

## Relevance of Rules of Engagement in Non-International Armed Conflict: A Perspective

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### Introduction

Concept of Rules of Engagement has its roots in the laws and customs of war that have evolved over centuries. While the specific term ‘Rules of Engagement’ (ROE) may be relatively modern, the underlying principles have historical and legal origins. The law of armed conflict developed into its present content over millennia. To trace out the origin, broadly two categories may be understood which dealt with the early concept of ROE- Jus ad Bellum and Jus in Bello. Jus ad Bellum refers to the conditions under which states may resort to war or to the use of armed forces in general<sup>1</sup>. Law became a factor early in the historical development of warfare. The earliest references to rules regarding war referred to the conditions that justified resort to war both legally and morally. The examples which showcase this concept could be found amongst the ancient Egyptians and Sumerians (25th century B.C.) who generated rules and defining the circumstances under which war might be initiated<sup>2</sup>. Even the ancient Hittites (16<sup>th</sup> century B.C.) required a formal exchange of letters and demands before initiating war. In addition, no war could begin during the planetarium season<sup>3</sup>. Even the Romans formalized laws and procedures that made the use of force an act of last resort. Rome dispatched envoys to the States against whom they had grievances and attempted to resolve differences diplomatically. The Romans also are credited with developing the requirement for declaring war<sup>4</sup>. Cicero wrote that war must be declared to be just<sup>5</sup>. Jus in Bello on the other hand regulates the conduct of parties engaged in an armed conflict<sup>6</sup>. It is body of law which deals with rules that control conduct during the prosecution of a war to ensure that it is legal and moral. Historically,

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<sup>1</sup> International Committee of the Red Cross publication, International Humanitarian Law: answers to your questions (Jan 10 2023, 9:10 AM) <https://www.icrc.org/en/document/what-are-jus-ad-bellum-and-jus-bello0%EF%BB%BF>.

<sup>2</sup> 16th Edition of Law of Armed Conflict Deskbook, International and Operational Law Department, The US Army JAG’s Legal Center and School Charlottesville, VA.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> Thornton Lockwood, Cicero’s Philosophy of Just War, last revised on Jul 28, 2022.

<sup>6</sup> International Committee of the Red Cross, *Supra Note 4*.

Ancient Babylonians (7<sup>th</sup> century B.C.) treated both captured soldiers and civilians with respect in accordance with well-established rules<sup>7</sup>.

The *Magna Carta* is not a direct precursor to modern ROE, some of its principles have influenced the evolution of such rules. Magna Carta is Latin for ‘great charter’ and the term was first used in 1217. It asserted that everyone, including the king, is subject to the law. The famous excerpts are: “No free man shall be seized, imprisoned, dispossessed, outlawed, exiled or ruined in any way proceeded against, except by the lawful judgment of his peers and the law of the land”. “To no one will we sell, to no one will we deny or delay right or justice”<sup>8</sup>.

### Rules of Engagement in Today’s Era

The importance of Rules of Engagement lies in their role as a crucial framework that scrutinizes and establishes the legitimacy of military operations. ROE serve as a set of guidelines that govern the use of force, ensuring that military operations adhere to legal, ethical and humanitarian principles. By delineating the circumstances under which force can be employed, ROE contribute to the prevention of unnecessary civilian casualties and collateral damage. They act as a safeguard against indiscriminate and disproportionate use of force, holding military personnel accountable for their actions. For instance, specific ROE are drafted for each mission undertaken by the United Nations Peacekeeping operations. Use of force in peacekeeping operations must comply with international humanitarian law and human rights norms, principles and standards. At all times, the use of force must be consistent with the principles of gradation, necessity, proportionality, legality, distinction, precaution, humanity and accountability. Any force used must be limited in its intensity and duration to what is necessary to achieve the authorized objective and commensurate with the threat<sup>9</sup>. The principles governing the ROE is proportionality in use of force, necessity, loyalty, distinction, precaution, humanity and accountability. The ROE devolves around the jurisprudential doctrine of command and individual responsibility. The command responsibility entails that a military commanders can be held criminally responsible for crimes committed by Armed Forces under their effective command and control such as rape and sexual violence used in

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<sup>7</sup> International and Operational Law Department, Supra Note 5.

<sup>8</sup> UK Parliament, Magna Carta (Jan 04 2024, 7:30 PM)  
<https://www.parliament.uk/about/livingheritage/evolution/evolutionofparliament/originsofparliament/birthofparliament/overview/magnacarta>.

<sup>9</sup> United Nations Department of Peacekeeping Operations Guidelines, Use of Force by Military Components in Peacekeeping Operations, Jan 2017.

war<sup>10</sup>. The *ibid* proposition of law is applicable where the commander was aware of, or it was a duty casted upon him to have known about such crime or the commander failed to take necessary and reasonable measures to prevent their commission. The other limb of doctrine is the individual responsibility. An individual can be incriminated for a crime within the jurisdiction of the International Criminal Court, when such persons *inter-alia* commits a crime as an individual, jointly with another or through another person, orders, solicits or induces the commission of such a crime which in fact occurs or is attempted<sup>11</sup>. The distinct means of committing an offence is direct or immediate participation, co-perpetration, i.e jointly with another person and intermediary perpetration which would entail through another person. The three means of perpetration would require proof that the accused intended the desired criminal result as a consequence of his or her misconduct. The individual responsibility is not limited to committing a crime but travels into instigating, aiding, assisting and abetting. Any violation of ROE in a conflict zone shall fall into the category of individual responsibility or command responsibility, thereby making the perpetrator answerable to the charges.

Every member of the armed forces, whatever his or her rank, has a personal responsibility to comply with the law. Commanders must ensure that it is complied with by others and take action when violations are encountered. It is no defence to a war crime that the act was committed in compliance with a superior order. A soldier who carries out an order which is illegal under the law of armed conflict is guilty of a war crime, provided that he or she was aware of the circumstances which made that order unlawful or could reasonably have been expected to be aware of them. The unflinching loyalty and obedience to superior commanders are fundamental to any armed force. This is true, but there is clearly a higher loyalty of allegiance to the State and its laws. The duty of all soldiers not to comply with unlawful orders is the bedrock of International Law<sup>12</sup>.

### **ROE and its Applicability to Non-State Actors**

Non-State actors refer to entities or groups that are not affiliated with any recognized sovereign state or government but have the capacity to exert influence, engage in activities or

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<sup>10</sup> Article 28 of the Rome Statute of the International Criminal Court.

<sup>11</sup> Article 25 of the Rome Statute of the International Criminal Court.

<sup>12</sup> International Committee of the Red Cross, Chapter 6, The Law of Armed Conflict - Command Responsibility (Jan 11, 2024 10:50 PM) [https://www.icrc.org/en/doc/assets/files/other/law6\\_final.pdf](https://www.icrc.org/en/doc/assets/files/other/law6_final.pdf).

impact international relations. These actors operate independently of governmental control and can include a diverse range of entities.

The applicability of ROE to Non-State actors is a complex and evolving aspect of military doctrine and international law. Traditionally, ROE were primarily designed to govern the behaviour of state-sponsored military forces in conflict situations. However, with the rise of non-state actors, such as insurgent groups, terrorists and private military companies, the challenge has been to adapt these rules to account for asymmetrical warfare scenarios. In 2010, in his report to the UN Security Council on the protection of civilians in armed conflict, the UN Secretary General, Mr Ban Ki-moon, stressed ‘the need for a comprehensive approach towards improving compliance with the law’ by armed Non-State Actors<sup>13</sup>. Systematic and consistent engagement with non-state actors is the need of the hour for improved compliance with IHL and human rights law. Numerous resolutions have also been passed by UN with an aim to check the actions of non-state actors. Some important UN Security Council Resolutions include Resolution 1265 (1999) dealing with Protection of civilians in armed conflict, Resolution 1325 (2000) regarding role of women in peace, security efforts and in decision making in conflict prevention and peacebuilding.<sup>14</sup> Striking a balance between ensuring the safety of military personnel and minimizing harm to civilians remains a central aspect of developing and applying ROE in contexts involving non-state actors. In this regard some of the methods which could prove instrumental are formulation and enforcement of National Legislation and Counterterrorism Laws, Intelligence and surveillance to understand their activities and assess threats and make informed decisions about engagement.

### **ROE & Child Soldiers**

A Child Soldier is defined as “A child associated with an armed force or armed group” refers to any person below 18 years of age who is or who has been recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, spies or for sexual purposes. It does not only refer to a child who is taking or has taken a direct part in hostilities.” Multiple reasons and factors are responsible for children to become associated with armed forces and groups. Some children

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<sup>13</sup> Geneva Academy of International Humanitarian Law and Human Rights, Rules of Engagement: Protecting Civilians through dialogue with Armed Non-State Actors, October 2011.

<sup>14</sup> United Nations Security Council Resolutions (Jan 10, 2024, 1:45 PM)  
<https://www.un.org/securitycouncil/content/resolutions-0>.

are abducted and beaten into submission, others join military groups to escape poverty, to defend their communities, out of a feeling of revenge or for other reasons<sup>15</sup>.

The use of child soldiers in armed conflicts presents profound ethical, legal, and operational challenges. International law condemns the recruitment and use of children in hostilities, yet it remains a distressing reality in various parts of the world. For military forces confronting child soldiers on the battlefield, establishing appropriate Rules of Engagement (ROE) is crucial to balance operational effectiveness with moral and legal obligations. Irrespective of how children are recruited and notwithstanding their roles, child soldiers are victims, whose association with conflict casts grave consequences on their physical and emotional well-being. They are frequently subjected to abuse and most of them witness death, killing, and sexual violence. Most of them are compelled to commit violent acts and some suffer serious long-term psychological consequences<sup>16</sup>. In this endeavour, various legal frameworks have been instituted internationally which aim to prevent the atrocities on children associated with armed conflicts.

(a) **Convention on the Rights of the Child (CRC) (1989)**: In recognition of the fact that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, declared and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, the United Nations has proclaimed that childhood is entitled to special care and assistance.<sup>17</sup> This convention was specifically devised and accepted to recognize and protect the human rights and dignity of children who are associated with armed conflicts and hostilities. Article 38 mandates that states refrain from recruiting children under 15 into their armed forces and ensure they do not take part in hostilities<sup>18</sup>.

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<sup>15</sup> Children and Armed Conflict, United Nations (Aug 11, 2024, 11:45 AM)  
<https://childrenandarmedconflict.un.org/six-grave-violations/child-soldiers/>.

<sup>16</sup> *Id.*

<sup>17</sup> Convention on the Rights of the Child, 1989, United Nations (Aug 11, 2024, 1205 PM)  
<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

<sup>18</sup> Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who

- (b) **Optional Protocol to the CRC on the Involvement of Children in Armed Conflict (OPAC) (2000)**: Subsequent to the Convention on the Rights of the Child, the Protocol was presented on the rights of child involved in Armed Conflicts. Some of the significant aspects by this protocol were that it raised the minimum age for direct participation in hostilities to 18 from the earlier recognized age of 15 years. Also, it completely prohibits compulsory recruitment of individuals under 18.<sup>19</sup>
- (c) **Rome Statute of the International Criminal Court (1998)**: The Rome Statute classifies the conscription, enlistment, or use of children under 15 in hostilities as a war crime.<sup>20</sup>The presence of child soldiers in conflict zones necessitates a delicate balance between ensuring the safety of military personnel and upholding the rights and protection of children. Through well-defined ROE, adherence to international law, and comprehensive training, armed forces can navigate these complex situations with the necessary sensitivity and responsibility.

### Impact of Training to Arrest Violations of ROE

Training to arrest violations of Rules of Engagement (ROE) can have significant and multifaceted impacts on military operations, personnel conduct, and the broader mission.

- (a) **Improved Compliance with International Law**: Training ensures that military personnel are well-versed in the legal frameworks governing armed conflict, including the Geneva Conventions and other international humanitarian laws. This reduces the risk of war crimes or other violations. Moreover, by reinforcing the importance of distinguishing between combatants and non-combatants, training can reduce civilian casualties and damage, aligning military actions with ethical and legal standards<sup>21</sup>.

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have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

<sup>19</sup> Optional Protocol to the CRC on the Involvement of Children in Armed Conflict (OPAC) 2000, United Nations (Aug 11, 2024, 12:30 PM) <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-involvement-children>

<sup>20</sup> International Law, United Nations (Aug 11, 2024, 12:40 PM) <https://childrenandarmedconflict.un.org/virtual-library/international-law/#:~:text=For%20example%3A%20the%20Rome%20Statute,and%20a%20crime%20against%20humanity.>

<sup>21</sup> JFR Boddens Hosang, Rules on the Use of Force as Linchpin for the International Law of Military Operations (2017)

- (b) **Operational Efficacy:** Well-trained forces are more likely to make better decisions under pressure, ensuring that ROE are applied consistently and effectively, even in complex and immensely dynamic situations. Soldiers trained to understand and respect ROE are more likely to maintain high morale and discipline, as they recognize the importance of their actions and the consequences of misconduct<sup>22</sup>.
- (c) **Protection of Security Forces Personnel:** Training can protect soldiers from legal repercussions and moral injury by ensuring they operate within the bounds of the law. This is crucial in environments where violations of ROE can lead to prosecution or international condemnation. In addition, soldiers who are well-prepared to handle ROE are less likely to experience guilt or trauma related to their actions, as they can confidently know they acted within the law and ethical guidelines.
- (d) **Strategic and Diplomatic Advantage in the Geo-Political Arena:** Adherence to ROE enhances the legitimacy of military operations in the eyes of both local populations and the international community. This can lead to stronger alliances and support from other nations and organizations. By avoiding unnecessary violence or civilian harm, training to adhere to ROE can prevent adversaries from using incidents of misconduct as propaganda tools, thus weakening their narrative.
- (e) **Accountability and Preventing Escalation of Violence:** Training emphasizes the consequences of violating ROE, which can lead to a culture of accountability within the military. This encourages reporting and addressing violations when they occur. Training can prevent the unnecessary escalation of violence, ensuring that force is used appropriately and proportionately. This can reduce the likelihood of conflicts spiraling out of control, which could lead to more significant loss of life and resources.

### **Legislations and Judicial Pronouncement Complementing Rules of Engagement: World at a Glance**

Legislation and judicial pronouncements concerning Rules of Engagement (ROE) are grounded in International Humanitarian Law (IHL), domestic military law, and the decisions of international and national courts. These legal frameworks and judicial decisions ensure that ROE comply with the laws of armed conflict, protect human rights, and maintain accountability for violations.

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<sup>22</sup> *Ibid.*

- (a) **International Legal Framework:** The Geneva Conventions, particularly the Fourth Geneva Convention and Additional Protocols I and II, set the foundational principles for the conduct of hostilities and the protection of civilians and combatants. It emphasizes that parties to a conflict must distinguish between combatants and civilians. It also stresses that force must only be used to achieve a legitimate military objective.<sup>23</sup> Similarly, the Hague Conventions of 1899 and 1907 established laws and customs of war, including restrictions on certain types of weapons and methods of warfare.<sup>24</sup>
- (b) **Judicial Pronouncements:** Multiple efforts have been instrumental through judicial verdicts in aligning and formalizing the Rules of Engagement. Some of the relevant and significant such pronouncements are:
- (i) International Criminal Tribunal for the Former Yugoslavia (ICTY) in *Prosecutor v. Tadić (1995)* ruled on the principles of command responsibility and the unlawful conduct of hostilities, establishing that military leaders can be held accountable for the actions of their subordinates if they fail to enforce ROE.<sup>25</sup>
- (ii) International Court of Justice (ICJ) in *Nicaragua v. United States (1986)*, examined the conduct of hostilities and the use of force by the United States in Nicaragua. The court emphasized the necessity for states to adhere to international legal standards in their military operations, including ROE.<sup>26</sup>
- (iii) In *United States v. Lt. William Calley, Jr (1971)*, Lt. Calley was court-martialled for his role in the My Lai Massacre during the Vietnam War, where ROE were grossly violated. The case highlighted the consequences of failing to adhere to ROE and the principle of command responsibility.<sup>27</sup>

### Redressal for Violations of ROE

Redressal for violations of Rules of Engagement (ROE) is crucial to maintaining accountability, upholding international humanitarian law, and ensuring justice for victims. Violations can occur in various forms, such as the unlawful use of force, targeting civilians, or

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<sup>23</sup> International Humanitarian Law Databases, ICRC (Aug 11, 2024, 13:05 PM) <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949>.

<sup>24</sup> Medecins Sans Frontieres, The Hague Conventions of 1899 and 1907 (Aug 11, 2024, 13:25 PM) <https://guide-humanitarian-law.org/content/article/3/the-hague-conventions-of-1899-and-1907/>.

<sup>25</sup> ICTY, The Prosecutor v. Tadić, Appeals Chamber, Jurisdiction, ICRC (Aug 11, 2024, 13:45 PM) <https://casebook.icrc.org/case-study/icty-prosecutor-v-tadic/>

<sup>26</sup> ICJ, Case Concerning Military and Paramilitary Activities in and against Nicaragua, Jun 27, 1986/

<sup>27</sup> ICRC, United States, United States v. William L. Calley, Jr. (Aug 11, 2024, 14:05) <https://casebook.icrc.org/case-study/united-states-united-states-v-william-l-calley-jr>.



mistreating prisoners of war. Addressing these violations involves legal, disciplinary, and remedial actions at multiple levels.

- (a) **International Criminal Court (ICC):** The ICC has jurisdiction over individuals accused of serious international crimes, such as war crimes and crimes against humanity, which often involve ROE violations. For instance, ICC played a significant role in addressing violations of Rules of Engagement (ROE) in the Democratic Republic of the Congo (DRC) by prosecuting individuals responsible for war crimes and crimes against humanity during the conflict. The ICC has jurisdiction over war crimes, crimes against humanity, and genocide committed by nationals of State Parties or on the territory of State Parties. The DRC is a State Party to the Rome Statute, the treaty that established the ICC, having ratified it in April 2002. This gave the ICC the authority to investigate and prosecute crimes committed within the DRC's territory since that date<sup>28</sup>. The trials of Germain Katanga and Thomas Lubanga Dyilo are some examples which are testament to the ICC's efforts of conducting investigations into various armed groups and individuals suspected of committing serious violations and subsequently prosecuting such criminals.
- (b) **Ad Hoc Tribunals:** Tribunals like the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) have tried individuals for ROE violations in conflicts<sup>29</sup>.
- (c) **Victim Compensation and Reparations:** Victim compensation and reparations for violations of Rules of Engagement (ROE) refer to the measures taken to provide redress to individuals or communities who have suffered harm due to unlawful actions by military personnel during armed conflict. These actions often involve breaches of international humanitarian law, such as indiscriminate attacks on civilians, unlawful killings, or the destruction of property.
  - (i) **Victim Compensation:** Victim compensation refers to financial payments made to individuals or communities who have suffered losses due to violations of ROE. Compensation is meant to cover damages such as loss of life, injury, destruction of property, Moral damage and Costs required for legal or expert assistance, medicine

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<sup>28</sup> Eugène Bakama Bope, *The ICC and Reconciliation in the DRC* (2015).

<sup>29</sup> Medecins Sans Frontieres, *International Criminal Tribunals for the Former Yugoslavia (ICTY) and Rwanda (ICTR) and the International Residual Mechanism for Criminal Tribunals IRMCT* (Aug 11, 2024, 14:25 PM) <https://guide-humanitarian-law.org/content/article/3/international-criminal-tribunals-for-the-former-yugoslavia-icty-and-rwanda-icttr-and-the-international-residual-mechanism-for-criminal-tribunals-irmct/>.

and medical services, and psychological and social services<sup>30</sup>. States may also establish compensation funds or programs to provide financial redress to victims of military actions that violated ROE. For instance, the U.S. military has used “solatia” payments, which are expressions of sympathy in the form of money, to compensate civilians in Iraq and Afghanistan for damages caused by military operations. The individual or unit involved in the damage has no legal obligation to pay. Compensation is simply offered as an expression of sympathy in accordance with local custom.<sup>31</sup>

- (ii) **Reparations:** Reparations encompass a broader set of measures beyond financial compensation. They are aimed at addressing the consequences of violations, acknowledging the harm done, and promoting reconciliation and justice. Reparations may take different forms which may include restitution, rehabilitation, satisfaction and a guarantee of non-repetition. Reparation should be proportional to the gravity of the violations and the harm suffered. In accordance with its domestic laws and international legal obligations, a State shall provide reparation to victims for acts or omissions which can be attributed to the State and constitute gross violations of international human rights law or serious violations of international humanitarian law<sup>32</sup>. For example, Germany’s reparations to Holocaust survivors included financial compensation, rehabilitation programs, and memorial initiatives to acknowledge and atone for the atrocities committed during the war.<sup>33</sup>

### **Best Practices: ROE**

Several nations have implemented best practices to ensure strict adherence to Rules of Engagement (ROE) during military operations. These countries have focused on comprehensive training, accountability, legal alignment, and other measures to uphold international humanitarian law and protect civilians.

- (a) **United States:** The U.S. military places a strong emphasis on ROE training, which is integrated into pre-deployment preparations. This includes scenario-based training,

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<sup>30</sup> UNHRC, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, Dec 15, 2005.

<sup>31</sup> US Army JAG, Solatia Payments (Aug 11, 2024, 15:15 PM) [https://myjag.com/otw/solatia-payments\\_](https://myjag.com/otw/solatia-payments_)

<sup>32</sup> UNHRC, note 31 supra.

<sup>33</sup> Office of the Historian, The Dawes Plan, the Young Plan, German Reparations, and Inter-allied War Debts (Aug 11, 2024, 16:05 PM) <https://history.state.gov/milestones/1921-1936/dawes>.

ethical decision-making exercises, and continuous refreshers during deployments. The U.S. military also incorporates cultural awareness training to reduce the likelihood of ROE violations in foreign environments while it also seeks to lay down protocols for joint operations. Military personnel are taught the importance of the Law of War and ROE. These rules are complex and carry a lot of moral weight. If these rules are broken, it could mean facing serious criminal charges or being dismissed from the military.<sup>34</sup>

- (b) **United Kingdom:** The UK military emphasizes the role of commanders in communicating and enforcing ROE. Commanders are trained to ensure that their subordinates understand and adhere to the rules. ROE are regularly communicated through briefings before and during missions, ensuring that soldiers are constantly reminded of their obligations. The UK tailors its ROE to specific missions, ensuring they are relevant and aligned with the operational context and international law. Legal advisors are embedded with military units to provide real-time advice on ROE and ensure compliance during operations. The UK has conducted several high-profile inquiries into alleged ROE violations, such as the Baha Mousa Inquiry, which investigated the death of an Iraqi civilian in British custody<sup>35</sup>. These inquiries are part of the UK's commitment to accountability and transparency. The United Kingdom Manual of National Rules of Engagement emphasizes that the key principles that will apply to military action relying on self-defence are those of necessity and reasonableness. Thus, force must be limited to only that which is necessary to protect and be commensurate with the level of threat; to act otherwise could be regarded as the employment of excessive force<sup>36</sup>.
- (c) **Germany:** The German *Bundeswehr* integrates International Humanitarian Law (IHL) training with ROE education, emphasizing the legal and ethical responsibilities of soldiers in conflict zones. Germany maintains a policy of transparency regarding its military operations, including public reporting on ROE compliance and any violations. The German military justice system allows for the prosecution of ROE violations, ensuring that soldiers are held accountable for unlawful actions. German defence

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<sup>34</sup> Uniform Code of Military Justice, Military Rules of Engagement: A Comprehensive Guide (Aug 11, 2024, 17:55PM)<https://ucmj.us/military-rules-of-engagement/#:~:text=RoE%20becomes%20more%20open%20in,of%20War%20and%20global%20norms>.

<sup>35</sup> Sir William Gage, The Baha Mousa Public Inquiry Report, Sep 8, 2011.

<sup>36</sup> Ministry of Defence, United Kingdom Manual of National Rules of Engagement (JSP 398) Part II.

ministry issued an updated set of the so-called “pocket card”, designed to give the troops a clearer idea of what they are allowed to do under certain conditions.<sup>37</sup>

## **Conclusion**

In conclusion, ensuring adherence to Rules of Engagement (ROE) is a critical aspect of maintaining the integrity and legality of military operations. Soldiers are not only taught the specific rules they must follow but also given the tools to apply them in complex and rapidly changing environments. Scenario-based training, simulations, and cultural awareness programs are used to prepare soldiers for the realities of modern warfare, where the distinction between combatants and non-combatants is not always clear. Accountability mechanisms are another crucial component of these best practices. The commitment to investigating and addressing ROE violations through courts-martial, inquiries, and other forms of disciplinary action demonstrates a strong resolve to uphold the rule of law within military ranks. Transparent reporting and public accountability further reinforce the legitimacy of military operations and build trust both within the armed forces and with the broader international community. Moreover, the integration of legal advisors within military units and the use of real-time decision support tools underscore the importance of having access to legal expertise during operations. This ensures that commanders and soldiers can make informed decisions that comply with ROE, even in the heat of battle. The involvement of legal experts in the continuous evaluation of ROE also ensures that these rules remain relevant and effective in the face of evolving military and geopolitical challenges. To conclude, the importance of ROE in military operations cannot be overstated. ROE serve as a critical framework that ensures military actions are conducted within the boundaries of international law, safeguarding both the integrity of the armed forces and the lives of civilians. By clearly defining the permissible use of force, ROE help to prevent unnecessary violence, reduce the risk of human rights violations, and uphold the principles of humanitarian law. Adherence to ROE not only protects soldiers from legal and ethical pitfalls but also fosters trust and cooperation with local populations and the international community. Ultimately, ROE are essential for maintaining discipline, ensuring accountability, and achieving military objectives in a manner that respects human dignity and the rule of law.

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<sup>37</sup> Bundeswehr Defence, Defence Watcher (Aug 11, 2024, 18:15 PM) <https://www.dw.com/en/new-rules-of-engagement-for-german-troops-in-afghanistan/a-4519627>.