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FOR DOCTRINE DEVELOPMENT AND EDUCATION



ANNEX 3-60 TARGETING

APPENDIX A—TARGETING AND LEGAL CONSIDERATIONS

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Legal considerations and international legal obligations directly affect all phases of targeting. Those involved in targeting should have a thorough understanding of these obligations and be able to apply them during the targeting analysis.

Briefly discussed are the legal considerations impacting targeting:

- ✦ Basic principles of [law of armed conflict](#) (LOAC).
- ✦ LOAC considerations concerning personnel, objects and places.
- ✦ [Rules of engagement](#) (ROE) considerations.
- ✦ The role of [judge advocate general](#) (JAG) in targeting.

Targeting must adhere to the LOAC and all applicable ROE. It is the policy of the Department of Defense to comply with the law of war during all armed conflicts and other military operations regardless of how such conflicts and operations are characterized. The law of war is that part of international law that regulates the conduct of armed hostilities. The law of war encompasses all international law for the conduct of hostilities binding on the United States or its individual citizens, including treaties and international agreements to which the United States is a party, and applicable customary international law.¹ Military necessity does not provide authorization or justification for acts that are otherwise prohibited by the LOAC. Instead, military necessity must be applied in conjunction with other LOAC principles.

NOTE: This appendix is not all encompassing and is no substitute for legal advice from the appropriate Staff Judge Advocate (SJA). Constant coordination between planners, operators and JAGs is essential. The legal framework for the functional capability being employed (e.g., kinetic, space, [cyberspace](#), etc.) depends on the nature of the activities to be conducted. Commanders, planners, operators, and targeteers must understand the relevant legal framework in order to comply with the laws and policies, the application of which may be challenging given the nature of nonlethal operations (e.g.,

¹ Department of Defense Directive (DODD) 2311.01E, *Law of War Program*.

ubiquity of cyberspace operations, regional effect of information operations (IO), etc.)
and the often geographic orientation of domestic and international law.
