

The Law of War

When preparing for a deployment, Soldiers train as they will fight — the tactics, techniques and procedures they learn change depending on the environment they'll soon find themselves in.

However, the Law of War is a constant that applies whenever U.S. military personnel are in a position to use force. Learning the limits and bounds of that authority and how to always do the right thing are key to not committing a war crime. Junior leaders are taught in the Warrior Leader Course why the Law of War is important, how to apply it and the rules of engagement, and how to use escalation of force techniques.

WHY COMPLIANCE MATTERS: War crimes are not only morally wrong and illegal according to U.S. and international law, they are counterproductive. In the Internet Age, news of U.S. Soldiers committing abuse can travel in an instant, and years' worth of efforts to establish goodwill and cooperation can vanish overnight.

Just as a map guides Soldiers to their destination, the "MAP" framework is an easy way for service members to remember the core tenets of the Hague and Geneva conventions, the complex treaties that form the basis of international law regarding military activities. MAP requires Soldiers to ensure their actions have Military necessity, Avoid unnecessary suffering and are Proportional.

Sometimes, Soldiers will be ordered to do something that violates these principles. In those cases, the Soldier is obligated to persuade the person giving the unlawful order to rescind it and, if unsuccessful, not follow the order. In any case, violations must be reported. Good leadership and proper reporting



Photo by Pfc. Cameron Boyd

Soldiers with 2nd Battalion, 327th Infantry Regiment, 101st Airborne Division, return fire during a March 31 firefight with Taliban forces in the Barawala Kalay Valley in Kunar province, Afghanistan.

prevent cover-ups, protect law-abiding Soldiers, and discourage poor discipline and impropriety.

RULES OF ENGAGEMENT: Issued by competent military authorities, these rules delineate the circumstances and limitations under which U.S. forces initiate or continue combat engagements. These corollaries to the Law of War tell Soldiers when, where and how they can engage targets and which targets they can engage.

Standard Rules of Engagement guide commanders when developing their own rules of engagement. The rules spell out "RAMP:" Return fire with aimed fire, Anticipate attack, Measure the amount of force and Protect with deadly force only human life and property designated by commander.

ESCALATION OF FORCE: These measures are part of the rules of engagement and consist of sequential actions that begin with nonlethal force measures and may graduate to lethal measures. Often employed with approaching people or vehicles, successful EOF procedures protect both noncombatants and Soldiers. They include giving early warning for approaching people, providing a clear intent of what those approaching should do and delineating clear triggers for when Soldiers should escalate force.

The Law of War, rules of engagement and escalation of force procedures are aids to completing the mission. Their intent is not to limit Soldiers, but provide them a means to complete missions legally, morally and within the commander's intent.



Basic principles: How to avoid committing a war crime

M

MILITARY NECESSITY

Attacks must be intended to help bring about the **complete submission** of the enemy **as soon as possible**. They must be attacks on **lawful targets**, and any harm caused to civilians **must not be excessive** in relation to the military advantage anticipated.

Examples: Shooting an armed adversary who is trying to shoot you is acceptable. Bombing a hospital is not.

A

AVOIDANCE OF UNNECESSARY SUFFERING

The law of war **does not preclude** inflicting **any suffering**; Soldiers have the **right to subdue their adversary**, which may involve killing or wounding the person. However, this principle **forbids** doing anything **calculated to cause unnecessary suffering**.

Examples: Setting up punji-stick booby traps is OK. Smearing the sticks with infectious material is not.

P

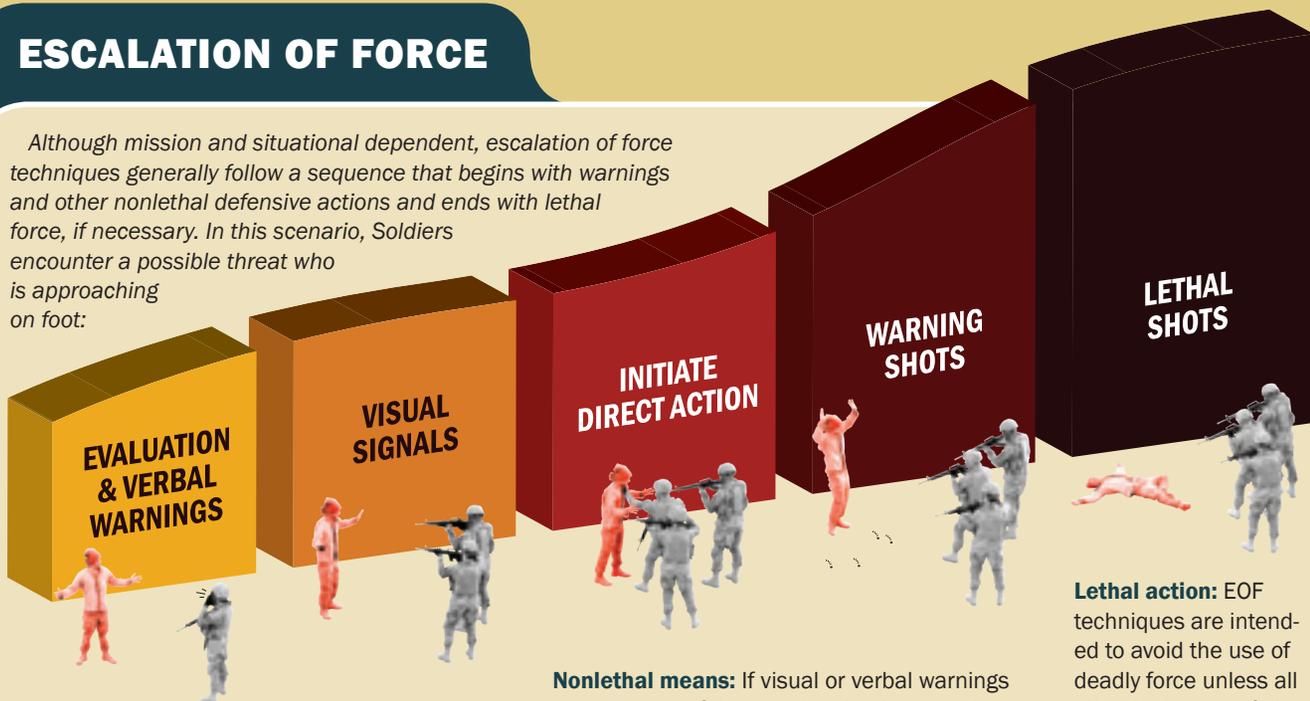
PROPORTIONALITY

This principle dictates that the **loss of life** and **damage to property** must **not be out of proportion** to the **military advantage gained**. Even lawful equipment may not be appropriate in certain situations.

Examples: Firing at combatants taking shelter in one part of a hospital is acceptable. Destroying the entire building is not.

ESCALATION OF FORCE

Although mission and situational dependent, escalation of force techniques generally follow a sequence that begins with warnings and other nonlethal defensive actions and ends with lethal force, if necessary. In this scenario, Soldiers encounter a possible threat who is approaching on foot:



Warnings: Signals, such as shouting, flags, lights, lasers or pyrotechnics, must give clear intent of what approaching people should do.

Nonlethal means: If visual or verbal warnings are unsuccessful, more direct action may be needed, including shoving a person approaching on foot, or firing warning or disabling shots at an approaching vehicle.

Lethal action: EOF techniques are intended to avoid the use of deadly force unless all other techniques fail. If used, lethal action must still adhere to the "MAP" principles.

Graphic by Michael L. Lewis