The role of LEGAD in targeting operations: a NATO perspective

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AGENDA

1) The NATO targeting process
2) The role of NATO LEGAD
3) NATO current targeting challenges
1) The NATO targeting process

1.1) A mature doctrine

- Doctrine agreed by 30 Allies
  Validation by the NAC

- AJP 3.9 dated 2016:
  Lessons learned from the Libyan operations

- Minimum divergences between Allies
  (see US: proportionality vs. necessity or proportionality vs. distinction)

- AJP 3.9 under final revision
  ICRC comments
1) The NATO targeting process

1.2) Aims of the NATO targeting process

- Ensure compliance with NAC and SACEUR guidance
- Comply with the objectives of the Joint Force Command (JFC)
- Rapidly respond to targets that present limited opportunities for action
- Assign the most appropriate capability to the proposed target
- Coordinate / synchronize / deconflict actions
- Fully integrate all capabilities
- Expedite assessment of executed operations
1) The NATO targeting process

1.3) The joint Targeting Cycle (JTC)

- Targeting vs combat engagement
1) The NATO targeting process

1.3) The joint Targeting Cycle (JTC)

- **A methodology**
- **An iterative process**
  - Determining the effects necessary to achieve the objectives;
  - Identifying the actions necessary to create them based on the means available;
  - Selecting and prioritizing targets;
  - Synchronizing capabilities; and then assessing their cumulative effectiveness, taking remedial action if necessary.
- **A full-spectrum approach** (generation of a range of physical and psychological effects)
- Integration of legal rules throughout the cycle
2) The role of NATO LEGAD

2.1) LEGAD involvement in each phase of the JTC

- Development of guidance (Plans, ROE, targeting directive)
- Coordination with Intel / targeteers
- Capabilities / weapons
- Decision: participation in targeting boards
- Conduct of operations
- BDA and follow-up of military operations (recording / archives)
2.2) Internalization of IHL rules

- Legal considerations: impose limits upon targeting decisions and actions
- Integration of legal rules throughout the whole process
- Advice vs. decision
2) The role of NATO LEGAD

2.3) Challenges

- The JTC is an **intel-driven process**
  - Intelligence sharing between Allies
  - Systemic analysis

- **Cross-cutting concepts**
  - Protection of Civilians (PoC)
  - Gender issues

- NATO LEGAD when **dual-hatted**
  - Caveat
  - Role of Red-Card Holder (RCH)
3) Current targeting challenges

3.1) Targeting in the “grey zones”

- Targeting in **pre-armed conflict** situations
  - Development of target material ("advanced target development") for prudent contingency readiness
  - What kind of legal constraints?

- Targeting and **Legal Operations** ("Lawfare")
  - How our adversaries are exploiting our weaknesses and/or grey zones of the law
  - The use of human shields
  - How to respond to **LEGOPS**?
3) Current targeting challenges

3.2) Targeting in new domains

- **Cyber**
  - Cyber ops do not always involve kinetic force / **consequences** are key
  - Distinction / attribution and proportionality
  - NATO defensive mandate / Nations providing **sovereign offensive effects**

- **Space: new ops domain**
  - Space-based targeting
  - Space law vs. IHL
  - **Dual-use** objects: targeting as a last resort?
3) Current targeting challenges

3.3) New legal constraints?

- Challenges in implementing IHL rules
  - Especially in urban areas
  - Reverberating / secondary effects of strikes
  - Taking into account of psychological effects: understanding of the human environment

- Arms control
  - EWIPA
  - Lethal Autonomous Weapons systems
QUESTIONS?
The joint targeting cycle

Phase 1: Commander’s intent, objectives and guidance
- Plans, ROE, Targeting directive
  - Analysis / understanding of the target audience
  - Vetting by J2
  - Validation / compliance with IHL/ROE
  - Nomination
  - Prioritization

Phase 2: Target development
- Main Targeting Boards
- Conduct of operations

Phase 3: Capabilities analysis

Phase 4: Commander’s decision, force planning and assignment

Phase 5: Mission planning and force execution

Phase 6: Assessment

Battle Damage Assessment (BDA)
Joint Targeting Board

Legend
BDA  Battle damage assessment
CULAD  Cultural advisor
EW  Electronic warfare
GEO  Geographic
Info Ops  Information operations
JTCB  Joint Targeting Coordination Board
LEGAD  Legal advisor
MPA  Military public affairs
POLAD  Political advisor
Spec Ops  Special Operations
StratCom  Strategic communications
Human Network Analysis