

**RULES OF ENGAGEMENT: REFORMS ON ITS APPLICATION AND
ENFORCEMENT**

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Submitted in partial fulfillment of the requirements
for the Bachelor in Legal Studies (Hons)

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April 2007

The students/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others.

ACKNOWLEDGEMENT

There are many people who put forth a lot of effort to make this research happen. First of all, we would like to express our gratitude to our family for supporting us throughout the process of this research be it morally and financially. Thank you for having faith in us.

We would like to thank my friends and colleagues who provided us with their feedback when appropriate, ideas all the time and a lot of support throughout the creation of this research: Muhammad Akram Abdul Aziz, Imran Ismail and Muhammad Nabil Fikri, just to name a few.

We'd also like to thank our supervisor, Assoc. Prof. Puan Sue Valquis, for her time and much needed help in our struggle to complete this research. Without her help, the achievement of this research would not be possible.

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ABSTRACT

The rules of engagement (ROE) are partly made to ensure civilian casualties and collateral damage is avoided. However, civilian casualties still occur, and at times, in alarming numbers or magnitude. This is due to the negligence of the parties of the military operation and most of the time blatant disregard of the ROE and indiscriminant engagement of both military and non-military targets. And because of that, a research on the ROE is necessary so as to determine its purpose, enforcement and its effectiveness.

The research would study the flaws of the ROE and come into a conclusion as to the reasons why civilian lives are still being lost in armed conflicts to this day. Gaps in the laws or enforcement methods would be unearthed and through obtaining such information, the research would arrive at suggestions as to how to better the ROE, its enforcement and its effectiveness, and hopefully bring about a concrete protection for the innocent lives in a war.

As to achieve this objective, the research would include a full analysis of the impact of the Vietnam War, namely the land occupation by US forces in the war, on these areas of international law. On the whole, it generally involved the application of established law to the events in question. Indeed the basic method adopted in this research is to attempt to give a clear description and, where necessary, clarification of the law governing armed conflict in international relations.

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CHAPTER I

Introduction

1.0 BACKGROUND

Throughout time, men have waged countless wars with each other. Be it for the purpose of gaining more wealth, the settlement of trivial disputes, difference of political ideas, gaining independence, vengeance or retaliatory acts, or outright genocide attempt, men had bore arms and had carried it to the battlefield. Technology-aided war has brought about more powerful and supposedly efficient methods of eradicating the enemy. However, it wasn't until the World War II that the death and destruction truly included civilians and innocent parties in its victim list.

The laws of armed conflict highlighted the need for an accurate dissemination of the rules governing resort to force by states and international organizations, as well as those laws governing the actual conduct of hostilities. In every military sortie, each of the members of the operation is briefed as to the details of the said operation. These details include the rules of engagement. The rules of engagement (hereby referred to as ROE) are a definition of when, where and how force shall be used. These rules are partly made to ensure civilian casualties and collateral damage is avoided. However, civilian casualties still occur, and at times, in alarming numbers or magnitude.¹ This is due to the negligence of the parties of the sortie and most of the time blatant disregard of the ROE and indiscriminant engagement of both military and non-military targets.²

Civilian killing was observed clearly during the *Blitzkrieg* campaign by Nazi Germany whereby aerial bombing upon the cities of England ran day after day³, indiscriminately targeting cities packed with civilians. Civilian casualties were numerous and damage towards non-military buildings (such as dwellings and infrastructure

¹ Doug Linder, *An Introduction to the My Lai Courts-Martial*, <<http://www.law.umkc.edu/faculty/projects/ftrials/mylai/MYL.html>> (26/8/2006)

² Ibid.

³ *Night Blitz*, *Take Off Magazine*, Volume 6, 68th Ed.