



COMMANDER, AIR FORCE FORCES LEGAL ROLES AND RESPONSIBILITIES

Last Updated: 24 January 2020

The role of a commander is unlike any position found in the civilian world, and unlike almost any other found in government. A [commander, Air Force forces](#) (COMAFFOR) not only has the legal authority to perform various roles and responsibilities, but also has the corresponding legal obligation to meet requirements defined by their roles and responsibilities. Accordingly, commanders are responsible for the following:

- ★ Mission accomplishment.
- ★ Contracting.
- ★ Compliance with the law, to include:
 - ★ ★ US law.
 - ★ ★ [Host nation](#) domestic law, when applicable.
 - ★ ★ International law.

MISSION ACCOMPLISHMENT

COMAFFOR's foremost legal responsibilities are to follow the orders of their superior [joint force commander](#) (JFC) and execute the assigned mission or task. The COMAFFOR's immediate task is to organize and, when directed, employ an effective fighting force responsive to orders in a disciplined and effective manner.

CONTRACTING

Contracting (with non-military organizations) is often required for mission accomplishment. While subordinate personnel work the processes to commission and manage contracts, the contracting officer is primarily responsible for advising the commander on contracting issues. Many contracts between the Air Force and non-military organizations are complex. In the highly regulated realm of contracting

relationships (both domestic and foreign), [staff judge advocates](#) (SJA) can provide commanders the understanding required to make important source selection and other procurement decisions. The commander's actual legal authority may not be commensurate with his or her perceived responsibility to maintain, administer, or award a contract. For accurate understanding of contractual obligations and responsibilities, commanders should frequently consult their SJAs.

COMPLIANCE WITH THE LAW

Public confidence in the military is maintained and strengthened by Airmen, particularly commanders, performing their responsibilities in a manner that is objective, fact-based, non-partisan, and non-ideological. A commander's credibility is based on objectivity in discharging his or her responsibilities. The continued viability of the commander's legal authority, particularly the authority to maintain good order and discipline, depends upon public and US government belief that commanders can be fair and objective in carrying out their responsibilities. Objectivity includes the perception of independence: maintaining impartiality, having intellectual honesty, and remaining free of conflicts of interest, and to the extent practical, free of perceived conflicts of interest. Maintaining objectivity includes a continual assessment of relationships, particularly with private entities, in the context of a commander's responsibility to the public.

UNITED STATES LAW

Every Airman makes a solemn promise to support and defend the Constitution of the United States. Commanders bear the burden of ensuring Air Force personnel comply with US law. It is their responsibility to ensure good order and discipline. George Washington once stated, "Discipline is the soul of an army." The SJA supports the commander in administering good order and discipline. Effective command and control of a force can only be exercised if the force maintains good order and discipline.

In many cases, within the US, the Air Force is not directly bound by State or local laws because the Air Force is a federal entity.

HOST-NATION DOMESTIC LAW

Outside the US, Air Force activities may not be bound by host nation law due to basing agreements or status of forces agreements with a host nation or as part of an alliance (e.g., the North Atlantic Treaty Organization).

It is important for the commander and local authorities to fully understand the extent to which host-nation laws apply to the Air Force and its personnel. A further challenge is ensuring individual Airmen understand and comply with host-nation or state law, where applicable. In many cases, the Air Force, as an entity, has been exempt from certain host-nation legal requirements that still apply to Airmen acting in their personal capacity. Here, the commander has a critical role to ensure local authorities are respected to the maximum extent possible, while maintaining fair treatment of Airmen. SJAs will provide

advice on local and host-nation law. For additional information, see Air Force Instruction (AFI) 51-402, [International Law](#).

INTERNATIONAL LAW

International law is comprised of both treaty and customary law. With the emergence of a credible peer / near-peer opponent, international law is becoming increasingly important in the context of military operations. Some aspects of international law are well known to the commander, such as the [law of war](#). Others may not be. All Air Force judge advocates are trained in the basic foundations and principles of international law. The SJA may also have judge advocates on staff that specialize in this area and can provide advice and support to the commander on applicable international law issues. For additional information, see AFI 51-402, [International Law](#).

For additional information, see [The Military Commander and the Law](#).
