriatic Sea was well understood. At least this was true until the decision was made to give

operation control of the TRAP to NATO within two hours of the mission starting.⁶⁸ This caused a problem as to the identity of the mission commander. Within the ARG it was clear that the mission commander was Lieutenant Colonel Gunther and as such he had the authority to call for air strikes within the ROE. Unfortunately, NATO considered the mission commander to be with NATO in Vicenza, Italy and the AWACS to be the mission coordinator.⁶⁹ Hence the command authority to operate within the published ROE was not clear and resulted in the NATO pilot contacting the AWACS for authorization.

The last minute change in the chain of command nearly led to disaster. As the pilot contacted the AWACS for guidance and the AWACS contacted NATO the enemy ground forces could have easily launched or controlled a missile launched at the TRAP force helicopters. The misunderstanding could have also caused delays if air support had been required when Captain O'Grady was being picked up or at other times throughout the mission.⁷⁰ Just as in Beirut and potentially in Haiti, immediately needed authorization to fire was delayed while higher echelons of command, removed from the situation were contacted for permission. Surely, this was not the intent when giving NATO control of the TRAP force, but it obviously was not thought through as the decision was made within less than two hours of execution.

CONCLUSION

Civilian control of the military is a component of the Constitution of the US that has served this nation well. What has not served the US well are attempts by civilian and

military authorities to over-control forces once they are committed. A clear and perfect understanding of the situation on the ground is not always possible. Consequently, absolute control of forces is unattainable. However, in all four scenarios cited in this paper there were instances of political or military leaders attempting to over-control the military's actions through over restrictive and confusing ROE and by withholding the authority to use force or an element of it. There is clearly a failure to understand the situation of the commander--a failure to appreciate the decisions he must make in an often chaotic and uncertain environment where he does not have time to go over complicated ROE. ROE that have such legislative terms as, "clearly demonstrates" placed in front of hostile intent and "minimum" placed in front of force. These are criminal law concepts that do nothing to provide a basis for quick decisions under stressful circumstances.⁷¹ In the same light, rapidly developing events require immediate response vice a considerable time delay waiting for authorization to return fire or use indirect fires. Correspondingly, the commander on the ground better understands the situation and its needs than a senior commander completely removed from the situation. How many times have you heard of a doctor stating that he could not diagnosis a patient over the phone? This is the similar situation, except that here, many more lives are at stake.

In Beirut hostile intent and hostile action were not combined and the authority to return fire rested with commanders not physically present in Beirut. This situation was rectified for operations in Somalia when hostile intent and hostile action were combined. However, the ROE were delayed as the legislative approach was used in the wording of the ROE in an attempt to over control the force's actions. This made the ROE harder to

comprehend and consumed valuable time the force needed to train subordinate units and individuals in the use of the ROE. In Haiti the on-scene commander had to fight for authority to use indirect fire and RCA agents in order to prevent having to obtain authority from a senior commander geographically removed from the situation. Also, the ROE changed several times from hostile action to hostile intent as the mission changed. Had the two been combined as they were in Somalia these changes would not have been required. This would have reduced confusion for the individual, allowed for better use of training time, and reduced the potential of force being used outside the ROE. In Bosnia a request for an air strike was, in essence denied as further approval was requested. Absolute control is just not possible, yet at the expense of the man on the scene and mission accomplishment we still have a tendency to strive for it.

If it takes more than 10 seconds to explain the command arrangements, they probably will not work.⁷² The mission is executed and the ROE are implemented by the chain of command. Considering the chaos and uncertainty already present in war and MOOTW it is imperative to minimize this chain and reduce self-imposed fog. This has only been accomplished in the US led operations in Somalia with Operations Restore Hope and United Shield. Even then, the CINC had to exercise his authority given by the Goldwater-Nichols Act in order to stop interference from outside the chain of command. The outside interference in Beirut was an absolute nightmare for the commander on the ground. In Haiti, there was a JTF within a JTF and a commander of the landing force working within a chain that possessed no experience in amphibious or ground operations. While those commanders cooperated, it still took the MAGTF commander's time to

educate them when he had a constantly changing mission to focus on. The cliché that a man can only have one master, is so true in MOOTW. If you have ever seen a child try to listen to the coach and an over enthusiastic parent in the stands you understand this cliché only too well.

The one area where improvement has been made is in the mission assigned. In Beirut there was a very ambiguous mission of presence and the mission soon escalated, but the mission statement did not change. This was true even though forces were tasked with guarding the US Embassy and fire support assets were used, the mission became more than presence. In Somalia the mission statements were very clear and achievable. The mission for Haiti changed with policy and the mission statement changed accordingly. There is a lesson for civilian leaders in the Haiti operations, the military has a limit to its flexibility and that limit was nearly reached. Being prepared to execute a TRAP stood for over three years for MEUs deployed to the Mediterranean. Unfortunately, the mission remaining the same has not helped the ROE remain constant.

We have not made any significant progress in ROE development and implementation. All leaders, primarily military, must gain or regain a better appreciation for the commander on the ground. In doing this, it is essential that they appreciate the uncertainty inherent in the commander's job and strive to not increase the friction. Further, they must appreciate the need for simple, understandable ROE. They should contain both hostile intent and hostile action. Additionally, the authority to use weapons such as, indirect fire and RCA must be granted to the commander on the ground. Along with this, it is imperative that ROE are disseminated early to maximize the time available

for training. Despite the uncertainty of MOOTW, commanders deserve to be trusted with making the correct decision.

The mindset that, "we are not at war, and positive control of the use of force by higher echelons of command is necessary," has hindered mission accomplishment. The fact is, that forces are committed to uncertain and dangerous situations that can require an immediate use of force. Train them, trust them, supervise them, listen to their concerns and understand their situation, but do not tie their hands by husbanding needed authority and implementing complex command structures. Correspondingly, the ROE must allow for mission accomplishment and the protection of the forces performing the mission.

¹ Joint Pub 3-07 describes MOOTW as focusing, in deterring war, resolving conflict, promoting peace or supporting civil authorities in response to domestic crises, 1-1

² Joint Pub 3-07, Joint Doctrine for Military Operations Other Than War, 1-2.

³ JCS Pub 1, *Department of Defense Dictionary of Military and Associated Terms* (Washington, DC: Us Govt. Print Of f., 1987), 317.

⁴ Ibid, 46

⁵ Captain J. Ashley Roach, JACG, Us Navy, "Rules of Engagement." *Naval War College Review* Volume 36, no. 1 (January-February 1983): 46.

⁶ Ibid, 46.

⁷ Ibid, 47.

⁸ Ibid, 49.

⁹ Joint Pub 3-07, 1-2

¹⁰ Bradd C. Hayes, "Naval Rules of Engagement: Management Tools for Crises", *A Rand Note*, July 1989, 20.

¹¹ Lohr, Captain, USN, Staff Judge Advocate Office for the Chairman of the Joint Chiefs of Staff, Pentagon, interview by author, 27 December 1995.

¹² Ibid.

¹³ Ibid.

¹⁴ "US Marines in Lebanon 1982-1984", History and Museums Division, HQMC, 1987, 12.

¹⁵ David K. Hall, *Lebanon Revisited.*, National Security Decision Making Department, (Newport, RI: The United States Naval War College), 6.

¹⁶ CINCUSNAVEUR message 281758Z SEP 82, 2.

¹⁷ "Report of the DOD Commission on Beirut International Airport Terrorist Act, October 23, 1983," 35.

¹⁸ Ibid, 35.

¹⁹Dr. John B. Matthews, LtCol, USMC (Ret.) Associate Dean for Academic Administration, Command and Staff College, Marine Corps University, lecture, 1 February 1996.

²⁰ "Report of the DOD Commission on Beirut International Airport Terrorist Act, October 23, 1983", 48.

²¹ Mike Ettore interview.

²² Mike Ettore, Major USMC, Student at Marine Corps Command and Staff College, interview by author, 5 January 1996.

²³ "US Marines in Lebanon 1982-1984", 63.

²⁴ Anthony Mcdermott and Kjell Skjebesbeak, *The Multinational Force in Beirut 1982-1984*, (Maimi: Florida International University Press, 1991)

²⁵ "Report of the DOD Commission on Beirut International Airport Terrorist Act, October 23,1983," December 20 1983, 3.

²⁶ "US Marines in Lebanon 1982-1984", 151.

²⁷ "Report of the DOD Commission on Beirut International Airport Terrorist Act, October 23, 1983", 2.

²⁸ "US Marines in Lebanon 1982-1984", 152.

²⁹ "Operation Restore Hope Command Chronology", 1st Marine Division, HQMC, May 5 1993, 1.

³⁰ Col F.M. Lorenz, USMC, "Forging Rules of Engagement: Lessons Learned in Operation United Shield" *Military Review*, November-December 1995, 17.

³¹ Chapter VI of the UN Charter involves peace keeping and is associated with a more permissive environment. As such, forces under this chapter are prepared primarily for humanitarian type operations. Chapter VII involves peace enforcing or making and is associated with a non-permissive environment that requires credible combat forces. When the humanitarian operations under Chapter VI failed in Somalia Chapter VII forces became necessary for the humanitarian effort to succeed. Chapter VII was used for the first time in Somalia.

³² Col F. M. Lorenz, 17.

³³ LtCol Christian B. Cowdrey, USMC, Shoot? Don't Shoot?Rules of Engagement

in Peacekeeping Operations, MSSSI Thesis (Fort Leavenworth, KS: School of Advanced Military Studies Thesis), 32.

³⁴ In a country without a government and civil control the citizens valued their weapons as a necessity. Without them they would fall prey to other tribal bands and thieves. In addition, active efforts to disarm the citizens would cause the military forces to be viewed as an enemy and provoke violence.

³⁵ Presentation to the Marine Corps Command and Staff College on 3 May 1995 by, Ambassador Oakely, General Hoar, USMC (Ret.) LtGen R.B. Johnston, TJSMC, LtGen A.C. General Zinni, USMC, Adm Jonathon Howell, USN, video tape viewed by author

³⁶ Chairman of the Joint Chiefs of Staff Instruction 3121.01 of 1, *Standing Rules of Engagement of US Forces*, Enclosure A, Unclassified, (Washington DC: Office of the Chairman, Joint Chiefs of Staff, 1 October 1994).

³⁷ Col F.M. Lorenz, 19-20.

³⁸ Maj Mark Martins, "Rules of Engagement for Land Forces, a Matter of Training, not Lawyering," *Military Law Review* (Winter 1994) , 55.

³⁹ Ibid, 55.

⁴⁰ LtCol Christian B. Cowdrey

⁴¹ Presentation on Somalia

⁴² Presentation to the Marine Corps Command and Staff College on 3 May 1995.

⁴³ LtCol Christian B. Cowdrey, 15.

⁴⁴ There are many articles published on UNOSOM II and a book written by Kenneth C. Allard entitled, *Somalia Operations: Lessons Learned* (Washington: National Defense University Press, 1995). For more information on UNOSOM II there

⁴⁵ Col F.M. Lorenz, 22.

⁴⁶"Col Philip Tracey, USMC, Plans and Policy, The Pentagon, mailed questionnaire by author, 22 January 1996.

⁴⁷ Col F.M. Lorenz, 22.

⁴⁸ "During the late 1980s the "Amphibious" in MAU, MAB and MAF were replaced with "Expeditionary."

⁴⁹ Capt William Ferrell III, USMC, Staff Judge Advocates Office, III Marine Expeditionary Force, Okinawa, Japan, E-mail interview by author, November 1995.

⁵⁰ The forces in the Caribbean were rotated based on available forces and perceived threat. All Naval and Marine forces were within an aggressive deployment cycle that did not have room for extended deployments to contingency operations. Naturally, as these forces were rotated the commander often changed even though the CINC remained the same.

⁵¹ Ibid.

⁵² The Haitian military and police forces were closely related and the term military or police forces can be used interchangeably for the purposes of this paper.

⁵³ After the decision to invade Haiti had been made President Clinton dispatched the Carter-Nunn-Powell delegation to Haiti. Their objective was to convince the coup leadership to leave Haiti and not resist the reinstatement of Aristide as the President of Haiti. The delegation was successful only after their given time limit had expired.

⁵⁴ Col Thomas S. Jones, USMC, Director of the Marine Corps Amphibious Warfare School, interview by author, 20 December 1995.

⁵⁵ Capt Ferrell interview.

⁵⁶ The CJCS SJA office, Capt Lohr, stated that this request did not come from the CJCS or the NCA. Rather, once briefed, both were satisfied that the action was within the ROE

⁵⁷ Tim Ripley, "Bosnia Mission Forces UN to Grow With the Times." *International Defense Review* (May 1994): 63; That war reached a cease-fire in December 1995, after the Dayton peace accords. At the time this paper was written NATO was still involved with monitoring and enforcing the agreement.

⁵⁸ BGen Martin R. Berndt, USMC, Deputy, Marine Forces Atlantic, telephone interview by author, 19 December 1995. interview.

⁵⁹ Ibid.

⁶⁰ Maj Michael Jordan, USMC, Legal Services Support Section, 2d Force Service Support Group, Camp Lejeune, NC, telephone interview by author, December 1995.

⁶¹ BGen Martin R. Berndt interview.

⁶² Ibid.

⁶³ Gunther, Christopher J., LtCol, USMC. Executive Officer, 8th Marine Regiment, 2d Marine Division, Marine Forces Atlantic. Telephone interview by author, 6 March 1996.

⁶⁴ BGen Berndt interview.

⁶⁵ Ibid.

⁶⁶ Presentation to Marine Corps Command and Staff College 3 May 1995.

⁶⁷ The USS Mount Whitney is the command and control ship for the 6th Fleet. The JTF 180 command element was placed on it to facilitate command and control throughout the invasion and until JTF 190 assumed command ashore in Haiti.

⁶⁸ At the time of this writing the author was unable to determine who made the decision or why. As time passes this information should become available.

⁶⁹ BGen Martin R. Berndt interview.

⁷⁰ Ibid.

⁷¹ Col F.M. Lorenz, 19.

⁷² C. Kenneth Allard, "Lessons Unlearned: Somalia and Joint Doctrine", *Joint Forces Quarterly*, Autumn 1995, 105.

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