



[ANNEX 1-04 LEGAL SUPPORT TO OPERATIONS](#)

**COMAFFOR LEGAL ROLES AND RESPONSIBILITIES**

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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 accountable for the following:

- ★ Mission accomplishment.
- ★ Compliance with the law, to include:
  - ★ ★ US law.
  - ★ ★ Local or host-nation law, when required.
  - ★ ★ International law, as appropriate.
- ★ Maintaining domestic and foreign contracts (as required for mission accomplishment).

**Mission Accomplishment**

A COMAFFOR's foremost legal responsibilities are to follow the orders of their superior [joint force commander](#) (JFC) and accomplish 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.

**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. Objectivity includes the perception of independence: Maintaining impartiality, having intellectual honesty, and remaining free of conflicts of interest. Maintaining objectivity

includes a continuing 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 against all enemies, foreign and domestic, and bear true faith and allegiance to the same." 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 the Army." The original, and still most important, [staff judge advocate](#) (SJA) mission is supporting the commander in administering good order and discipline. Effective command and control of a force can only be exercised if that force maintains good order and discipline.

### ***Local or Host-Nation Law***

In many cases, the Air Force is not directly bound by local or host-nation laws. In the United States, many state laws do not bind the Air Force since it is a federal entity. In the overseas environment, the Air Force is often not bound by host-nation law due to basing agreements or status of forces agreements (SOFAs) allowing Air Force operations.

It is important for the commander and local authorities to fully understand the extent to which the Air Force is bound by any host-nation law. A further challenge is ensuring individual Airmen comply with host-nation or state law. Whereas the Air Force as an entity may not have to comply, there is a much greater chance that individual Airmen will be expected to comply with local law. Here the commander has a critical role to ensure local authorities are respected to the maximum extent possible, while maintaining fair treatment of Airmen. [Judge advocate generals](#) (JAG) provide advice on local and host-nation law. When compliance issues arise, they negotiate with local and state authorities on a commander's behalf.

### ***International Law***

International law is a highly complex aspect of international relations that 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 armed conflict (LOAC). Others may not be well known, such as the concept of international human rights. JAG training results in a basic understanding of international law. The SJA maintains a group of JAGs who are specially trained to provide advice and support to the commander on applicable international law issues.

### **Maintaining Domestic and Foreign Contracts**

Contracting (with non-military organizations) is often required for mission accomplishment. While there are mechanisms in place for subordinate personnel to

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. JAGs can provide the understanding commanders require in the highly regulated realm of contracting relationships (both domestic and foreign). The commander's actual legal authority may not be commensurate with his perceived responsibility to maintain or develop a contract. For accurate understanding of contractual obligations and responsibilities, commanders should consult their JAGs.

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