



**Ministry
of Defence**

**JSP 398
United Kingdom Manual of National Rules of
Engagement**

Part 2: Guidance

Foreword

Part 2 of JSP 398 provides guidance in accordance with the policy set out in Part 1 of this JSP; the guidance is sponsored by the Defence Authority for Rules of Engagement. It provides policy-compliant business practices which should be considered best practice in the absence of any contradicting instruction. However, nothing in this document should discourage the application of sheer common sense.

Preface

How to use this JSP

1. JSP 398 is to be used by all arms of HM Armed Forces (referred to throughout as UK Armed Forces) in all environments. This JSP contains the policy and direction on ROE, guidance on the processes involved, and the application of best practice. This JSP will be reviewed every two years.
2. The JSP is structured in two parts:
 - a. Part 1- Directive, which provides the direction that must be followed in accordance with statute or policy mandated by Defence or on Defence by Central Government.
 - b. Part 2 - Guidance, which provides the guidance and best practice that will assist the user to comply with the Directive(s) detailed in Part 1.

Coherence with other Defence Authority Policy and Guidance

3. Where applicable, this document contains links to other relevant JSPs, some of which may be published by different Defence Authorities. Where particular dependencies exist, these other Defence Authorities have been consulted in the formulation of the policy and guidance detailed in this publication.

Related JSPs

JSP 900

JSP 383

Title

UK Full Spectrum Targeting Policy

The Joint Services Manual of the Law of Armed Conflict

Training

4. In addition to Law of Armed Conflict (LOAC) training, it is essential that operational and supporting force commanders ensure that personnel are properly trained in the application of ROE.

Further Advice and Feedback – Contacts

5. The owner of this JSP is DCDS(MSO). For further information on any aspect of this guide, or questions not answered within the subsequent sections, or to provide feedback on the content, contact:

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Introduction

1. ROE are one of the key means by which political control is exercised over the use of force and of ensuring that action taken by UK Armed Forces is lawful. A more detailed explanation of the Law of Armed Conflict (LOAC) is provided in 'The Joint Service Manual of the Law of Armed Conflict' (JSP 383). For a detailed explanation on the use of force to defend other persons and property and in law enforcement, see Annex A to this JSP.
2. The ROE at Annex B can be applied world-wide, to all arms of HM Armed Forces (referred to throughout as UK Armed Forces) and to all environments (i.e. land, maritime, air, space, and cyber). In addition to standing ROE profiles, operation-specific ROE profiles may be issued. The use of force will always be governed by an operation-specific ROE profile, incorporating national caveats, that provides a set of parameters to inform operational commanders of the policy constraints imposed, or freedoms permitted, in carrying out their assigned missions and tasks. When a ROE profile is issued for an operation it may be included as an annex to the CDS Operational Directive or issued separately through Hd Military Strategic Effects (MSE). New, or amended ROE profiles that increase the permissibility of individual rules, require MOD authorisation. Where the use of offensive force (including lethal attack) is authorised the ROE profile will provide the authorisation for the corresponding Targeting Directive (TD). The TD will be subordinate to the ROE.
3. Annex C lists details of the types of formatted messages [REDACTED].

Political and Legal Considerations

4. At every stage in the targeting process, commanders and targeting staff must consistently apply LOAC, ensure that their actions are lawful and operate within their superior commander's intent and objectives. In passing orders, subordinate commanders at any level must always act within the ROE received, although they are not bound to use the full extent of the permissions granted. [REDACTED]

5. **Linkage of Legal Basis, ROE and TD.** The application of offensive force is bounded by the legal basis for the use of force in any operation, LOAC, the ROE Profile and the TD. Commanders and targeting staff must understand the linkage between the legal basis, the ROE Profile and the TD as well as the principles of LOAC. The following explanation and diagram (Figure 1) are designed to assist this understanding:

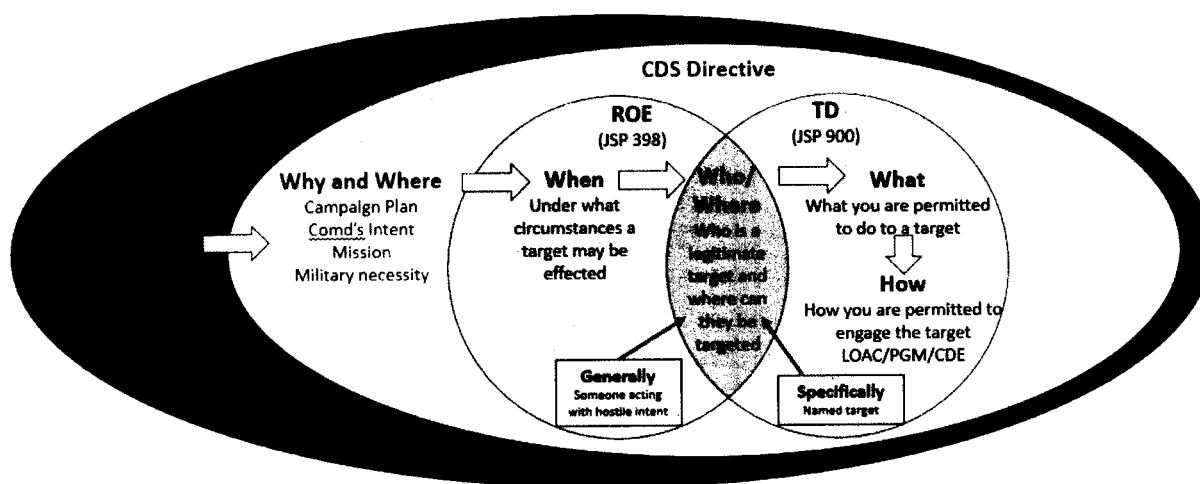


Figure 1: Linkage of Legal Basis, LOAC, ROE and TD in the Application of Offensive Force

- a. Strategic intent at governmental level, coupled with a legal basis for the offensive use of force will govern the nature of the ROE. CDS' Operational Directive combines the nature of the ROE and military intent explaining WHY and WHERE offensive force may be used.
- b. The ROE contain general guidance on the non-offensive posture and positioning of forces. Additionally, when a legal basis for the offensive use of force exists, the ROE profile will contain one or more rules that permit it. The ROE profile explains WHEN (under which circumstances) offensive force may be used.
- c. When considering offensive force, the ROE and TD are linked in order to understand WHO or WHAT may be attacked and HOW. The TD contains a list of approved target sets.

JSP 398 Rules and Profiles

6. The ROE are divided into ■ thematic rule sets (see Annex B), with each set covering the use of a separate capability or type of activity. Each rule is identified by a three-digit number, the first two digits of which identify the theme. Each rule set has a number of options, known as steps; the last digit of each rule number identifies the step within the thematic rule set. Wherever possible the steps follow a common pattern, which ranges from prohibition, through qualified permission, to unrestricted use of the capability being controlled by the rule.

Example: ROE 100 series

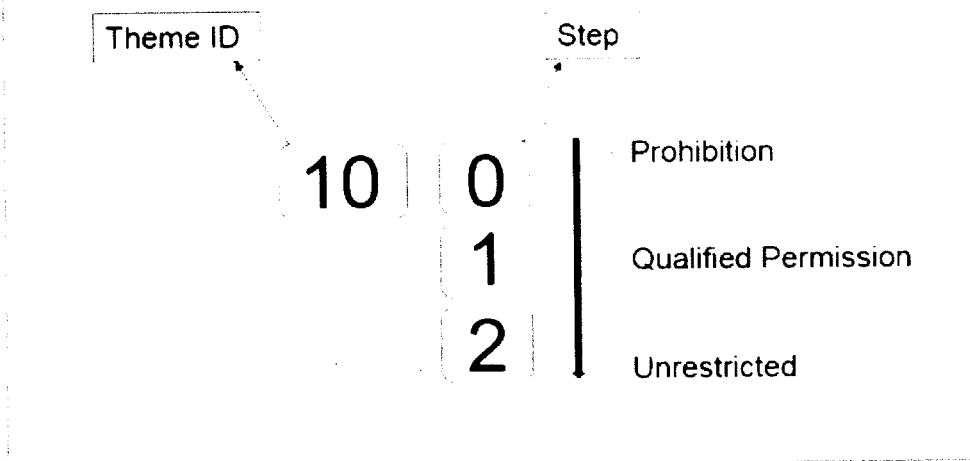


Figure 2: Example of the structure of a rule series

7. It may be necessary to authorise more than one step from each rule to allow for different levels of response in differing situations (e.g. encountering combatants or non-combatants), or to issue different variants of the same rule according to the type of units involved (e.g. aircraft or ships, or Reserve Forces). In those cases, the different versions of the same rule will be identified by a suffix letter. However, all steps of each applicable rule must be individually specified in the profile, as there is no automatic progression from one step to another. The guiding principle must be to ensure that the recipient of the ROE can readily understand the intention of the issuing authority.

8. The purpose of the rule number, and suffix where necessary, is to provide an easy reference by which each rule, and each instance of each rule, can be identified. The plain language text attached to each rule must clearly define the limitations being placed upon the commander and identify to which force elements the restriction applies (see examples at Annex C). A selection of rules for a specific operation is known as an ROE profile or an ROE Authorisation Message (ROEAUTH)¹.

9. **Designated Actions.** Some steps require careful and comprehensive definition of portions of text marked by 'DESIG'. Designation, where indicated, is mandatory but the words 'any', 'all' or 'nil' may be used; furthermore, the rule may specify at what level of command the designation can take place. Particular attention must be given to the clear designation of units or elements other than own units. For example, it will not be sufficient to designate 'friendly forces' as a class of people that UK troops are entitled to protect, without further specification (e.g. nationality) and in some situations ROE may be concerned with non-military elements (e.g. 'suspected pirates' or 'narcotics smugglers'). In addition, further explanations can be provided by adding Amplifications (AMPLN).

10. **Designated Property.** Property may be designated in the ROE profile as requiring protection by the use of minimum force for the purposes of force protection or mission accomplishment.

¹ [REDACTED]

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11. **Legal and Policy Advice.** This document, and particularly Annex A, provides generic guidance on UK ROE. Any ROE profile derived from this document will be scrutinised by MOD and PJHQ/SSC Legal and Policy Advisers prior to Ministerial submission. Every commander deployed on operations is to have appropriate access to legal advice; within the operational chain of command as a minimum, in respect of the application of ROE, JSP 398 and international law generally. If the commander has any doubts about a specific ROE profile, they should always seek legal advice. Guidance on obtaining legal advice is provided in JDP 3-46 - Legal Support to Joint Operations.

12. **Training.** In addition to LOAC training, it is essential that operational and supporting force commanders ensure that personnel are properly trained in the application of ROE. The aim will always be to authorise the release of the ROE profile for an operation prior to the deployment of forces. A draft ROE profile should be released (usually within the CDS Planning Directive) to permit commanders adequate time and opportunity to provide comment and to train personnel on the proposed ROE profile. If this is not possible, relevant formations should conduct a risk assessment and provide an impact statement to the higher authority as a matter of urgency. The final ROE profile may differ from early drafts, due to changes in political and/or military objectives.

13. **Standing Profiles.** Several standing profiles exist for ongoing peacetime commitments. All deployed HM Ships, submarines, aircraft and RFAs operate under a standing ROE profile when in transit or conducting routine business worldwide. They will be subject to an operation-specific ROE profile when operating on directed tasks. Although the procedures described in this document relate primarily to ROE for crises and operations, they may equally be applied to the development and subsequent review of such standing ROE Profiles.

14. **Dormant Profiles.** ROE profiles can be authorised but not activated to support contingency planning. The ROEAUTH will detail the circumstances in which the dormant ROE profile will become active and specify the level of delegated authority required to activate the profile. Care must be taken to ensure that all forces are, at all times, clear about which ROE they are authorised to execute. In practice, dormant profiles are seldom authorised and authority to activate dormant profiles would not normally be delegated below the Joint Force Commander.

ROE Development and Staffing Procedures

15. **Drafting the Profile.** The development of a UK national ROE profile requires early and close consultation between MOD and subordinate staffs. Operational Headquarters and SSCs will be responsible for providing draft ROE profiles and for advice on the military, legal and policy aspects of ROE within their commands. Initial draft ROE and any subsequent ROEREQs (see below) must always be staffed and agreed within the sponsor's operations, policy and legal cells prior to wider circulation.

16. **Staffing the Profile.** The MOD ROE Committee (MRC) will be responsible for staffing amendments to the ROE. The TOR for the MRC are at Annex G. Where a lead team for the Operation has been established within the MOD Commitments Directorate they are to be consulted. Advice should be sought from MODLA, regional policy and military planning experts and OGDs when appropriate via the relevant MOD policy desk. Submission for ministerial approval is [REDACTED] [REDACTED] [REDACTED] coordinated with Hd MSE. It is then cleared by ACDS(Cts) – for compliance with

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military strategy, MODLA - for legality and Sec Pol Ops - for compliance with wider policy. Depending on the operation, clearance can be granted by appropriate representatives. This process may be accelerated when operationally necessary.

17. **Authorisation and Dissemination of ROE - ROEAUTH.** Once Ministerial approval has been obtained, Military Strategic Effects (MSE) will issue the authorising message (ROEAUTH) on behalf of CDS, [REDACTED]

[REDACTED] The ROEAUTH should make clear the level to which ROE have been delegated. For example, it may be necessary for commanders to retain approval authority in anticipation of delegating them to subordinate commanders when appropriate. An example ROEAUTH is shown at Appendix 2 to Annex C. ROE staffing should be a constant iterative process at all levels; the system should be responsive to the needs of the tactical commander, who must be allowed adequate time before the ROE profile comes into effect to understand it, seek clarification where necessary and implement training.

18. **Changes to ROE - ROEREQ.** A ROE Request Message (ROEREQ) is the means by which commanders request changes to an ROE profile. [REDACTED]

[REDACTED]. The requesting Commander is to ensure the ROEREQ addresses:

- a. The rule, or rules, to be amended;
- b. The justification for the amendment;
- c. The military penalty if the amendment is not authorised, and;
- d. The timescale for the request to be actioned.

19. This applies equally at all levels of the command chain, including where a commander has retained some elements of his delegated ROE pending a ROEREQ from subordinate elements. [REDACTED]

20. **Targeting Directive.** The use of offensive force in an operation is governed by a Targeting Directive (TD). The TD is a subordinate document to the ROEAUTH, although they are developed in parallel. It authorises the planning and conduct of targeting operations [REDACTED]

21. For missions where there is no TD, [REDACTED], the delivery of effects by UK assets [REDACTED] will be governed primarily by the ROE profile. In these circumstances those calling for, coordinating, and/or

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conducting action will be responsible for ensuring that the key elements of LOAC (Annex A Paragraph 5) are fulfilled.

22. **Schematic.** Figure 2 below sets out a schematic representation of the ROE Profile generation and amendment process.



Figure 3: ROE Staffing Process

23. **General.** All profiles will have an introductory paragraph detailing the purpose of the profile and identifying significant changes from previous versions.
24. **Application.** The profile will identify to which UK Armed Forces it is applicable and detail any multinational or coalition C2 arrangements, involving UK Armed Forces to whom the profile will apply.
25. **Acknowledgement Instructions.** Acknowledgement instructions will be included to ensure that all units are working to the correct ROE profile and that amendments are cascaded in a controlled and auditable manner.
26. **Geographical Area.** The profile will state the geographical area(s) within which the rules apply. Where appropriate it will be coincident with the JOA for the operation.
27. **Amplification.** The profile will outline the legal basis for the operation, the political and military objectives and any other factors that commanders should be aware of when interpreting the profile.

28. Complete Profile.

[REDACTED]

[REDACTED]

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

[REDACTED]

§ 87(2)(b)

29. **Definitions and Guidance.** The final section of the profile will contain definitions and guidance to commanders, drawn from Annex E of this document.

Implementation and Distribution

30. In implementing ROE, commanders must consider the authorised profile as the limit of permissions available and may, in their military judgement of the situation, retain some rules or authorise a more restrictive version of any rule to their subordinates. The latter is generally best done by adding further amplification to rules to explain how the commander sees his subordinates interpreting them. Any such restrictions should always be copied to the higher commander.

31. **Exercises.** The ROE in this document may be used for exercises involving UK national forces. Care is to be taken to ensure that exercise ROE profiles are clearly defined as such to avoid confusion. Messages should be prefixed with the words:

'EXERCISE, EXERCISE, EXERCISE'

32. **Protective Markings and Security of ROE Profiles.** Whilst the classification of JSP 398 is Official - Sensitive, it will invariably be necessary to state a higher classification, and national caveat, for exercise and operation specific ROE profiles, ROEREQs and ROEAUTH signals/messages in order to reflect exercise or operational circumstances. ROE profiles, including standing profiles, may be released to other nations when authorised and where operationally necessary. [REDACTED]
[REDACTED]
[REDACTED]

ROE profiles are to be tightly controlled, even within HMG, as any inadvertent release could:

- a. threaten life directly or seriously prejudice public order or individual security or liberty whether in the UK or overseas.
- b. prejudice the defence of the British Islands or of any colony.
- c. cause serious damage to the operational capability or security of UK or Allied Forces.
- d. prejudice relations between the UK and any other state or international organisation, or the interests of the UK abroad.
- e. cause serious damage to the effectiveness of valuable security or intelligence operations.
- f. impede the investigation or facilitate the commission of serious crime (including terrorism).

33. Compromise of ROE profiles will prove useful to opposing forces by providing an understanding of the constraints under which UK Armed Forces may be operating. ROE are not generally released to the public [REDACTED]
[REDACTED]

In all cases, authority to release ROE should be sought from MOD Ops Dir Mil Strat

Effects (MSE).

Amendments

34. Responsibility for the review, amendment and publication of this document rests with the MOD SP & O Commitments Directorate, MSE. Proposed amendments to JSP 398 should be forwarded to Ops Dir-MSE- Tgts-ROE quoting the page and paragraph number(s), the precise wording of the proposed change and a full explanation of the proposal.

Annexes

- A. Overview of the Legal Principles Relating to the Use of Force.
- B. List of Rules.
- C. ROE Message Formats.
- D. Guidance Cards.
- E. Definitions.
- F. Points of Contact in MOD for ROE Issues.
- G. Terms of Reference for MOD ROE Committee.

OVERVIEW OF THE LEGAL PRINCIPLES RELATING TO THE USE OF FORCE

INTRODUCTION

1. This Annex aims to give an overview of the relevant principles that relate to the use of force by UK Armed Forces. In addition, detailed guidance is found in JSP 383 - Joint Services Manual on the Law of Armed Conflict.
2. Law governs the use of force in a number of different ways; it regulates when states can resort to using force, for example by sending their troops onto the sovereign territory of another state. It also establishes how force can be lawfully used once those troops have been deployed, whether in an armed conflict, or on a peacekeeping mission or other operation. It is important to distinguish between laws that regulate how a State may act, and those that govern the conduct of the individual/unit. These distinctions must be made in order that ROE can be viewed in a proper context. Whilst it is the responsibility of those who authorise ROE to ensure that the permissions contained in them are lawful, commanders at all levels remain responsible for ensuring that forces under their command operate within the law. Furthermore, each individual remains ultimately responsible in law for his/her actions. Typically the preamble to the ROE profile will explain the legal basis for action; however, this constitutes guidance only and does not by itself guarantee the lawfulness of any action. An appreciation of the relevant legal principles is essential.
3. A complex mixture of international and domestic (national) laws regulate when and how force may be used. The principal sources of these laws include:
 - a. The UN Charter.
 - b. The Hague Regulations, the Geneva Conventions and Additional Protocols.
 - c. Customary International Law.
 - d. International human rights law including, in some circumstances, the European Convention on Human Rights (ECHR).
 - e. The Criminal Law Act 1967 and Section 76 Criminal Justice and Immigration Act 2008 and the common law defence of self-defence.

Although, the specific circumstances of each operation, including the location of the actions undertaken, and the nature of any particular conflict will influence which of these laws will apply.

STATE RESORT TO FORCE

4. The purposes of the UN include the maintenance of international peace and security. To this end Article 2(4) of the UN Charter prohibits 'the threat or use of force against the territorial integrity or political independence of any state'. A 'use of force' is understood to include any deployment of armed troops abroad, or any incursion of military personnel or equipment into the territory of another state, as well as the use of force within a conflict or in defensive or offensive operations. There are specific exceptions to the prohibition on the use of force contained in Article 2(4):

- a. A UN Security Council Resolution (UNSCR) authorising the use of force under Ch VII of the UN Charter;
- b. The inherent right of a state to use force in individual or collective self-defence reflected in Article 51 of the UN Charter;
- c. Host Nation Consent (HNC)²; and
- d. Humanitarian Intervention³.

5. **UN Charter Chapter VII.** This Chapter empowers the UN Security Council to authorise direct action (involving the land, sea or air forces of Member States as necessary) to maintain or restore international peace and security. Authorisation of the use of force under this Chapter comes from a UNSCR. Operations authorised under Chapter VII may take the form of peacekeeping or peace-enforcement and may include the use of offensive operations when in the context of an armed conflict.

6. **State or National Self-Defence.** Article 51 of the UN Charter states that 'Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations'. Regional organisations, such as NATO, may have a Treaty under which they agree that an attack on one member will be treated as an attack on all. The Treaty provisions will govern the steps to be taken for collective self-defence under the auspices of NATO. Collective self-defence generally requires at least a request for assistance from the state under attack. In addition, it is not necessary to wait for an armed attack to have actually occurred before action may be taken in either individual or collective self-defence. The interpretation of international law differs between states, but the UK position is that the right to use force in anticipatory self-defence against an imminent attack is permitted whereas the use of force against a threat that is more remote (sometimes known as pre-emptive self-defence) is not. Furthermore, some states, including the UK, accept that the inherent right of self-defence includes the protection of their own nationals from any imminent threat of injury or death in situations where the state, in whose territory they are located, is either unable or unwilling to protect them. In such circumstances, UK Armed Forces may be required to use force to protect designated persons such as other UK Armed Forces, UK citizens overseas, and other coalition forces' personnel (see paragraph 12 below), providing the measures of protection are strictly confined to the object of protecting them against death or injury.

7. **Host Nation Consent.** A state may consent to the presence of UK Armed Forces in their territory (on operations or on exercise) and/or to the use of force by the UK on their territory. Where such consent has been given, the presence of UK Armed Forces and/or the use of force by the UK will not constitute a breach of Article 2(4) of the UN Charter.

8. **Humanitarian Intervention.** The UK position is that a use of force will not be contrary to the prohibition set out in Article 2(4) of the UN Charter in circumstances where:

- a. There is convincing evidence, generally accepted by the international

² Where UK troops are deployed at the invitation of another state, that state is known as the Host Nation.

³ It is important to note that very few states have explicitly accepted Humanitarian Intervention as a valid legal basis for the use of force.

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community as a whole, of extreme humanitarian distress on a large scale, requiring immediate and urgent relief;

b. It is objectively clear that there is no practicable alternative to the use of force if lives are to be saved; and

c. The proposed use of force is necessary and proportionate to the aim of relief of humanitarian need and is strictly limited in time and scope to this aim (i.e. the minimum necessary to achieve that end and for no other purpose).

9. It is the responsibility of HMG to establish whether any of the legal bases for the UK to resort to the use of force have been met and therefore, that any use of force by the UK is lawful. Once that deliberation has been conducted, the military (both collectively and individually) have a responsibility to ensure that any subsequent hostilities are conducted lawfully.

USE OF FORCE WITHIN ARMED CONFLICT AND OPERATIONS

10. **LOAC.** Whatever the legal basis for the operation, the use of force in an armed conflict will be governed by LOAC. However, in situations other than an armed conflict, such as in a traditional peacekeeping role, LOAC will generally not apply and the law of self-defence and the relevant provisions of the ROE (if any) will govern the use of force. LOAC is based on customary principles and international agreements. It sets limits on the way that force may be used, for instance by prohibiting certain weapons, by requiring that attacks are only directed against military objectives and protecting those who are not or are no longer participating in the hostilities. Further guidance is to be found in JSP 383 Chapter 2, the principles being:

a. **Military Necessity.** Military necessity permits a state engaged in an armed conflict to use only that degree and kind of force, not otherwise prohibited by the law of armed conflict, that is required in order to achieve the legitimate purpose of the conflict, namely the complete or partial submission of the enemy at the earliest possible moment with the minimum expenditure of life and resources. The principle of military necessity contains four basic elements:

- 1) The force used can be and is being controlled.
- 2) Since military necessity permits the use of force only if it is 'not otherwise prohibited by the law of armed conflict', necessity cannot excuse a departure from that law.
- 3) The use of force in ways which are not otherwise prohibited is legitimate if it is necessary to achieve, as quickly as possible, the complete or partial submission of the enemy.
- 4) The use of force which is not necessary is unlawful, since it involves wanton killing or destruction.

b. **Distinction.** There must be a clear distinction between the armed forces and civilians, or between combatants and non-combatants, and between objects that might legitimately be attacked and those that are protected from attack. Offensive action must be directed against military objectives only. Military objectives are

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objects, which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage. All feasible precautions are to be taken in the choice of means and methods of attack with a view to avoiding, and in any event to minimise, incidental loss of civilian life, injury to civilians and damage to civilian objects. The word 'feasible' means that which is practicable, or practically possible, taking into account all circumstances ruling at the time, including humanitarian and military considerations. Indiscriminate attacks are those that are not directed at specific military objectives, those that employ a method or means of combat that cannot be directed at a specific military objective or those that employ a method or means of combat the effects of which cannot be limited. Consequently, indiscriminate attacks are those that strike military objectives and civilians, or civilian objects, without distinction. Indiscriminate attacks are prohibited.

c. **Proportionality.** The principle of proportionality requires that the losses resulting from a military action should not be excessive in relation to the expected military advantage. An attack will be disproportionate if it is expected to cause a level of incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated. The military advantage anticipated refers to the advantage from the attack considered as a whole, and not only from isolated or particular parts of the attack.

d. **Humanity.** The concept of humanity forbids the infliction of suffering, injury or destruction not actually necessary for the accomplishment of legitimate military purposes. The principle of humanity is based on the notion that once a military objective has been achieved, the further infliction of suffering is unnecessary. Thus, if an enemy combatant has been put out of action by being wounded or captured, there is no military purpose to be achieved by continuing to attack him. For the same reason, the principle of humanity confirms the basic immunity of civilian populations and civilian objects from attack because civilians and civilian objects make no contribution to military action.

INDIVIDUAL SELF-DEFENCE, DEFENCE OF OTHERS AND FORCE PROTECTION

11. The law of England and Wales governs an individual's right to use force in self-defence, or in the defence of others. This right applies to members of HM Armed Forces, wherever in the world they may be deployed and may be exercised by an individual, or collectively by groups of individuals (a unit or other formation). The law of England and Wales (Section 3 Criminal Law Act 1967 and Section 76 Criminal Justice and Immigration Act 2008) recognises that all persons, including members of UK Armed Forces, have the right to use 'reasonable force' to prevent crime. In addition, there is a right in common law to use reasonable and necessary force in self-defence or in the defence of others. If an individual honestly believes that there is an imminent threat to human life (and there is no other way to prevent the threat, he or she may use lethal force to prevent the threat. UK Armed Forces personnel are entitled to the protection afforded to them by the law of self defence of England and Wales (and when operating in Scotland, the law of self-defence of Scotland); their inherent right to use reasonable and necessary force in individual self-defence, **or in the defence of other UK personnel, whether civilian or military**, is never constrained by ROE.

12. The law of England and Wales also provides a justification for the use of force in the

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defence of others. However, UK personnel must be aware that HMG might, as a matter of policy, wish to limit the use of such force in the defence of persons other than UK personnel on operations⁴. Any policy restriction on the use of force in the defence of others will be expressed in the operation-specific ROE profile, [REDACTED]. Commanders must appreciate the distinction drawn between individual self-defence (an inherent right that cannot be constrained by RoE) and the defence of others (which may be constrained as a matter of policy).

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. Any force used must be limited to the degree, intensity and duration necessary to remove the threat. Any force used over and above that would be unlawful. Consistent with these principles, it is not permissible to use lethal force in defence of property, unless in highly exceptional circumstances where the defence of the property is connected to defence of life, whether relying on the common-law defence of self-defence or on the defences provided by Section 3 of the Criminal Law Act 1967.

13. UK Armed Forces operating outside of the UK will only be allowed to carry arms in accordance with an extant ROE Profile or Arming Directive⁵. As ROE will never constrain the inherent right to use reasonable and necessary force in individual self-defence, or in the defence of other UK personnel, no Rules relating to this will be issued⁶. However, for clarity every profile will include the following statement:

**NOTHING IN THESE ROE SHALL BE CONSTRUED AS LIMITING THE
INHERENT RIGHT OF INDIVIDUAL SELF-DEFENCE, OR THE DEFENCE
OF UK PERSONNEL, AS PROVIDED FOR UNDER NATIONAL LAW**

14. **Firing of Warning Shots (or Dropping Ordnance for Warning Purposes).** In certain circumstances, the firing of warning shots (or dropping ordnance for warning purposes) in the vicinity of elements as a warning or to force compliance may be permitted [REDACTED]. In these cases, every effort must be made, if appropriate⁷, to pass a clear warning by other means before opening fire, and elements must be given every reasonable opportunity to comply with the instructions, before warning shots are fired or ordnance dropped for warning purposes. Warning shots (including dropped ordnance) are to be aimed so that there is no risk of injury to the designated (*DESIG*) element or others and no inadvertent damage is caused. Weapons used to fire warning shots are to be of the smallest calibre appropriate, balancing the requirements of safety against the need to make a clear demonstration of intent. Authority to sanction the firing of warning shots, or

⁴ e.g. in a Non-combatant Evacuation Operation (NEO) or peacekeeping scenario when HMG policy would be to avoid UK Armed Forces being inadvertently drawn into any conflict or taking action in the defence of others which could be perceived as supporting one belligerent group over another.

⁵ The authority for individuals or small teams to carry arms for self-defence only may be included in the relevant Mission Directive, Op Order or Fragmentation Order FRAGO, as appropriate.

⁶ Commanders should be familiar with the jurisdictional arrangements agreed between the UK and the host State(s) in which they are operating. The jurisdictional arrangements may not grant the UK exclusive jurisdiction over its personnel, in which case, UK personnel may be exposed to the host State's criminal law in respect of acts which would be lawful as a matter of England & Wales criminal law.

⁷ Examples of when it would be inappropriate would be when the Designated (*DESIG*) element is unable to hear a shouted warning, (because of distance or ambient/background noise for example) or see a visual warning (when flares or lasers would be ineffective due to climactic conditions at the time, including the time of day).

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the dropping of ordnance for warning purposes, may be held or delegated through the command chain to meet operational needs. Warning shots may legally be permissible as an escalatory measure, short of the use of lethal force, in self-defence. However, there are serious risks associated with firing warning shots, which have the potential to cause unintentional death or injury. They may lead an innocent person or friendly forces operating in the general area to believe that they are under fire. The risks associated with the use of warning shots should be properly understood and factored in to any decision to use them.

CARD A

15. Guidance Card A reflects, but does not refer to, the position of UK domestic law contained in Section 3 of common law, the Criminal Law Act 1967, and section 76 of the Criminal Justice and Immigration Act 2008, in respect of the use of lethal force in self-defence. [REDACTED]

[REDACTED] The use of lethal force to protect property will only be reasonable (and therefore lawful) where the individual considers there is an immediate threat to human life. [REDACTED]

[REDACTED] The availability of particular warning measures, including warning shots, remains dependent on theatre instructions and whether the individual is trained and competent in the use of any particular measure.

DESIGNATED PERSONS/PROPERTY

16. Although the UK has no jurisdiction over non-UK interests located in foreign countries and must, under international law, respect the sovereignty of the nation in which UK Armed Forces are deployed, it is possible, for policy reasons, to designate persons and / or property for protection by UK units in a ROE profile. Here, the UK's international legal position and policy intentions will be reflected in the drafting of the ROE profile, by including a positive rule stating who / what may be protected. Any non-UK persons or property judged to be of sufficient importance to UK interests to require protection will be designated within the ROE Profile.

17. An example of property that may be designated for protection is cultural property, including but not limited to that listed on the 'International List of Cultural Property under Enhanced Protection'. Property designated for protection in the ROE profile may also appear on the No Strike List within the Targeting Directive.

HOSTILE ACT AND HOSTILE INTENT

18. Hostile Act and Hostile Intent are definitions that (for JSP 398 purposes) are essentially political parameters, which enable the MOD to specify to commanders and individuals the circumstances in which an attack, imminent attack or threat of an attack may be considered sufficient to justify the use of force [REDACTED] in situations where the offensive use of force, in accordance with and subject to LOAC, has been authorised.

19. **Hostile Act - Not Constituting an Actual Attack.** Where a deliberate act by

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designated or other elements does not constitute an actual attack, but causes serious prejudice to, or poses a serious danger to UK Armed Forces or designated persons and / or designated property, the use of force, up to and including lethal force, subject to and in accordance with LOAC may be authorised within the ROE profile, [REDACTED]. Amplification of the meaning of Hostile Act (specific to the operation) will be given in the ROE profile.

20. Hostile Intent - Not Constituting an Imminent Attack / No Imminent Threat to Life. Where there is no imminent attack or threat to life, but there exists a likely and identifiable threat of danger to UK Armed Forces or designated persons and / or designated property, recognisable on the basis of both the capability and preparedness of individuals, groups of personnel or units to inflict damage, and intelligence which indicates an intention to attack or otherwise inflict damage, the use of force, up to and including lethal force may be authorised within the ROE profile, [REDACTED]. Where authorised, such use of force will be subject to and in accordance with LOAC. Amplification of the meaning of Hostile Intent (specific to the operation) will be given in the ROE profile.

BOARDING OF VESSELS

21. United Nations Convention on the Law of the Sea (UNCLOS) 1982. As a rule, states have sole jurisdiction over ships operating under their flag on the high seas. This means that any boarding of the vessel by UK Armed Forces needs to have a legal basis in the same way as any deployment of troops to that state's territory. However, the exclusiveness of the flag states' jurisdiction is not absolute. UNCLOS admits several exceptions, in which third states may also exercise jurisdiction; where ROE for naval assets include rules allowing the visiting and seizure of ships, these rights of visit will generally be based on the provisions of UNCLOS, a UNSCR Chapter VII mandate or national jurisdiction. ROE profiles that permit boarding will be accompanied by detailed guidance on the use of force, and the legal issues outlined below.

22. UNCLOS - Article 110. One legal basis under which a warship may visit a foreign ship on the High Seas is Article 110 of UNCLOS. This states that visit and/or boarding (which includes searching the vessel in limited circumstances) is not justified unless there are reasonable grounds for suspecting that, for example:

- a. the vessel is engaged in piracy or in the slave trade (see paragraphs 20-21).
- b. the vessel is of uncertain nationality or is suspected of being stateless (see paragraph 22) or unregistered.

23. Alternative Legal Bases for Boarding. However, boarding may also be legally conducted where:

- a. the boarding is to be conducted in accordance with a UN Security Council Resolution, made under Chapter VII of the UN Charter that authorises visits and searches.
- b. [REDACTED]
[REDACTED]
- c. in the course of an armed conflict, the Laws of Naval Warfare apply.

d. with flag state consent, when there are reasonable grounds to suspect that the vessel is involved in a prohibited activity that is regulated by a relevant legal framework (such as drugs trafficking). According to the UK's interpretation of international law, only the flag state of a vessel can give that consent and not the Master of the vessel, although some other national forces may operate under a different interpretation.

24. **Compliance.** ROE will contain references to 'compliant', 'non-compliant' or 'opposed' boarding (see definitions). Such references do not refer to the legal basis for boarding, but to the anticipated level of co-operation or resistance to the boarding; they do not imply that the flag state has consented to the boarding, which is a separate legal issue.

25. **Piracy.** Piracy is defined by UNCLOS as an illegal act of violence or detention, or any act of depredation, committed for private ends by the crew or passengers of a private ship or aircraft against another ship on the high seas or aircraft in international airspace and is an offence over which there is universal jurisdiction. UNCLOS allows warships to visit and search any ship, of whatever flag, reasonably suspected of being engaged in piracy and if necessary to seize the ship/aircraft and property and arrest the persons onboard.

26. **Slavery.** Where a ship is reasonably suspected of being engaged in the slave trade it might be visited and boarded. However, if suspicions prove correct, there is no power for the warship to make arrests or seize the ship. Only the Flag State may seize the ship or arrest those on board if the suspicion is well founded. HM Ships, therefore, may only report their findings to the Flag State.

27. **Vessel of Uncertain Nationality or Stateless.** It is a universally recognised customary rule of international law, adopted by UNCLOS, that warships have the power to require vessels on the High Seas to show their flag. To achieve this, they may send a party across under the command of an officer to verify flag status by checking its papers. Where that has given no satisfaction, and where there are still reasonable grounds to suspect that the vessel is without nationality, a search should be conducted in the presence of a member of the crew. However, the Master and the crew have no obligation to render any assistance, except to unlock or open cupboards and such like. Upon completion, the visit should be recorded in the ship's log and a record should be kept of all details. Vessels found to be without nationality may, under certain circumstances, be regarded as subject to UK enforcement jurisdiction. Where ROE do not expressly provide guidance on enforcement jurisdiction over such vessels through search, seizure, diversion, or detention Rules, direction should be sought through the chain of command.

OTHER INTERNATIONAL OBLIGATIONS AFFECTING ROE

28. **Anti-Personnel Mines.** The UK is party to the 1997 Ottawa Convention which prohibits the development, production, use, stockpiling, retention or transfer of anti-personnel mines. Signatories also undertake not to assist, encourage or induce, in any way, anyone to engage in these activities. UK ROE will, therefore, always provide specific guidance on the use of mines by UK Armed Forces.

29. **Chemical Weapons.** The UK is a party to the Chemical Weapons Convention

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banning the use of chemical weapons⁸. This affects ROE, particularly in relation to the rules governing the use of riot control agents (RCA). CS gas is classed as a chemical weapon and so may not be used as 'a method of warfare'. When troops are deployed in an armed conflict, the ROE will prohibit the use of RCA in offensive operations. However, ROE may permit the use of RCA in other circumstances which include maintenance of security of designated service establishments or other military facilities, Military Aid to the Civil Power (MACP), and in assisting in crowd control for Non-combatant Evacuation Operations (NEO) scenarios.

30. **Cluster Munitions.** The UK ratified the Convention on Cluster Munitions (CCM) on 4 May 2011 and it came into force for the UK on 1 November 2011. It prohibits the use, development, acquisition, stockpiling, retention and transfer of cluster munitions. It also obliges the UK (a state party) to refrain from assisting, encouraging or inducing non-state parties⁹ to engage in any of those prohibited activities that are subject to Article 21. Article 21 makes provision for the UK to engage in military cooperation and operations with non-state parties who themselves may engage in activities prohibited by the UK: provided that the UK does not itself carry out a prohibited activity, or expressly request the use of cluster munitions in cases where the choice of munitions is within its exclusive control; such military cooperation and operations are compatible with a the UK's obligations under the CCM. In the UK, the Cluster Munitions (Prohibitions) Act 2011 came into force on the 25 March 2011. The Act makes it an offence for anyone in the UK, and for UK nationals anywhere in the world, to engage in the prohibited activities. The Act also legislates for a defence reflecting the terms of Article 21, specifically, that UK military personnel are protected from prosecution when operating with non-state parties as long as they adhere to the following UK policy:

- a. **Calling for Fire Support.** UK personnel engaged in multinational operations are able to continue to call for fire support using current procedures, even knowing that such support may come from non-state parties in the form of cluster munitions. UK personnel may not specifically request cluster munitions.
- b. **Command and Staff Appointments.** UK commanders and staff officers engaged in military operations are able to continue to operate in accordance with extant practice, except that they must not be in a position where they can expressly request or direct the use of cluster munitions to achieve a task, where the choice of munitions is within the UK's 'exclusive control'. The UK's interpretation of 'exclusive control' is one of a full 'command relationship'¹⁰.
- c. **Dispensing Cluster Munitions.** UK personnel are not to be part of a crew or individual weapon platform that dispenses cluster munitions belonging to a non-state party.
- d. **Logistics.** UK personnel are able to perform logistical planning, handling, storage, maintenance and transport services for material belonging to non-state parties, which may include cluster munitions. However, UK personnel are not to be

⁸ United Nations Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction 1993.

⁹ Non-State Parties are those states that are not party to, through ratification of, the 1997 Ottawa Convention on Cluster Munitions.

¹⁰ A 'command relationship' exists where a subordinate cannot refuse an order without being guilty of the military offence of 'disobeying a lawful command' (Section 12 of the Armed Forces Act 2006), more practically, 'exclusive control', for the UK, will exist where no non-UK national can prevent the activity from occurring.

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involved in the transport of cluster munitions across the borders of the UK or British Overseas Territories: involvement in all other geographical areas is permitted.

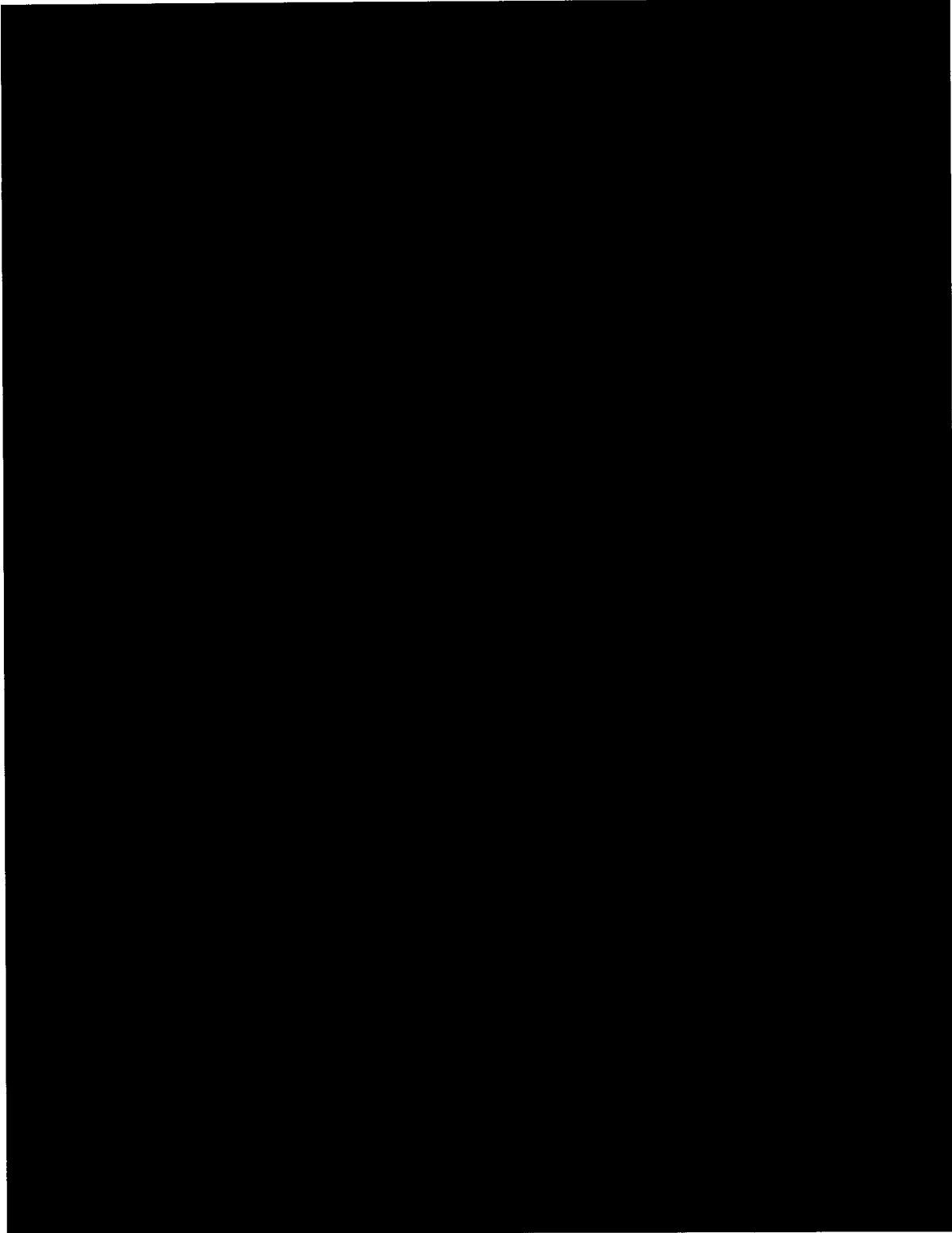
e. **Training.** UK personnel employed in posts which are required to deliver instruction to personnel of Non-State parties are able to continue to deliver all elements of cluster munitions-related training, including the description, operation and employment of cluster munitions.

f. **Refuelling.** UK personnel engaged in multinational operations are able to continue to refuel aircraft, vessels and vehicles of non-state parties which may be carrying cluster munitions.

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Annex B
To JSP 398
2019 Edition

LIST OF RULES



B1
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JSP 398 Pt 2 (Jul 19)

1. The following types of ROE message are used to request, change and authorise ROE Profiles¹³.

- a. **ROERREQ** – Used to request a change to an existing ROE Profile or propose a complete new ROE profile.
- b. **ROEAUTH** – Used to issue and authorise an operation-specific ROE Profile and to promulgate changes to extant ROE profiles.

ROEREQ

2. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
 - [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]

13

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

3. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

ROEAUTH

4. [REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

I [REDACTED] Appendices

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
- [REDACTED]
4. [REDACTED]
- [REDACTED]

[REDACTED]

- [illegible]

DEFINITIONS

1. **Arming Directive.** In this context, the Arming Directive (AD) is concerned with the operational environment and should not be confused with the DCDS(C) Arming Directive to Service CinCs and CJO - The Carriage of Firearms by Service Personnel on General Security Duties in Situations Other Than Operations. An AD is issued by CJO or a FLC, and authorises designated service personnel to carry and use arms outside the UK (with Host Nation consent) during operations and general security duties. It is issued when required by operational circumstances, but usually only when no ROE profile is in existence for a particular mission. Furthermore, it will inform the Commander on the threat level that will justify him authorising UK Armed Forces to carry firearms, [REDACTED].
2. **Arrest.** To deprive a person of his liberty to go where he/she pleases. [Spicer v. Holt [1977] A.C. 987]
3. **Baton.** A truncheon or expandable or rigid instrument specifically designed for a policing, security or coercive purpose.
4. **Attenuating Energy Projectile (AEP) Round (Formerly Known as a Baton Round).** A projectile fired from a gun which is explicitly designed and developed to incapacitate or repel personnel with a low probability of fatality or permanent injury.
5. **Booby Trap.** A device designed, constructed or adapted to kill or injure, which functions when a person disturbs or approaches an apparently harmless object or performs an apparently safe act. [AAP-6 2015]
6. **Biometric Data.** The measurable physical characteristics or personal behavioural traits used to recognise the identity of individuals²¹.
7. **Buzzing.** Action by aircraft to emphasise its presence by flying low over a specific area or target, or close to other aircraft at higher altitudes.
8. **Close Air Support.** Air action against hostile targets which are in close proximity to friendly forces and which require detailed integration of each air mission with the fire and movement of those forces. [AAP-6 2015]
9. **Collateral Damage.** Inadvertent casualties and destruction in civilian areas caused by military operations. [AAP-6 2015]
10. **Command.** The authority vested in an individual of the armed forces for the direction, coordination and control of military forces. [AAP-6 2015]
11. **Commander.** An individual who has command.
12. **Competent Operator.** An individual trained in the use of particular equipment or in carrying out a procedure.

²¹ International Association of Biometric Glossary of Terms.

13. **Compliant Boarding.** Boarding is compliant when the Master of the vessel to be boarded has indicated agreement. Note that this does not refer to the legal basis for the boarding. For UK units on the High Seas, Flag State consent is also required unless boardings are taking place as part of actions taken in self-defence, under the Laws of War at Sea in the course of an armed conflict, under the authority of UNCLOS 110 or in accordance with specific UNSCR (*if applicable, specific UNSCR are to be named in the operation-specific ROE Profile*).

14. **Contact.** Any discrete airborne, surface or sub-surface object detected by electronic, acoustic and/or visual sensors. [AAP-6 2015]

15. **Counter Harassment.** A proportionate response to harassment through manoeuvre or other procedure.

16. **Covert Action.** Action carried out in such a way as to disguise or hide one's presence or purpose. [JDP 0-01.1] [REDACTED]

17. **Demolition.** The destruction of structures, facilities or material by use of fire, water, explosives, mechanical or other means. [AAP-6 2015]

18. **Detention.** The act of holding in custody for lawful purposes such as prosecution, maintenance of public safety, or pursuant to legal order. [AAP-6 2015].

19. **Designated Special Status (DSS).** Individuals, groups, organisations or property that requires particular mention by a Commander in the operation-specific ROEAUTH. There are two recognised sub-divisions: [M/C 362/1]

a. **Persons Designated Special Status (PDSS).** Individuals, groups or organisations specified by an appropriate Authority for mission-related purposes.

b. **Property Designated Special Status (PRDSS).** Property as designated by an appropriate Authority. Includes, but is not limited to:

1) property or information, including classified material under the control of friendly forces or persons with designated special status (PDSS), the loss of which would increase the risk of grave injury or death to friendly forces or PDSS, or would increase the risk of substantial damage to or loss of critical property, identified below;

2) essential public utilities, medical facilities and other mission-essential structures, facilities, property or areas specifically designated.

20. **Electronic Warfare.** Military action that exploits electromagnetic energy to provide situational awareness and achieve offensive and defensive effects. It has three constituent elements: Electronic Surveillance (ES), Electronic Defence (ED) and Electronic Attack (EA). Only EA requires ROE, and comprises Deception, Jamming and Neutralisation. [AAP-6 2015]

21. **Element.** An individual, item of equipment, vehicle, vessel, aircraft platform or unit.

22. **Harassment.** Repeated, deliberate and intimidating activities intended to discourage, impede and disrupt. [AAP-6 2015]

23. **Hostile Act - Not Constituting an Actual Attack.** An intentional act by designated or other elements that does not constitute an actual attack, but causes serious prejudice to, or poses a serious danger to UK Armed Forces or coalition forces or designated persons and / or designated property. Amplification of the meaning of Hostile Act (specific to the operation) will be given in the ROE Profile.

24. **Hostile Intent - Not Constituting an Imminent Attack / No Imminent Threat to Life.** A likely and identifiable threat of danger to UK Armed Forces or designated persons and/or designated property, recognisable on the basis of both the capability and preparedness of individuals, groups of personnel or units to inflict damage and intelligence which indicates an intention to attack or otherwise inflict damage where no imminent attack or threat to life exists. Amplification of the meaning of Hostile Intent (specific to the operation) will be given in the ROE Profile.

25. **Illumination.** Activation of an artificial light source or fire control radar to light a target.

26. **Interrogation.** The systematic longer-term questioning of a selected individual by a trained and qualified interrogator. [JDN 3-06]

27. **Intervention.** Action taken to exert influence over, modify or control specific activity. [AAP-6 2015]

28. **Lethal Force.** Force intended or likely to cause death, or serious injury resulting in death. Any action taken which may cause serious bodily injury or death. [AAP-6 2015]

29. **Mine.** In land mine warfare, an explosive munition designed to be placed under, on or near the ground or other surface area and to be actuated by the presence, proximity or contact of a person, land vehicle, aircraft or boat, including landing craft. In naval mine warfare, an explosive device laid in the water with the intention of damaging or sinking ships or of deterring shipping from entering an area. The term does not include devices attached to the bottoms of ships or to harbour installations by personnel operating underwater, nor does it include devices which explode immediately on expiration of a predetermined time after laying. [AAP-6 2015]

30. **Non-compliant Boarding.** Boarding is non-compliant when the platform to be boarded has failed to comply with legitimate instructions and agreement to board has not been obtained from the Master. Note that this does not refer to the legal basis for the boarding. For UK units on the High Seas, Flag State consent is also required unless boardings are taking place as part of actions taken in self-defence, under the Laws of War at Sea in the course of an armed conflict, under the authority of UNCLOS 110 or in accordance with specific UNSCR (if applicable, specific UNSCR are to be named in the operation-specific ROE Profile).

31. **Opposed Boarding.** A boarding whereby the Master of the platform to be boarded has made it clear, verbally or otherwise, that he will take forcible steps to prevent the boarding party gaining access to his platform. Note that this does not refer to the legal basis for the boarding. For UK units on the High Seas, Flag State consent is also required unless boardings are taking place as part of actions taken in self-defence, under the Laws of War at Sea in the course of an armed conflict, under the authority of UNCLOS 110 or in accordance with specific UNSCR (if applicable, specific UNSCR are to be named in the operation-specific ROE Profile).

32. **Patrol Arm True Dog.** A Service-trained dog that is trained on release to bite the arm of a protagonist.

33. **Personal Weapon.** A weapon normally designated by a unique serial number, issued to an individual and intended primarily for personal use.

34. **Piracy.** Any illegal acts of violence or detention committed for private ends by the crew or passengers of a private ship / aircraft against another ship/aircraft on the High Seas. A pirate ship/aircraft is one under the dominant control of persons intending to use it for the purposes of illegal acts of violence / detention. Note that 'Piracy' and 'Pirate ship/aircraft' are defined in International law by Articles 101 and 103 respectively of the UN Convention on the Law of the Sea (UNCLOS) [see Annex D to BR3012].

35. **Positive Identification.** Assured determination to reasonable certainty by specified means of the identity of an element and, where required, types of equipment or system.

36. **Public Order Control Equipment.** Any equipment designed or utilised for the maintenance or restoration of Public Order.

37. **Riot Control Agents.** A substance which produces temporary irritation or disabling physical effects that disappear shortly after removal from exposure. Under the Chemical Weapons Convention nations declare which agents fall under this definition; for the UK, these include CS, CR and PAVA (pepper spray). Various commercial products such as some versions of Mace use CS in a diluted form and are thus defined as RCAs.

38. **Secure Area.** A designated location or area within which UK or allied/coalition-led forces accept a specified degree of responsibility²² for persons or property and may impose restrictions on movement. [AAP-6 2015] Note: the use of force may be authorised to establish and protect a secure area.

39. **Seizure.** To take possession of property where necessary in support of the mission.

²² Accept responsibility' in this case does not constitute a legal responsibility but a moral responsibility. The legal framework for establishing a Secure Area would normally be a UNSCR or similar.

40. **Self-defence.** See Annex A.
41. **Simulated Attack.** Action carried out when an element manoeuvres into a firing or bombing position with necessary sensors energised, and with weapons apparently ready to fire or drop, but no intention to attack exists.
42. **Strike (of a baton).** Action whereby a baton makes deliberate and controlled contact with the target individual.
43. **Submarine, broached.** When a part of the submarine structure is clear of the water but the submarine is not in an established surface condition.
44. **Submarine, submerged/dived.** When the hull and fin of the submarine are fully submerged.
45. **Submarine, surfaced.** When the submarine is in an established surfaced condition with the fin and casing clear of the water.
46. In relation to ROE, the term **Suspect Vessel** refers to a vessel that is suspected of being 'flagless', unregistered or engaged in piracy or slavery.
47. **Tactical Questioning.** Tactical Questioning is the obtaining of information of a tactical nature from CPERS, the value of which would deteriorate or be lost altogether if the questioning was delayed. [JDN 3-06]
48. **UK Overseas Territories (UKOT).** The 14 UK Overseas Territories comprise: Anguilla, Bermuda, British Antarctic Territory (BAT), British Indian Ocean Territory (BIOT), British Virgin Islands (BVI), Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn Islands, St Helena and its Dependencies (Ascension Island and Tristan da Cunha), South Georgia and the South Sandwich Islands, the Western and Eastern Sovereign Base Areas in Cyprus and the Turks and Caicos Islands (TCI).
49. **Unit.** A military element whose structure is prescribed by a competent authority. [AAP-6 2015]
50. **Warning.** Informing intruding elements that their actions are interfering with operations and may lead to the taking of action in consequence. Warning actions, when specified in the ROE profile, may also include use of internationally recognised/accepted signals, display of personal weapons, movement of armaments, energising of fire control radars and dropping of ordnance.

POINTS OF CONTACT FOR ROE ISSUES

MOD - Military Strategic Effects		
Position	MODNet Role (@mod.gov.uk)	Phone Number
Head of Military Strategic Effects (MSE)	SPO MSE-Head	Mil. [REDACTED] Civ. 0207 21 [REDACTED]
Assistant Head Targeting (Chairman of MOD ROE Committee)	SPO MSE-Targeting-AH	Mil. [REDACTED] Civ. 0207 21 [REDACTED]
Targeting - ROE - SO1 (Secretary of MOD ROE Committee)	SPO MSE-Tgt-ISTE-SIP-SO1	Mil. [REDACTED] Civ. 0207 21 [REDACTED] [REDACTED]
MOD - Operations Directorate - Legal		
Position	MODNet Role (@mod.gov.uk)	Phone Number
[REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED]	Mil. 9621 [REDACTED] Civ. 0207 21 [REDACTED]
Assistant Head Strat Ops Policy	Ops Dir-StratOps-Asst Hd	Mil. 9621 [REDACTED] Civ. 0207 21 [REDACTED]
Strategic Ops Policy 1 (ROE MINSUB Drafting)	SPO SpecialOps-StratOps-1	Mil. 9621 [REDACTED] Civ. 0207 21 [REDACTED]
MOD - International Policy & Planning, NATO and EU		
Position	MODNet Role (@mod.gov.uk)	Phone Number
MOD- Euro-Atlantic Security Policy - NATO Policy	EASP-NATO-AH1	Mil. 9621 [REDACTED] Civ. 0207 21 [REDACTED]
MOD- Euro-Atlantic Security Policy - European Union	EASP-EU-Team	Mil. 9621 [REDACTED] Civ. 0207 21 [REDACTED]
MOD - Legal Advisers (MODLA)		
Position	MODNet Role (@mod.gov.uk)	Phone Number
Head Operational & Humanitarian Law Division	CLS-OIHL Hd Div (DD)	Mil. 9621 [REDACTED] Civ. 0207 21 [REDACTED]
Operational International Humanitarian Law 2	CLS-OIHL2	Mil. 9621 [REDACTED] Civ. 0207 21 [REDACTED]
MOD - Material and Personnel Exploitation		
Position	MODNet Role (@mod.gov.uk)	Phone Number
JFC - Joint User C4ISR - All-Source Intelligence - SO1 MASINT	JFC-C4ISRJtUser- IP-MASINT-SO1	Mil. 9360 [REDACTED] Civ. 01923 [REDACTED]
MOD - Commitments Directorate		
Position	MODNet Role (@mod.gov.uk)	Phone Number
CT and UK Maritime	SPO CTandUK-Maritime-SO1	Mil: 9621 [REDACTED]

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		Civ: 0207 21 8 [REDACTED]
CT and UK Land	SPO CTandUK-Mailbox	Mil: 9621 [REDACTED] Civ: 0207 218 [REDACTED]
CT and UK AIR	SPO CTandUK-Air-SO1	Mil: 9621 [REDACTED] Civ: 0207 21 8 [REDACTED]
[REDACTED]	[REDACTED]	Mil: 9621 [REDACTED] Civ: 020 721 8 [REDACTED]
[REDACTED]	[REDACTED]	Mil: 9621 [REDACTED] Civ: 020 721 8 [REDACTED]
PJHQ		
Position	MODNet Role (@mod.gov.uk)	Phone Number
J3 - SO1 Joint Effects	PJHQ-JE-Effects-SO1	Mil: 9360 [REDACTED] Civ: 0192 39 [REDACTED]
J3 – SO2 ROE	PJHQ-JE-ROE-SO2	Mil: 9360 [REDACTED] Civ: 0192 39 [REDACTED]
J9 - DACOS Legal	PJHQ-J9 DACOS LEGAL	Mil: 9360 [REDACTED] Civ: 0192 39 [REDACTED]
J9 - Policy Advisor	PJHQ-J9-PolOps-DutyOfficer (MULTIUSER)	Mil: 9360 [REDACTED] Civ: 0192 39 [REDACTED]
Single Service SMEs		
Position	MODNet Role (@mod.gov.uk)	Phone Number
NAVY - Fleet Operations - FOO	NAVY OPS-Surf FOO	Mil: 9298 [REDACTED] Civ: 0192 39 [REDACTED]
NAVY - Fleet Operations – FOO Deputy	NAVY OPS-Surf FOO Dpty	Mil: 9298 [REDACTED] Civ: 0192 39 [REDACTED]
NAVY - Commodore Naval Legal Services - International Law - SO1	NAVY LEGAL-INTERNATIONAL LAW SO1	Mil: 93832 [REDACTED] Civ: 0239 26 [REDACTED]
ARMY - SO1 G3/G5 Commitments	FdArmy-Cts-G35-SO1	Civ: 01227 [REDACTED]
ARMY – SO1 Op Law	Army Legal-OpLaw-Cts-SO1	Civ: 01264 [REDACTED] Mil: 94393 [REDACTED]
ARMY - SO1 - Operational Law Branch	LWC-Ops-AH	Mil: 94381 [REDACTED] Civ: 0198 52 [REDACTED]
AIR - CAS - Air Staff Strategy- Gp Capt	CAS-AS Strat Gp Capt	Mil. 9621 [REDACTED] Civ: 0207 21 [REDACTED]
AIR - Force Protection - SO1	HON-FPFHQ A7 SO1	Mil: 95991 [REDACTED] Civ: 01359 [REDACTED]
AIR - Directorate of Legal Services - Gp Capt (Legal Air Ops)	Air-DLS-GpCapt LegAir Ops	Mil. 95233 [REDACTED] Civ. 02088 [REDACTED]
AIR - Directorate of Legal Services – SO1	Air-DLS-SO1LEGADADV	Mil: 95221 [REDACTED] Civ: 01494 [REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

TERMS OF REFERENCE FOR THE MOD ROE COMMITTEE

1. **Purpose and Accountability.** The primary purpose of the MOD ROE Committee (MRC) is to provide to provide military strategic, policy and legal advice on ROE issues. It also provides an enduring source of corporate knowledge for ROE-related issues within the MOD. The Chairman of the MRC acts as the initial military Point of Contact within the MOD for all ROE matters. The MRC is accountable to ACDS(Ops) and Sec Pol Ops through Hd MSE and operates under the functional authority of Hd MSE. MRC members are authorised to liaise with MoD Defence Staffs and Agencies, Other Government Departments (OGDs), PJHQ, Single Service Staffs of CinCs and Civil Authorities as required. This interaction should be led by the most appropriate MRC member e.g. Military members for input from the chain of command and the policy member when seeking input from OGDs.

2. **Principal Tasks.** The MRC is tasked to:

- a. support and expedite the drafting and staffing of ROE profiles (including ROEREQs) to support current operations and contingency planning.
- b. act as the military focal point within MOD for ROEREQ/ROEAUTH.
- c. advise MOD staff (including the International Policy and Security teams (IPS) (previously Current Commitments Teams (CCTs)), PJHQ and FLC on the military, legal and policy aspects of ROE.
- d. maintain a master list of extant ROE profiles.
- e. support the sponsor (MSE Tgt ROE SO1) in maintaining JSP 398 (United Kingdom National Rules of Engagement).

3. **Meetings.** The MRC will meet as required to support the re-drafting or production of ROE profiles and provision of specialist advice. Meetings will either be held face-to-face or by electronic communications depending on the complexity of the issue and the timeliness of the response required. In the case of a ROEREQ to support ongoing or imminent operations, a short notice, face-to face MRC will be called and sit until the required ROE profile has been drafted or the issue resolved. Depending on the availability of key staff, interim direction or a draft ROE profile may be issued, for planning purposes only, until endorsed at the appropriate level during normal working hours. MRC meetings will comprise a core membership with additional specialist members as appropriate to the specific ROE issue to be addressed.

a. **MRC - Core Membership:**

Chairman

[REDACTED]

Coordinator/Sec

[REDACTED]

MOD Policy Adviser²³

b. MRC - Additional Specialist Membership:

Regarding	Specialist Member
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED]

Further specialist representation will be sought from the PJHQ, Single Services and MOD Directorates as necessary, depending on the ROE issue under consideration.