



Issue 36

*November 2015*



# Legal Gazette

**NATO**  
**Training and Exercises**  
**2015**

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## <sup>1</sup>Introduction

Dear Fellow Legal Professionals and Persons interested in NATO,

Greetings and best wishes from Belgium. With the return of Petra Ditrichova (née Ochmannova) to the Czech Republic at the end of 2014, the co-editors Galatea Gialitaki, Mette Prassé Hartov, Kathy Hansen-Nord, and I have re-assumed responsibility of producing the NATO Legal Gazette, well supported by our two able copy editors, Lema Baha and Adina Ponta.

The theme of our 36<sup>th</sup> issue, **NATO Training and Exercises**, is driven by current events and decisions made by the North Atlantic Council (NAC) at the Chicago Summit in 2012. At that meeting the Heads of State and Government of the Alliance, “confidently set ourselves the goal of NATO Forces 2020: modern, tightly connected forces equipped, trained, exercised and commanded so that they can operate together and with partners in any environment.”

At the 2014 Wales Summit the NAC endorsed the Connected Forces Initiative (CFI) as a key enabler in developing the goal NATO Forces 2020. CFI combines a comprehensive education, training, exercise, and evaluation programme with the use of cutting-edge technology to ensure that Allied forces remain prepared to engage cooperatively in the future. The CFI package approved in Wales included six measures: 1) an updated NATO Education, Training, Exercise and Evaluation (ETEE) Policy; 2) a broader NATO Training Concept 2015-2020; 3) a 2015 high-visibility exercise; 4) Major NATO Exercises from 2016 Onwards Programme; 5) Continued progress in implementing the technological aspects of CFI; and 6) A Special Operations Component Command headquarters capability under operational command of SACEUR. As noted by the former Supreme Allied Commander Transformation, General Jean-Paul Palomeros, “The aim of CFI is to help

<sup>1</sup>The *Transformer* is a bi-annual publication produced by Allied Command Transformation dedicated to the promotion of actions and ideas contributing to the transformation of NATO. An electronic version is available on the ACT website ([www.act.nato.int](http://www.act.nato.int)).

reorient our training and exercises towards more demanding, high intensity operations and manoeuvre warfare while capitalizing on the experience gained through recent operational commitments."

The consequence of these decisions made by the Alliance has been to increase the number of exercises from 115 in 2014 to 280 in 2015, with NATO's largest exercise since 2002, **Trident Juncture 15**, held in October and November in Italy, Portugal, and Spain. More than 36,000 participants from more than 30 nations trained together at 18 exercise locations in a Non-Article V Crisis Response Operation focused on a high intensity modern warfare setting featuring a near peer opponent. And in all of these exercises the role played by legal professionals both as trainers and as members of the exercise audience significantly contributes to the realism of the events and the precision of the Alliance actions.

Thanks to the dedication of the seven authors who contributed articles to this issue: Ms. Victoria Baquerizo Lozano, Commander Svein Lystrup, Mr. Vincent Roobaert, Captain Audun Westgaard, Mr. David Nauta, Commander Wiesław Goździewicz and Colonel Gilles Castel, we are able to produce this 54 page edition offering three articles about training and exercises and one about the topic of self-defence from a French perspective that is consistent with the thematic approach of this issue. Additionally, we're publishing the results of the survey that shows your views about the NATO Legal Gazette, providing an article about the NATO legal knowledge sharing portal—**LAWFAS**—that is open to NATO personnel and legal personnel in NATO nations, description of the NATO Special Operations Headquarters (NSHQ), spotlighting three members of our NATO legal community, saying hail and farewell to our arriving and departing colleagues, and close with a calendar of a few upcoming NATO events.

The authors, co-editors, and I greatly appreciate your continued interest in the NATO Legal Gazette and we hope you will find this issue interesting and informative.

Sincerely,  
Lewis

Sherrod Lewis Bumgardner  
ACT SEE  
Legal Advisor





by Galatea Gialitaki

Dear Readers of the *NATO Legal Gazette*,

Following the recommendation to enhance cooperation between NATO Legal Advisors made at the April 2006 Bi-SC NATO Legal Conference in Bydgoszcz, Poland, the ACT Staff Element Europe Legal Office launched in December 2006 the first issue of the *NATO Legal Gazette*. The introduction of the first issue declared: "...the *NATO Legal Gazette* is the result of an identified need for knowledge sharing..."

In the years that followed, the *NATO Legal Gazette* has changed significantly. It has grown from an informal 4-page legal news bulletin to a full (50 - 70 pages) legal magazine and is now a HQ SACT official publication. What started as an internal NATO Legal Community newspaper now reaches more than 400 readers around the globe, in NATO, national Ministries and Armed Forces Commands, academia, and private legal practice.

However, despite the changes throughout the years, the goal of the *NATO Legal Gazette* remained unaltered. To deliver a high quality publication that shares NATO legal knowledge and assists legal professionals, in and out of NATO, to better perform their duties. To evaluate the achievement of this goal, the **NATO Legal Gazette** editors launched, in **December 2014**, a **survey** intended to collect information on the quality of the publication. A short questionnaire was emailed to the readers with questions assessing the content and lay-out quality of the *NATO Legal Gazette*, and the readers' topics of interest. The readers' replies demonstrate a great interest in the publication and encourage us to continue publishing it. In particular:

## Content

Most of the readers replied that they read the legal articles in “every issue” of the *NATO Legal Gazette* and “occasionally” refer to information (including citations) in it for their work. The *NATO Legal Gazette* content is overall found of “high” to “very high” quality, while both the impact of the publication on the legal community and the relevance to the readers' work rank “average” to “high”.

When asked about the level of interest on the specific types of articles that are usually published in the *NATO Legal Gazette*, the replies varied greatly thus substantiating the diversity of the readers' perspectives. Specifically, the articles about the legal nature of the NATO entities (i.e. page 11 of the present issue) as well as the topical articles (i.e. pages 18-46 of the present issue) are considered of “high” to “very high” interest. The legal books reviews, which are now quoted by book publishers, and the practitioner's corner had rankings from “average” to “high”. The NATO news (Spotlight, Hail & Farewell, Upcoming Events etc.) are quite popular as well, ranking “high” among the readers' interest.

The readers were also asked whether they prefer the thematic orientation of the *NATO Legal Gazette* (adopted since 2013), where every issue is dedicated to one legal subject, or the previous format, where a variety of different legal articles was touched upon in every issue. The feedback we received once more demonstrates the different expectations readers have for the *NATO Legal Gazette*. Some found thematically oriented issues facilitate their use, as the Gazette compiles information of an area of interest in one publication, thus allowing readers to use the specific *NATO Legal Gazette* issue as a reference in their work. In favor of the thematic issues, some readers also mentioned that the thematically oriented Gazette provides a thorough overview and in depth coverage of the selected topic. On the other hand, other readers noted that information on a certain topic can be repetitive when the issue is thematically oriented and eventually outdated, it consequently causes the entire issue to be outdated. Finally, most of the readers concluded that, due to the diversity in their legal work and the constantly developing legal framework in most of NATO issues, they would prefer to have a combination-model publication, i.e. a Gazette that would examine specific topics more closely, while at the same time present an overview of the latest issues of legal concern in NATO, thus keeping the readers constantly updated. These comments affirm the first goal of the

Gazette, to be a useful publication about NATO issues of legal interest.

### Topics of interest

When asked what kind of topics they would like to read about in future issues, the readers offered a substantial list of various areas of legal concern, some of them quite specific and others more nebulous.

In the area of **Operational Law**, readers are interested in the legal implications of NATO doctrine in current NATO Operations and Peace Support Operations (PSOs); reports from closed down Operations (i.e. ISAF); retention, targeting, use of force and Rules of Engagement (ROE) topics; Rule of Law and criminal justice development in conflict and post-conflict situations; and legal views on the determination of an international armed conflict (IAC) or a non-international armed conflict (NIAC).

In the area of **Administrative Law**, the international agreements and the challenges of negotiating and drafting them is a never-ending issue of discussion to which NATO and national legal practitioners constantly have something new to add. Gazette readers showed significant interest in receiving an update on this subject. Other issues of interest are the challenges when implementing provisions of the NATO SOFA and Paris Protocol, such as tax exemption and claims; the NATO Civilian Personnel Regulations (NCPRs) and Personnel Policy; and an overview on the Administrative Tribunal Judgments.

A number of other **emerging topics** were identified, such as environmental law, the legal and ethical implications of medical issues, High North legal issues, hybrid warfare and space law.

### Layout

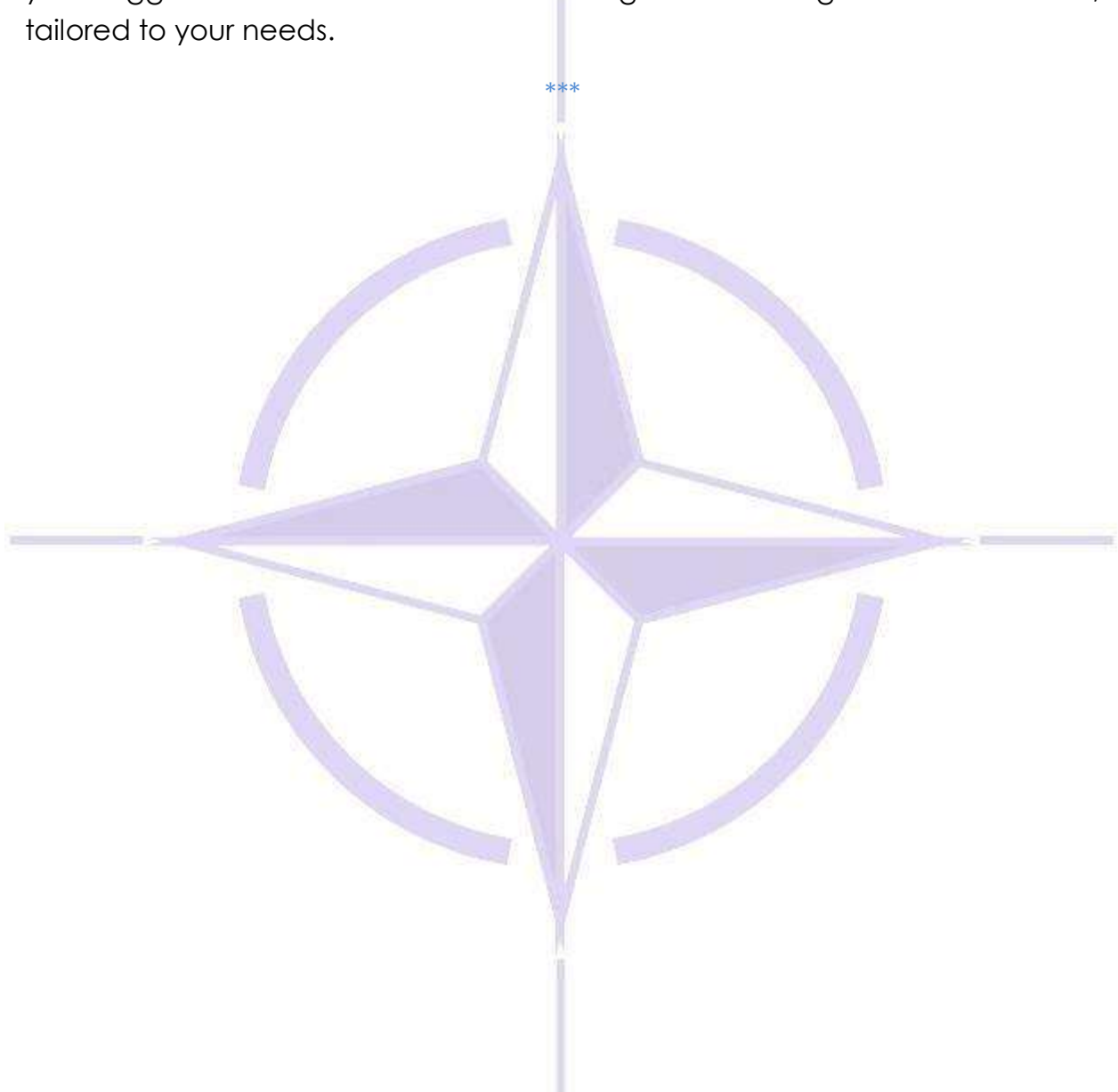
The *NATO Legal Gazette* has started and continues to be primarily an electronic publication. The design and overall graphic quality of the electronic version of the *NATO Legal Gazette* was rated “above average” to “excellent”. A question was raised on whether the readers would like to receive a printed copy as well. To that, the vast majority of the readers replied negatively, emphasizing the easier use (i.e. access, storage and sharing) and the environmental-friendly aspect of the electronic version.

Most of the readers agreed the *NATO Legal Gazette* has improved in the past two years. Nevertheless, a lot of insightful suggestions were offered for its continued improvement as identified above. All of these suggestions are

considered, and the editorial team is already working on adjusting future issues to better serve the readers' requests.

The editors take this opportunity to thank all of you who have contributed to the NATO Legal Gazette Readers Survey and those of you who kindly communicate your opinion of our publication. We remain open to all your suggestions and will continue working on delivering a better Gazette, tailored to your needs.

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## Introducing LAWFAS

By Victoria Baquerizo Lozano

How to achieve an effective research mechanism for legal documents and an easy way for sharing legal knowledge has always been an essential requirement in legal community.

LAWFAS aims to capture relevant documents, facilitate document researches and ensure an easy access to all the relevant information for the legal Community.

LAWFAS service is available in NATO Unclassified and NATO Secret Networks.

### What's new in 2015?

In January 2015, The Allied Command Operations (ACO) took over the management of the Comprehensive Legal Overview Virtual Information System (CLOVIS) portal. Consequent to that, the name changed from CLOVIS to LAWFAS (Legal Advisors Worktop Functional Area System). Vector Synergy was contracted to operate the LAWFAS portal and hired two employees: Victoria Baquerizo Lozano, as a full-time Content Manager, and José Maria da Silva Miguel, as a part-time SharePoint Administrator.

The LAWFAS team is not only working its outmost to maintain the original aim and essence of the system, as a collaborative legal tool, but also to achieve a more dynamic and flexible legal service to NATO and NATO nations, as well as some Non-NATO Entities with a broader future perspective.

This future-oriented approach has implied the introduction of NEW features:

- **NEW Users:** LAWFAS has been considered as a service under the NATO Readiness Action Plan (RAP), as a function that will serve the NATO Force Integration Units (NFIUs) and the Multinational Corp North-East

(MNC NE) and the Multinational Corp South-East (MNC SE). LAWFAS is meant to cover document and legal knowledge requests from these new units, which mean that LAWFAS will highly expand its number of users and work flow.

With regards to the RAP, as an evident NATO “Hot Topic”, LAWFAS has been trying to gather all the documents related to the RAP implementation. Due to the restricted classification of most of these documents, they will be available on the NATO Secret LAWFAS.

- **NEW Function:** Seeking a more direct support for the legal Community, the LAWFAS team is working on the implementation of a new service: “Legal Support Request Service”. This new service will be based on user's direct document or general information requests. According with these requests, LAWFAS team will provide a feedback with all the complied information to the users. The goal of this new function is to facilitate document researches for operations, exercises or daily life scenarios.
- **NEW Database:** The LAWFAS team is also managing the CRIA (Central Repository of International Agreements) that contains NATO agreements and arrangements filed by the Office of the ACO Legal Advisor. This service, not only permits LAWFAS to have a “backup” for document registration, but it launches an idea for the future : to merge CRIA and LAWFAS in order to achieve a unique document archive within the LAWFAS Portal.

We, the LAWFAS team, would like to thank you for the acceptance and gratitude that we receive daily from users all over NATO “and beyond”. We are looking forward to welcoming new users and we invite everyone not to miss the opportunity to work with LAWFAS.

Any suggestion or comments regarding how to improve LAWFAS can be addressed to the LAWFAS team and all observations will be welcome!

If you have any further questions, please, contact the POCs listed below:

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## Questions on: NATO Special Operations Headquarters

by Cdr Sg Svein Lystrup<sup>1</sup>

### What is NATO Special Operations Headquarters?

The Alliance has consistently persevered to standardize the means, methods and capabilities of warfare in order to further advance the cooperation between the nations' air, maritime and land components. This level of cooperation has not been achieved to the same degree when it comes to special operations forces within NATO. One of the NATO Special Operations Headquarters (NSHQ) primary roles is to further enhance the interoperability of NATO's special operations forces.

NATO Special Operations Headquarters (NSHQ) is a result of the discussions held at the 2006 NATO Summit in Riga.<sup>2</sup> The NATO Heads of State agreed to launch a NATO Special Operations Forces (SOF) Transformation Initiative (NSTI), aimed at increasing NATO SOF's ability to train and operate together. As a consequence of this, the NATO Special Operations Coordination Centre (NSCC) was established at SHAPE in 2007.

In 2009 the NATO International Military Staff endorsed the re-organisation of the NSCC into a headquarters, residing outside the NATO Command Structure,<sup>3</sup>. This was deemed necessary in order to ensure that the NATO SOF was capable of conducting the range of tasks that would be expected of it in the future, including operational tasks. At the same time, the

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<sup>1</sup>Svein Lystrup is NSHQ Chief Legal Adviser. The views expressed in this article are solely those of the author and may not represent the views of NSHQ, NATO, ACO or ACT.

<sup>2</sup> NATO MCM-0190-2006 "NATO Special Operations Forces (SOF) Transformation Initiative (NSTI) Advice. NATO IMSM-0856-2006 "NATO Special Operations Forces (SOF) Transformation Initiative (NSTI) Advice.

<sup>3</sup> For more information, visit <https://www.nshq.nato.int/index.cfm/nshq/about/>

headquarters would be able to provide the Alliance with a Special Operations Component Command (SOCC) Core.

At the Riga Summit in 2006, the nations also expressed the long term goal that the NSCC should transform into Allied Joint Special Operations Command.

The NSHQ's headquarters building is located at SHAPE and was officially opened on 12 December 2012 (coincidentally at 12 noon) by SACEUR, Admiral James Stavridis. SACEUR stated during his opening speech that *"I believe with all my heart in special operations as an undeveloped part of the future of security and military operations."* Furthermore, he stated, *"what I'm looking for from this command is that training and mentoring, a venue for ideas about doctrine and certainly equipment, and above all, to build those bridges among every nation."* The NSHQ now consists of about 200 personnel.



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### **What is the NSHQ mission?**

The NSHQ was established in 2009 to enhance the Alliance's Special Operations Forces (SOF) capabilities, interoperability, and training. It also



provides a focal point for SOF-related matters within the Alliance. The headquarters achieves strategic, operational and tactical level effects in support of NATO through a single, multinational SOF organization. It provides a platform to direct, orchestrate, and synchronize these SOF activities in order to provide unity of effort for NATO SOF operations, policy, doctrine, training and education. The NSHQ maintains full responsibility for NATO/ACO SOF interoperability and standardization. Although the NSHQ does not have its own forces, it is ready to provide, as tasked by the North Atlantic Council (NAC) in 2009, a SOCC Core when directed by SACEUR.

The SOCC Core is a Component Command that is composed of 52 personnel from NSHQ, as well as some additional external personnel. The SOCC Core is able to deploy rapidly after an order has been issued. The SOCC Core will only deploy if there are no other SOCCs available, and will only remain in theatre until another SOCC is ready to take over. As mentioned, the NSHQ does not have any of its own forces, and the SOCC Core depends upon transferred authority from nations in order to command any task groups or task units provided by an Allied nation. When the SOCC Core is deployed, the NSHQ will provide a “reach back” capability, and retain Administrative Control (ADCON) over the SOCC Core.

NSHQ SOCC Core deployed abroad for the very first time during Exercise Trident Jaguar 2015 to Pärnu, Estonia.

As no nations has stepped forward to provide a SOCC for NRF 2017, NSHQs SOCC Core will provide the SOCC for NRF 2017 with additional personnel augmented from the nations.

### **What is NATO SOF?**

NATO SOF is a fairly new activity. Before NSHQ was established, nations were conducting Special Operations on a national, bilateral or multinational basis. Apart from ISAF, NATO has never conducted Special Operations. Based on this, an important role of NSHQ is to educate the broader NATO and the nations on what NATO SOF actually is.

Many people think of tough men dressed in black kicking in doors when Special Operations Forces are mentioned. That is only partially right. It is true that Special Operations Forces are especially well trained and equipped. However, the range of tasks SOF conduct is much broader. During exercises



and other engagements we often encounter misunderstandings of what NATO SOF really is. Therefore, I will also use the opportunity to provide a short overview of NATO SOF tasks.

These tasks are normally divided into three categories; Direct Action (DA), Special Reconnaissance and Surveillance (SR) and Military Assistance (MA).

DA is probably the task that SOF is normally associated with. DA consists of precise operations, normally limited in scope and duration that usually incorporate a planned withdrawal from the immediate objective area. DA is focused on specific, well-defined targets of strategic and operational significance, or in the conduct of decisive tactical operations. Activities within DA include amongst others direct assaults, Terminal Guidance Operations, recovery operations, precision destruction operations and opposed boarding operations.

SR complements national and Allied theatre intelligence collection assets and systems by obtaining specific, well-defined, and possibly time-sensitive information of strategic and operational significance. Activities within SR include amongst others environmental reconnaissance, threat assessment, target assessment and post-strike reconnaissance.

MA is probably the biggest task for SOF, and includes a broad spectrum of measures in support of friendly forces throughout the spectrum of conflict. MA can be conducted by, with or through friendly forces that are trained, equipped, supported or employed in varying degrees by SOF. The range of MA is thus considerable, and may vary from providing low-level military training or material assistance to the active employment of indigenous forces in the conduct of major operations. MA includes training and advising.

So what is so special with SOF? SOF missions differ from conventional operations in degree of physical (and arguably political) risk, operational techniques, modalities of employment and independence from friendly support. SOF is an asset at the tactical level that can be used to achieve strategic objectives. However, from the legal perspective SOF is not so special. The same legal principles apply to SOF, as to other operations. But, they may for political and/or military reasons be given different authorities than conventional forces.

## **What is the NSHQ legal framework and modus operandi?**

The NSHQ is a Memorandum of Understanding (MOU) organisation, with the US as the framework nation (FN). Thus, as the FN, the US has funded the headquarters, the necessary infrastructure and the equipment for the NSHQ. The day-to-day management of the headquarters is funded by the participating nations through a shared budget based on the number of personnel each participating nation has at the headquarters. If SACEUR decides to deploy the SOCC Core, this can be funded through NATO common funding.

The NSHQ is assigned to SHAPE under the operational command (OPCOM) of SACEUR and must, therefore, always be available to him. At SHAPE, SACEUR has a dedicated staff of directors, with each director responsible for separate military functions. Commander NSHQ (COM NSHQ) is dual-hatted and also serves as the SHAPE Director of Special Operations (DSO). As the DSO, he is responsible for providing SACEUR with direct advice on all aspects of NATO's Special Operations, as well as oversight of the staff at NSHQ. The COM NSHQ being dual-hatted to both SACEUR and future Joint Task Forces (JTFs) implies that the NSHQ might also perform dual functions during exercises and operations. The NSHQ provides SACEUR and the strategic-level direct advice and inputs through the DSO. The NSHQ also provides advice and input at the tactical-level to the JTF via the SOCC Core level as required. Essentially this means that the NSHQ is providing advice to both SACEUR and the JTF. This makes it crucial that the NSHQ personnel are fully aware of the capacity in which they are acting as they advise on Strategic, operational and tactical actions

It is important to emphasize that, even though being a MOU organization outside of the NATO Command Structure, NSHQ is a NATO body under OPCOM of SHAPE, and must be treated accordingly.

As of today, 26 of NATO's 28 members participate in the NSHQ. Luxemburg and Iceland are the only nations that are not parties of the NSHQ MOU as these nations do not have Special Forces. The MOU states that only NATO members can join, and this is done through a Note of Joining. However, a member of the NSHQ can sponsor a non-NATO nation into the headquarters.



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All members of the NSHQ must have full and unescorted access to NATO level 2 facilities as well as access to NATO Secret Communication and Information Systems (CIS) and Battlefield Information Collection and Exploitation Systems (BICES). The 7 Non-NATO-Nations (Australia, Austria, Finland, Ireland, New Zealand, Sweden and Switzerland) are nations that have special security arrangements with NATO and can be sponsored by an Alliance member of the NSHQ. NSHQ itself cannot be a sponsor. Non-NATO and PfP countries can also be sponsored by an Alliance member to get the necessary security clearance to join the NSHQ. In order to receive this security clearance Non-NATO and PfP nations will need an approval from the NAC.

Policy, manning and financial issues are governed by the NSHQ Senior Policy and Resource Committee (SPRC), which meets twice a year. As stated in the MOU, all signatories have one vote, and all decisions must be unanimous. Decisions cannot be taken under 'silence procedures'. The sponsored nations do not have a vote at the NSHQ SPRC, and must bring issues through their sponsoring nation.

The legal office of the NSHQ consists of two positions: Chief Legal Advisor and Deputy Legal Advisor. The latter position was established in October 2013, and has been filled for the first time in August 2015. The growth of the office adds more flexibility and thus the ability to deploy with the SOCC Core, acting as a reach-back to the NSHQ and also taking care of daily

business at the NSHQ. This growth does not imply a lower workload for the legal advisors. However, we will be in a better position to support the headquarters as there are several processes going on at the same time.

### **What are the tasks for the Legal Adviser at the NSHQ?**

The Legal Adviser is part of the Command Group in the NSHQ, and therefore has direct access to COM NSHQ. However all daily business normally goes through the Chief of Staff (COS).

There are many legal challenges for the NSHQ as it is a fairly recently established headquarters and as an MOU-based organisation it is established within a legal framework that differs from most other NATO entities.

Operational challenges are many. NSHQ participates in many exercises, and legal advice concerning all aspects of operations is needed. Advice is expected to be given at the strategic, operational and tactical levels. Furthermore, the Legal Adviser is also expected to be deployable within a very short notice to move.

NSHQ is involved in many operations, exercises and engagements throughout NATO and beyond.

Overall, the NSHQ is a relatively new headquarters in NATO with an important task to enhance the Alliance Special Operation Force and network capacity. As SACEUR stated in his opening speech for the NSHQ in 2012, *"I look for you to be the centrepiece of our ability to connect special operations. You will be the flagship operation for this, and I would argue, in the world. ... it's that kind of ability to outthink your opponent. That's where I count on you from this headquarters."* With these high-expectations from NATO leadership, the role of the Legal Advisor is vital at the NSHQ, to guide the headquarters in fulfilling its mission and goals.

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### **The Locked Shields Cyber Defense Exercises: fostering common language between "Techies" and Lawyers**

by Vincent Roobaert<sup>1</sup>

The rise of cyber warfare and the rapid technical developments in the field of cyber constitutes a challenge for operational lawyers. Indeed, in order to give useful advice in this new area, legal staff must be acquainted with the means and methods of cyber attacks. Lawyers also need to understand the potential effects of such attacks. This requires the legal staff and the cyber warriors to develop a common language to ensure they understand each other.

The Locked Shields Exercises, organized every year by the NATO Cooperative Cyber Defence Center of Excellence (CCDCE) based in Tallinn, Estonia, provides a great opportunity to develop this common language.

Locked Shields is a cyber defense exercise that has been held annually since 2010. It takes place in real-time, and stimulates a situation in which national teams (the "Blue Teams") are faced with various forms of cyberattacks on their systems launched by a team of cyber warriors (the "Red Team"). This forces the national teams to put in place and use capabilities to protect their national networks and systems.

The 6<sup>th</sup> edition of the Locked Shields cyber defense exercise took place

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<sup>1</sup>Vincent Roobaert works as Assistant Legal Adviser for the NCI Agency in Brussels. The views expressed in this article are solely those of the author and may not represent the views of NATO, ACO, ACT or the NCI Agency



in April 2015. It involved around 400 people across NATO and national teams (Blue teams), including a NATO team from the NATO Communications and Information Agency (NCIA). This year, the Czech Blue Team won the legal and media part whereas the NATO Computer Incident Response Capability (NCIRC) won the technical part.

Locked Shield is a scenario based exercise. This year, the Blue Teams acted as a Rapid Reaction Team deployed to protect the IT systems of the fictitious state of Berelya. While the scenarios in previous years covered either an armed conflict scenario including cyber attacks or a situation below the threshold of armed conflict, this year's scenario featured an escalation of events ending in a full-fledged armed conflict.

The Locked Shields exercises did not initially include legal staff. However, it quickly became evident that the exercises should, to the maximum extent possible, simulate the real-life command and control and decision making processes. This would include legal, political and public relations aspects. All these aspects are now covered in the exercise, in addition to the technical part.

For the purpose of this short article, some of the legal issues faced by the Blue Teams will be briefly highlighted.

Starting with the legal framework governing the use of force, the Blue Teams were involved in determining whether their team was acting in self-defence as provided under Article 51 of the United Nations Charter (authorising states to respond in self-defence)

While most people have a broad understanding of the legal framework governing the use of force, cyber-attacks raise specific challenges which need to be carefully assessed by the Blue Teams legal staff, including the following.

**First**, while the perpetrator of a conventional attack can usually be identified with certainty very quickly, cyber attacks involve a range of techniques aimed at rendering difficult any attribution to a specific state or group. The legal teams may be requested to give their advice on attribution, after reviewing data collected as part of a forensic investigation into the targeted systems and networks.

**Second**, cyber attacks are more and more often carried out by groups that may or may not be acting under the instructions or be under the

effective control of the State that they are located in, thus raising doubt as to the actual awareness, involvement or support provided by the State connected to that group, if any. Depending on their analysis of the situation, legal staff may conclude that a cyber-attack constitutes a crime falling under the law enforcement framework. Or legal teams may determine that it is an act that warrants a response under international law, such as a breach of State responsibility or the unlawful use of force.

**Third**, the effect of a cyber attack may be initially under or over estimated. What initially appears to be a major attack may not create damages in the long term or vice-versa. The legal teams may be requested to provide their input on these questions bearing in mind that a strong military response may violate the legal requirement of proportionality.

**Fourth**, the Blue Teams may also be requested to provide input on the law governing the conduct of hostilities, which raises specific challenges in the area of cyber. Indeed, the 1977 Additional Protocols to the Geneva Conventions were negotiated at a time when cyber-warfare amounted to science-fiction. The challenge is to apply these 1977 rules, to the maximum extent possible, to cyber operations using 21st century tools. While various works of doctrine have been drafted in recent years to assist operational lawyers in these tasks, including the Tallinn Manual, much remains to be clarified through state practice.

**Finally**, the legal team may be requested to work on aspects of international cooperation in the area of cyber, including the exchange of information as well as police and judicial cooperation.

National Legal Advisors working in the area of cyber-defence are encouraged to participate in the Locked Shield Exercises. As intense and stressful as these exercises may be, the Locked Shields exercises are a great opportunity to further one's knowledge on the legal aspects related to cyber in order to be ready to face real-life situations.

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Read more about Locked Shields 2015 at:

<https://ccdcoe.org/locked-shields-2015.html>

<https://www.ncia.nato.int/NewsRoom/Pages/150428-Cyber-Security-win.aspx>



[www.jwc.nato.int](http://www.jwc.nato.int)

## Operational level exercises as preparation for NATO operations

by CPT Audun Westgaard and David Nauta<sup>1</sup>

### **Introduction**

In the 1990s NATO conducted its first peace-keeping mission in Bosnia, and since then the "tempo and diversity" of missions have rapidly increased. Today NATO has 18,000 military personnel engaged in operations world-wide involving, "complex ground, air and naval operations in all types of environment."<sup>2</sup> The increasing complexities of these operations as well as their diverse goals create many challenges for a legal advisor. A legal advisor working on a NATO operation must first and foremost be familiar with NATO as an organization and its approach to exercises. Courses at the NATO School in Oberammergau and participation in exercises conducted by NATO's Joint Warfare Centre (JWC) are essential training activities for a legal advisor working at the operational-level at NATO.

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<sup>2</sup> NATO Website: NATO Operations and Missions, [http://www.nato.int/cps/en/natohq/topics\\_52060.htm](http://www.nato.int/cps/en/natohq/topics_52060.htm) Accessed 26 May 2015. "They are currently operating in Afghanistan, Kosovo, the Mediterranean and off the Horn of Africa. NATO is also assisting the African Union, conducting air policing missions on the request of NATO member countries and supporting Turkey's air defence system with the deployment of Patriot missiles."

JWC's objective is to create exercises that train personnel in the collective planning and execution of an operation at the joint operational-level. The exercises planned by JWC reflect this objective with exceptional attention to detail and realism. An exercise will provide a complex scenario for either an Article 5 Collective Defense or Non-Article 5 Crisis Response Operation. The aim of the exercises is to prepare and train the audience through modern challenges such as cyber-attacks, hybrid warfare, and terrorism. This article describes the legal aspects of operational-level NATO exercises and how these exercises are used as a training platform for operational level HQs.

An introductory overview will be given on how NATO exercises are programmed and designed. Then there will be an in-depth look at JWC and its activities. This article will conclude with observations on the role of the legal advisor during these exercises and how to prepare for exercises in order to get maximum training value. It is essential to remember that the overall aim of exercises is to prepare the audience for a role during NATO's real life operations.

### **Policy Basis for Exercises**

NATO's military structure develops its exercise program based on guidance from NATO's political level, namely the North Atlantic Council (NAC) and follows a thoroughly prescribed process.

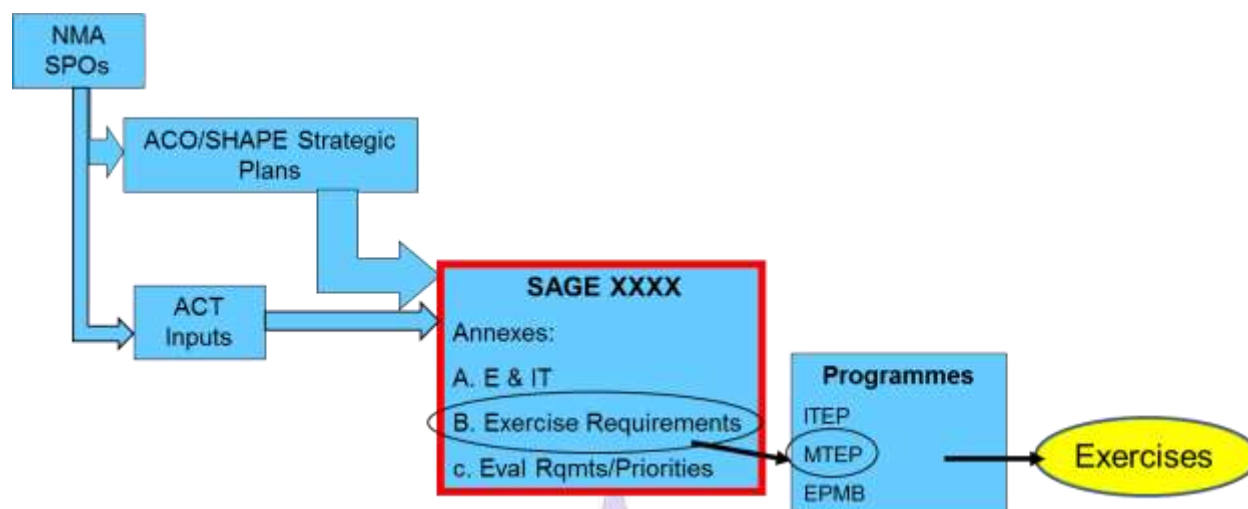
Based on NATO's strategic policies set out by the NAC, Supreme Allied Commander Europe (SACEUR) sets out NATO's military exercise requirements in his so-called "Annual Guidance on Training and Exercise" (SAGE). This guidance forms the basis of a subsequent programming process resulting in a Military Training and Exercise Program (MTEP), which broadly sets out the goals of the exercises for the next five years. The program formulates the design, aims and objectives of the exercises, and also identifies the NATO Headquarters to be trained. Currently there are 17 High Readiness Forces and Headquarters in the NATO Force Structure, which are designated to face current and future challenges posed by ballistic missiles, extremism, and cyber warfare<sup>3</sup>. Moreover, NATO's collective defense commitment requires training in exercises for Article 5 operations.<sup>4</sup>

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<sup>3</sup> Currently there are 17 High Readiness Forces and Headquarters in the NATO Force Structure, See <http://www.aco.nato.int/page134134653.aspx>.

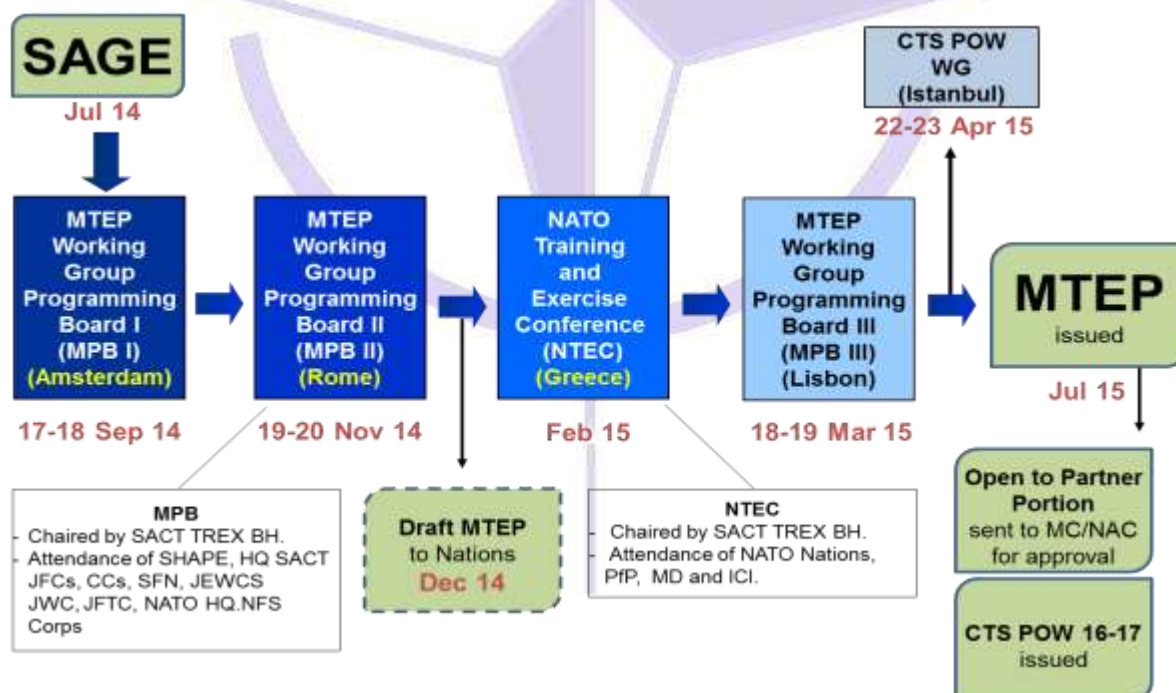
<sup>4</sup>Strategic Concept "Active Engagement, Modern Defence" for the Defence and Security of the Members of the





(Diagram provided by author)

While NATO's full exercise program provides a broad range of scenarios of events within the Alliance, this article will focus on the Trident-Series exercises. These are the operational-level exercises funded and delivered by the NATO Command Structure. Once they are programmed, the Trident-Series exercises will be delivered under the so-called "Exercise Process", which is a complex process that covers both the planning process for an exercise as well as the scenario developed for the exercise.



(Diagram provided by author)

North Atlantic Treaty Organisation, adopted by the Heads of State and Government in Lisbon, 19 November 2010.



## **The Joint Warfare Centre (JWC)**



JWC is located in Stavanger, Norway and was established in 2004 as part of Allied Command Transformation (ACT) under NATO's new command structure. Other subordinate commands are the Joint Force Training Centre (JFTC) in Bydgoszcz, Poland and the Joint Allied Lessons Learned Centre (JALLC) in Lisbon, Portugal. JWC is NATO's center for delivering military *operational* level exercises and pre-deployment training. Similarly, the JFTC delivers *tactical* level exercises and pre-deployment training.

JWC's mission also includes concept development and integration, experimentation, doctrine development and scenario production. The Centre holds approximately 250 personnel, as well as sending nation support-units. It can accommodate visiting training audiences of up to 650 personnel and has two Joint Operations Centres. Since its establishment, more than 40,000 personnel from various locations have been trained by JWC. Every year, JWC delivers six exercises for the five NATO operational headquarters<sup>5</sup> as well as for the various headquarters of the NATO force structure.

### **Exercise Programming: Scenario Development for Exercises**

Within the guidance provided by SACEUR and SACT, the commander of the Operational Headquarters to be trained defines the training objectives of the exercise.<sup>6</sup> SACT then directs JWC to facilitate the exercise with an appropriate scenario and storyline.<sup>7</sup> The scenarios are developed with detailed information, and may include fictitious countries. Not only are details

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<sup>5</sup> The five NATO Operational Headquarters in the NATO Command Structure are the two Joint Force Commands: Joint Force Command HQ Brunssum and Joint Force Command HQ Naples; and the three Component Commands: HQ Land Command Izmir, HQ Airforce Command Ramstein and HQ Maritime Command Northwood.

<sup>6</sup> The Operational Headquarters that is designated by SACEUR as the training audience is also called the Officer Conducting the Exercise or OCE.

<sup>7</sup> SACT is the Officer Scheduling the Exercise or OSE. The OSE sets out the period in which the headquarters will be trained and helps them to define the objectives.. The JWC is the Officer Directing the Exercise or ODE.

provided on the military structure, economic strength, and political alliances of the countries, but also information on details like the terrain, climate, infrastructure – important for *inter alia* Logistic Planners and Intelligence, Surveillance and Reconnaissance assets – are provided.

Delivering NATO exercises is a complicated business. While the real life aspects of making an exercise happen is a demanding operation in itself, the task of planning and delivering the scenario-based virtual crisis is no less demanding. Developing sufficiently challenging and realistic scenarios requires a broad base of expertise and an immense complexity of information, including geo-data, fictitious states with fact-books and everything else required in order for a training audience to conduct an operational planning and execution process. While the baseline scenario sets the stage, it is further developed during the exercise process as the training objectives become more defined and the scripting is done.

The storyline is the narrative of the crisis and describes the alleged root causes of the conflict. The story may describe an invasion or threat of an armed attack or focus on an evolving humanitarian crisis. The narrative creates a scenario that is the backbone for the exercise and allows the Operational Headquarters to come up with an adequate response in the form of an operational plan and necessary rules of engagement.

After the Operational Headquarters has developed its concept of operations, described its military response options, drafted an operational plan for the baseline scenario, the work is still far from over. The JWC will further challenge the headquarters by introducing events that require an urgent response. For example, JWC could complicate the baseline scenario with an event that would require the Operational Headquarters to react, either with strategic messaging, kinetic force, or by other means.<sup>8</sup> These types of events presented throughout the exercise provide excellent learning opportunities for the headquarters and for the Legal Advisor in the training audience– to become acquainted with NATO doctrine and policy. More generally, there are also opportunities for the NATO community to learn to work collectively under immense pressure and time-constraints.

### **Exercise Process**

Once an Exercise is programmed, a detailed Exercise Process is initiated, to include the following stages:

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<sup>8</sup> An example of a type of event is: State A uses militants in State B as proxy forces.

1. Exercise Concept and Specification Development
2. Exercise Planning and Product Development
3. Exercise Execution
4. Post Exercise Analysis and Reporting

Stage 3, Exercise Execution, is where the Training Audience, i.e. the HQ being trained, is introduced to the details of the scenario. The NATO Crisis Response Planning (CRP) concept is used and an Operational Plan (OPLAN) is produced based on joint operational planning using doctrines, such as MC 133/4 and the Comprehensive Operations Planning Directive (COPD). The Exercise Execution Stage culminates, unless it is a live exercise, in a Command Post Exercise (CPX) where the assigned joint headquarters is in operational mode and is thrown into the virtual reality of the exercise-play for one to two weeks. During this time the Training Audience will have all necessary boards, working groups and other staff processes up and running. Scripted events and incidents will be injected as part of the exercise-play to allow the Training Audience to work through all staff procedures as well as handling a complex environment of governments, IO's and NGO's. This virtual reality is provided by the exercise control (EXCON) organization, which delivers not only the scenario, storylines and scripted injects, but also the response cells simulating opposing forces, higher and lower commands, governments, various organizations and so forth. EXCON also provides the Computer Assisted Exercise concept (CAX), where modeling and simulation technology is used for creating and updating an artificial environment to support decision making.

The business of delivering an exercise has a real life dimension to be held aside from the simulated reality of the virtual crisis being played out. Distinction may not always be that obvious, for instance when an allied state is host nation both in real life and in the exercise scenario. This was the case during exercises Steadfast Jazz and Trident Jaguar in which in the scenario Estonia (also host-country) was attacked by a fictitious country "Bothnia".

### **Preparing for NATO exercise participation**

NATO legal advisors arrive to the organization without uniform, legal training and experience. In fact, the diversity of legal advisers appointed to Alliance positions is pretty wide. Not all newcomers have specialized knowledge, NATO familiarity, military training or operational experience in mission areas. However, they have all either been appointed by their nations

or employed by NATO with a duty to fulfill NATO's mission and objectives. With the right introduction to the NATO environment, on-the-job training and support from the NATO legal community, they are expected to be able to fulfill their duties. A combined effort at both the unit level and within the broader legal community is essential.

Preparing for exercises includes a thorough understanding of the exercise documentation. Knowledge development takes time and requires some effort considering the complexity of exercises and the vast amount of information provided, but this is essential to increase the training value.

Operational level exercises are collective and not individual training events. Collective training is directed at the Headquarters designated as the Training Audience, their staff processes, and interaction between the Headquarters and the outside world. Though there will be opportunities for the individual legal advisors to develop their expertise as lawyers during an exercise, this is not the primary objective of the exercise. The collective training that occurs in an exercise is meant to test the processes of the collective procedures of the Operational Headquarters, in accordance with doctrine and standard operating procedures (SOP), making sure the necessary agreements are in place or in process, and making sure that critical legal issues are brought to the commander's attention. The *operational* level legal advisor also has an obligation to coordinate with the *strategic* level legal advisor on prescribed legal issues. While timely, relevant, and quality legal advice always is the standard to meet, during exercises meeting the overall training objectives within a compressed timeline is the ultimate objective.

## **Conclusions**

Being part of a NATO exercise is a challenging experience. Participation as a legal advisor in an exercise provides training specifically in the application of many aspects of international law, with particular emphasis on operational topics, such as the use of force, international agreements and human rights questions; more importantly it provides invaluable experience for legal advisor to better understand and fulfill their role within NATO. A legal advisor can provide the HQ essential advice on the status of forces, targeting procedures, detention operations, as well as future challenges such as hybrid warfare, space and cyber operations.

JWC provides exercises that are relevant to current and future



operations. There are many opportunities for legal advisors to receive individual training on operations through courses at the NATO School in Oberammergau as well as the E-Learning platform provided by ACT. In order to be prepared for such exercises, JWC recommends that legal advisors are acquainted with the relevant policy and doctrine on operational planning, as well as the scenarios provided for the exercises at hand. This ensures that legal advisors come to exercises prepared to get the best out of the experience, and will provide the most valuable legal advice and expertise.



[www.jwc.nato.int](http://www.jwc.nato.int)





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## **Training a Combat Legal Advisor: Tactical Level Observations and Lessons Identified from Trainings and Exercises**

by CDR Wiesław Goździewicz, Polish Navy<sup>1</sup>

The Joint Force Training Centre (JFTC) is one two NATO training centres. With its sister institution – the Joint Warfare Centre (JWC) in Stavanger, Norway it forms the training wing of a broad transformation network under the command of Headquarters, Supreme Allied Commander Transformation (HQ SACT).

The JFTC's mission is to provide combined and joint training for tactical level headquarters, command posts and units up to and including component commands. This is even the case if particular single-service or component command assumes the role of Joint Task Force (JTF) HQ in a smaller joint operation (SJO). During JFTC's ten years of existence, more than 40,000 soldiers, air personnel and sailors have been trained for both current and future operations and missions.

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Since 2008 and up until the end of the International Security Assistance Force (ISAF) mission, JFTC's main focus was to provide pre-deployment training (PDT) to tactical level units and HQs in support of ISAF in Afghanistan. JFTC has trained Operational Mentoring and Liaison Teams (OMLTs)<sup>2</sup> and Regional Commands (RCs), as well as provided support to JWC-run training events for ISAF HQ and ISAF Joint Command (IJC) HQ. This does not mean that the JFTC has only trained personnel designated to deploy to Afghanistan. Our "customers" included, for instance, the HQ Land Command Izmir, the Multinational Corps North-East (MNC NE) and the Polish Special Operations Centre (POL SOC) as the core of the NATO Special Operations Component Command (SOCC) for the 2015 NATO Response Force (NRF) stand-by. A variety of customers, training events and exercises have resulted in many interesting observations and lessons also in the legal arena. The purpose of this short article is to share some of these relevant observations.

The JFTC Legal Advisor (LEGAD) is responsible not only for providing routine on-site legal advice to JFTC and its personnel, but also for acting as a subject matter expert (SME), legal observer/ trainer, and participant in other parts of Exercise Control (EXCON). The JFTC LEGAD mainly specializes in areas of law, such as operational law (Law of armed conflict, NATO/national Rules of Engagement, targeting, information operations) and national security law (terrorism, maritime interdiction, asylum, and intelligence collection). During exercises in order to stimulate certain training aspects, JFTC LEGAD replicates LEGADs in higher (HICON) or lower (LOCON) echelons of command in response to the needs of the training audience. Therefore, there is a high level of interaction between the training audience LEGAD and JFTC LEGAD during training events and exercises. Depending on the exercise design and construct, a LEGAD trainer might focus on his/her counterpart in the training audience, or be responsible for providing legal training to the entire HQ or staff being trained. In both cases, it is crucial to achieve a mutual understanding of the LEGAD's role in operations conducted by a military HQ or command.

Although the legal issues faced at the tactical-level might seem less

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<sup>2</sup> Later on renamed Military/Police Advisory Teams MATs/PATs. At present, after the transition from the ISAF mission to the Resolute Support (RS) mission, MATs or PATs have been replaced by Ministerial Advisory Groups (MAGs)

complicated than at operational or strategic-level, the dynamics and tempo of operations at the tactical-level is usually significantly higher. This keeps the LEGAD busy, especially while dealing with special operations and/or asymmetrical warfare in a counterinsurgency environment. The next portion of the article will discuss the overall role of the LEGAD at the tactical-level as well as present some observations from training events and exercises JFTC has recently conducted. First some generic observations will be presented regarding the tactical-level LEGAD role in operations, and then a more in depth analysis will be made regarding specific roles of the LEGAD during training events and exercises. There will also be real-life examples from various training events and exercises JFTC has conducted.

### **Generic Observations of the Legal Role in Operations**

LEGADs have several important roles to play regardless of the command to which they are assigned. They are counsellors, advocates, and trusted advisors to commanders and to military leaders and staff. They are also soldiers, leaders, and subject matter experts in all of the core legal disciplines.<sup>3</sup> Similarly, NATO doctrine requires the LEGAD to play the roles of a Subject Matter Expert (SME), an advocate and a counsellor. Fulfilling these three roles requires a much broader perspective and more flexible approach than just providing legal advice or sticking to black-letter rules, regulations, or laws.<sup>4</sup>

Flexibility is a must, especially in combined (multinational, coalition) operations. These types of operations, apart from presenting many advantages, also bring significant challenges. Some of these challenges can be found in the areas of interoperability (both human and technical), applicability of international and domestic laws and regulations, policies and procedures, interpretations of mandates, ROE and caveats, etc.<sup>5</sup>

Quoting a senior military legal advisor it is worthwhile to reiterate that, "a good LEGAD cannot act like a dentist and wait until his 'patient' comes with a problem". LEGADs should be proactive and prevent problems from occurring rather than trying to find the solution once a problem pops up. This requires

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<sup>3</sup>*Field Manual 27-100, Legal Operations*, Headquarters, Department of the Army, Washington, DC, 3 September 1991, pp. 1-5

<sup>4</sup>*Bi-SC Directive 15-23 - Policy on Legal Support*, 23 July 2009, pp. 6-7

<sup>5</sup>For a comprehensive overview of possible legal challenges in coalition operations, see: *Forged in the Fire. Legal Lessons Learned during Military Operations 1994-2006*, Center for Law and Military Operations, The Judge Advocate General's Legal Center & School, Charlottesville, Virginia, September 2006, pp. 305-354.



the LEGAD to fully integrate with the Staff. During dynamic situations, such as Troops in Contact (TIC) or in the course of a special operation, it might be necessary for the LEGAD to be present in the Joint Operations Centre (JOC) or Tactical Operations Centre (TOC). This is necessary for the LEGAD to observe the development of the situation on the ground and provide rapid advice to the JOC Staff on recommended actions to maintain lawful conduct of the operation or prevent potential violations of the Law of Armed Conflict (LOAC) or mission-specific regulations, such as Standing Operating Procedures (SOPs).

An operational law LEGAD has to be both a generalist and a specialist in the field, in order to be efficient and capable of providing the Commander and Staff with relevant and valuable advice. Operational Law (OPLAW) is interdisciplinary – it embeds a whole panoply of legal areas to be covered: *jus ad bellum*, *jus in bello* (LOAC), Human Rights Law,<sup>6</sup> status of forces and host nation support agreements/arrangements, claims, fiscal law, contracting and procurement, criminal and disciplinary jurisdiction, and many others. From one perspective, a LEGAD has to be a generalist to be able to manoeuvre through the maze (not to use the word “minefield”) of all the legal issues that might occur during an operation, exercise or training event. On the other hand, some of the issues may require the LEGAD to delve into details of a particular legal discipline and eventually become a specialist in that discipline. Since a legal office usually consists of only one or two people, it is not realistic to expect a single LEGAD to become a specialist in all areas, especially at the tactical-level. Therefore, as stated in Bi-SC Directive 15-23, “[...] *all NATO legal advisers and legal support staff personnel are expected to have effective working relationships and good means of communication with higher, lower, and adjacent legal offices [...].*”<sup>7</sup>

Establishing working-level relations and links with other legal offices becomes particularly important in joint and/or combined operations, as other nations or components (services) might have already dealt with the same or similar issue that a LEGAD is tasked to resolve. Information and knowledge sharing is a key process in establishing good working relations and cooperation between all LEGADs and legal offices participating in the operation/exercise. Communication should be bi-directional and mutual, as “[...] *informal legal chain of command is invaluable to convey clear and*

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<sup>6</sup>In regards to Human Rights Law this is especially relevant in non-international armed conflicts and law enforcement operations executed by the military, e.g. counter-piracy

<sup>7</sup>*Bi-SC Directive 15-23, op. cit.*, p. 7



consistent legal advice throughout the chain of command [...],”<sup>8</sup> so that all the echelons of command legal offices have the same awareness of the legal issues being worked on. It is the role of a LEGAD trainer or a Subject Matter Expert (SME) to ensure that the trainees realise the importance of information exchanges and knowledge sharing amongst LEGADs and Legal Offices throughout the chain of command. There should be more than just the subordinate-superior relationship between the LEGADs: partnership and collaboration are essential for the efficient delivery of consistent and uniform legal advice to commanders and staff at all levels.

### **JFTC Training events and Exercises**

Moving on to specific observations from training events and exercises conducted by the JFTC. As it was stated above, the JFTC’s mission is to provide joint tactical-level training and exercises. The design and construct of training events and exercises, will differ depending on whether it is a Pre-Deployment Training (PDT) in support of current operations<sup>9</sup> or a Command Post Exercise (CPX)/Computer Assisted Exercise (CAX) in support of a NATO Response Force (NRF) preparation.

Pre-deployment training (PDT) is one of the primary types of training that JFTC provides. JFTC has designed and provided training events for ISAF Regional Commands, OMLTs/POMLTs<sup>10</sup> and personnel designated to man positions within ISAF’s command structure. The main customer for PDT used to be the Regional Command North (RC (N))<sup>11</sup>. However, starting from July 2015, JFTC has taken over training responsibility for the whole Resolute Support (RS) Mission, which has succeeded the ISAF mission in Afghanistan, conducting an experimental, combined TAAC (N)/TAAT training event. The training events for RC (N) have proven to be effective, shortening by half the required period of in-theatre training preceding the handover/takeover of duties in RC (N) HQ.<sup>12</sup>

### **Pre-deployment Training (PDT): Example of Regional Command North (RC(N)) Training Components**

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<sup>8</sup>*Exercise Trident Juncture 14 (TRJE14) Officer Directing the Exercise JFC Naples First Impression Report (FIR) Phase II*, dated 9 July 2014, p. 6

<sup>9</sup> Such as ISAF (2001-2014), followed by Resolute Support Mission (RSM) in 2015

<sup>10</sup> Later on called MATs or PATs and recently renamed Train, Advise, Assist Teams (TAATs) under the Resolute Support Mission framework.

<sup>11</sup> transitioning into Train, Advise, Assist Command North – TAAC (N)

<sup>12</sup> *ISAF Regional Command North Pre-Deployment Training Event Report*, Joint Analysis and Lessons Learned Centre, 31 May 2010 (JALLC/CG/10/126), p. 3

Many lessons can be drawn from the type of Pre-Deployment Training provided for RC(N) in regards to the ISAF mission. A typical training event for RC (N) is comprised of three blocks: Mission Specific Training (MST), Battle Staff Training (BST) and culminated in Mission Rehearsal Exercise (MRE).

The purpose of Mission Specific Training (MST) was to provide the training audience with the most current information possible on the mission framework, the situation in the theatre of operations, etc. The information was provided to the training audience mainly through lectures, round tables, and panel discussions. The LEGAD-related parts of the MST, used to cover the legal framework for ISAF operations, and – during the period of mostly kinetic engagements of ISAF – indirect fires, targeting (both deliberate and dynamic) and offensive ROEs (32-33 and 42 series). During RC training events, the LEGAD SME should in principle be someone who recently redeployed from an ISAF RC. During the RC (N) training events, JFTC LEGAD had to perform different tasks depending on the participation of higher echelons. More specifically, the JFTC LEGAD filled the HICON LEGAD slot (replicating ISAF Joint Command – IJC or ISAF HQ Legal Office) and also acted as a LEGAD observer/trainer. The current JFTC LEGAD, due to lack of recent deployment experience, had to rely on documents and information provided by the IJC Legal Office and working-level contacts with IJC Legal Office personnel, in order to provide the training audience with current information. This created some artificiality, which was partially overcome by allowing IJC HQ personnel to take part in portions of the MST via VTCs.

During the Battle Staff Training (BST) block of RC (N) training, individual trainees were divided into cells (functional areas) to learn how to cooperate as a team. This block of training was stimulated by vignettes (case studies) encouraging the training audience to collectively work out the solutions and provide recommendations to the Command Group. In this block, SMEs were playing the role of “co-pilots” assisting and mentoring the training audience in executing the duties in their respective functional areas. The lack of SMEs for a particular functional area during this block of training has always been detrimental to the quality of training, therefore the importance of providing SMEs for the key functional areas continues to be stressed in after action reviews and event reports.

The final block of a typical RC (N) training event was Mission Rehearsal Exercise (MRE), during which the training audience had to form a fully functional staff and react to incidents and events that have actually

occurred in the theatre. Trainees were tasked to respond to the scripted “surprise” events that occur during the training replicating past events, sent from response cells replicating subordinated units (LOCON), other units operating in the area (SIDECON), such as Afghan National Security forces (ANSF), and higher echelons of command (HICON). During this block, SMEs were supposed to step down and observe the actions taken independently by the training audience, intervening only if actions taken by the training audience were obviously incorrect. There have been a small number of instances when the training audience LEGAD has come up with recommendations that were not in line with procedures in force, especially in the area of detention operations, due to national caveats or policy constraints. For instance, releasing the insurgents immediately after disarming, without collecting evidence, Intel or biometrical data had no grounds and was not reflected in ISAF ROE, caveat matrix or Transfer of Authority (TOA)



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message. When a LEGAD proposed this solution based on national policy, the Exercise Director decided to replay the event and the LEGAD had to come up with a satisfying solution to allow ANSF unit operating in close vicinity to “formally” detain the disarmed insurgents.

Another legal-related problematic issue that came up during the RC(N) training, but not exclusively within the LEGAD's job description, was the question of whether employing indirect fires in situations other than self-defence was valid. For security reasons (procedures for employing indirect fire were and remain classified), no details can be shared, however there were ambiguities as to authorities and competences held at particular echelons of

command to either request or approve employment of indirect fire support. LEGADs – alongside with targeting experts and the Current OPS staff played a vital role in advising the Command Group on implications and constraints related to use of indirect fire assets, especially Close Air Support (CAS).

One lesson learned from the RC(N) trainings is that during PDTs, SMEs play a crucial role in providing the training audience, including LEGAD's, with recent and up-to-date information and experience from theatre, including expertise on performing duties in particular joint functional areas. SMEs give the training audience current situational awareness, thus increasing the quality of the training provided. The availability of SMEs is key to an efficient and successful training.<sup>13</sup>

**Command Post Exercise (CPX)/Computer Assisted Exercise (CAX) in Support of NATO Response Force (NRF) Preparation: Example of HQ Land Command Izmir Exercise for Battle Staff Training (BST)**

In 2013, JFTC ran a Battle Staff Training (BST) for HQ Land Command Izmir based on the Skolkan scenario which was modified to allow this undermanned and newly established HQ to exercise the conduct of land-heavy joint operations in low-intensity warfare environment. The scenario envisaged a shift from a non-Article 5 deterrence operation to an Article 5 collective defence situation in response to a Bothnian invasion of the Estonian islands Hiiumaa and Saremaa.

One of the biggest challenges in the exercise script was tasking the training audience with developing an ROE Request Message (ROEREQ) in reaction to a shift from deterrence to collective defence. The ROE profile had to become more permissive to allow the forces to effectively conduct more kinetic operations to repel the invasion and restore the territorial integrity of Estonia. Initially, the training audience LEGAD accepted the vast majority of the burden related to the development of the ROEREQ, with little support from the rest of the Staff.

This approach was in line with the national policy of the Sending Nation of the training audience LEGAD, however this did not reflect NATO's approach to ROE development, which requires cross-staff engagement with basically all the functional areas involved, and operations (J-3) and plans (J-5) sections in lead, supported by intelligence section (J-2) as well as SMEs in different functional areas and relevant warfare sub-specialties. Convening an

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<sup>13</sup>*Ibidem*, pp. 3-4



ROE Planning Cell is recommended in some publications,<sup>14</sup> because in certain areas the LEGADs are not SMES, (e.g. electronic warfare or information operations).

The JFTC LEGAD took part in the exercise as the HICON LEGAD, replicating the Joint Force Command LEGAD, and after a fruitful discussion with the DCOS OPS of the HQ Land Command Izmir (acting as Training Audience Deputy Commander), it was decided to replay the event in a manner ensuring full engagement of the whole Staff in conformity with NATO policy. This was to ensure that the commander was eventually presented with a comprehensive, carefully drafted and thorough ROEREQ for approval.

### **Special Operations Overview**

Special operations require a specific approach to providing legal advice. Special Operations Forces (SOF) are “joint force in a small scale” – they combine capabilities of land, air and sea warfare, yet without support from other components, they are unable to conduct long-term sustained operations. The majority of special operations are conducted at night, with planning and preparations taking place during the day. This requires 24/7 access to legal advice with significant differences between the duties performed by the LEGAD during day and night shifts. Day shift LEGADs are mainly involved in planning, preparations, target nominations, and attending boards and the boards' working groups. They deal with the whole spectrum of legal advice from LOAC, through discipline, claims and host nation support. Night shift LEGADs are more involved with the “kinetics” of an operation. This requires sitting in the Joint Operations Centre (JOC) or Tactical Operations Centre (TOC), observing the conduct of operations and intervening whenever something goes wrong or when a legal issue arises during the operation.

Integration of the LEGAD with the rest of the staff, especially JOC personnel is particularly important in SOF. Mutual trust, respect and confidence are essential, as the dynamics of special operations may require legal advice to be provided ad-hoc in delicate and risky situations. As stated by a former US Special Operations Command Europe (SOCEUR) Judge Advocate, a SOF LEGAD (or JA) must have a firm grasp of the details regarding special operations, therefore it might even be necessary for

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<sup>14</sup>*Rules of Engagement (ROE) Handbook for Judge Advocates*, ed. by David E. Graham, Center For Law and Military Operations (CLAMO), 2000, pp. 1-31-1-32; *Rules of Engagement Handbook*, ed. by Dennis Mandsager, International Institute of Humanitarian Law, Sanremo, 2009, pp. 10-11

him/her to undergo similar tactical training as SOF operators.

On the other hand, SOF personnel are usually very independent, proactive and willing to react immediately. SOF LEGADs must have charisma and authority to be able to influence their partners and commanders when necessary. Such a trusting relationship takes time to build, however without it, the LEGAD bears the risk of being undermined or even ignored. This is also valid for all other armed services and commands/HQs.

### **Special Operations Training: Example of Polish Special Operations Command (POL SOC) Training for NATO RESPONSE FORCE (NRF) Certification**

There is no standing Special Operations Component Command (SOCC) within the NATO Command Structure. Most often, it is the national Special Operations Commands (SOCs) that are declared to form the core of the SOCC for NATO Response Force (NRF). JFTC has conducted several Special Forces-related training events, to include a few closely related to the certification process as a NATO SOCC in the NRF. To illustrate the points above an example will be given of one of the SOC's field training exercises supported by the JFTC.<sup>15</sup> In this exercise the following scenario was presented:

*A Maritime Special Operations Task Group (SOTG) had been ordered to board and search a maritime vessel on the high seas. The vessel was suspected of carrying contraband and an unknown number of members of an organised armed group. There was no reliable intelligence on whether the crew was comprised of members of this armed group or forced to compel. There was also no information on whether innocent passengers were aboard or not. The SOTG deployed from a naval vessel with three Special Operations Task Units (SOTUs) on RHIB-type fast boats supported by a helicopter with side-mounted machine guns and a sniper. Upon approaching the suspected vessel, SOTUs received small arms fire and requested close air support with the intent to sink the vessel.*

The Commander of the SOCC was willing to forward this request to the Air Component Command and grant the SOTG commander the authority to strike once he identified the target. The SOCC LEGAD correctly argued that sinking the vessel would be a disproportionate response, since there was a significant risk of collateral damage, due to insufficient INTEL. Thus this would go beyond the boundaries of self-defence, as the SOTUs were able to break contact and the gunner and sniper aboard the helicopter were able to

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<sup>15</sup>JFTC LEGAD yet again acted as HICON LEGAD replicating JFC Legal Office

provide direct fire support eliminating particular targets. The JFC Commander's guidance required minimising the risk of civilian casualties, even at the price of not accomplishing the mission. However, due to the relatively limited experience of the SOCC LEGAD in the area of Operational Law and his short tour of duty with the SOCC, his recommendations were not followed.

Observing the development of the situation, Exercise Control decided to “press pause” on the exercise and organised a quick huddle with SOCC key personnel:

*It was explained that employing such grave actions when there was a possibility to either break contact or provide direct fire support would go beyond the boundaries of proportionate response in self-defence and cause a shift from a self-defence situation to a de facto offensive engagement. Also in accordance with Annex II (Joint Fires and Targeting)<sup>16</sup> due to a Collateral Damage Estimation (CDE) assessed at Level 5 High,<sup>17</sup> the Target Engagement Authority would be vested at high levels in the NATO Command Chain. Moreover, as organic direct fire assets (helicopter gunner and sniper) were available and the naval vessel operating in the vicinity was capable of providing both non-disabling and disabling fire to stop the vessel, Joint Fires procedures would not allow employment of indirect fire assets in this situation.*

This case study proves that insufficient integration of the LEGAD into the staff and lack of established working relations with other cells and functional areas may have a detrimental impact on the conduct of operations by the whole HQ. The SOCC LEGAD, though correct in his recommendations, was overlooked because of his limited experience which resulted in the Commander of the SOCC potentially breaking the legal boundaries of the operation.

Another challenge was drafting the ROEREQ for the training audience. SOCC staff had the tendency to place the majority of the burden on their LEGADs, and it required JFTC LEGAD's intervention, as well as a separate briefing for the training audience on the process of ROE development to change this approach. As mentioned above, LEGADs don't have sufficient expertise to cover all the areas ROEs have to deal with and – given the structure of NATO ROE<sup>18</sup> – there is almost no functional area, or cell, in a joint

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<sup>16</sup>For the OPLAN used in the exercise.

<sup>17</sup> Because of the potential for causing civilian casualties.

<sup>18</sup> MC 362/1 – NATO Rules of Engagement

HQ that would not have “its own” series of ROE, or at least a single rule in the whole set. The JFTC LEGAD used the example of ROE series 36 – Information Operations (INFOOPS), which contain a wide range of possible means and methods from electronic warfare, through computer network operations and psychological operations (PSYOPS), to physical destruction of the enemy command and control or communication and information systems. Without input from at least the representatives of INFOOPS, Information Security (INFOSEC), force protection, J-6, PSYOPS and targeting cells, it would be almost impossible to draft proper, comprehensive and exhaustive ROE dealing with the broad INFOOPS area.

### **Concluding Key Principles for Legal Advisors in Operations**

There is a saying: *“the more sweat and tears shed on the training ground, the less blood will be spilled on the battlefield”*. It is important to remember that some key principles of LEGAD interaction with the rest of the Staff are equally applicable during training and in real operations:

- 1) LEGADs need excellent relationships with many staff branches;
- 2) Trust in the relationship between Commanders and their LEGAD is crucial;
- 3) The Commander is looking for permissions, not prohibitions, but at the same time needs to know when there is a “no-go” from a legal perspective;
- 4) LEGADs need to be accessible to all staff branches, as proactive team players;
- 5) LEGADs need to provide clear and concise recommendations;
- 6) LEGADs cannot be afraid to say “I’m not sure and I need 5 minutes to clarify”.

JFTC’s motto “Transformation Through Training” is reflected in its efforts to transform groups of individual trainees into fully functional Staffs and HQs at the tactical-level.

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*The author would like to express his gratitude to LTC John Maier, US Army, former US SOCEUR SJA for sharing his unique expertise in providing legal advice to Special Forces.*

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(French soldier on a peacekeeping mission)

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## Self-Defence: a French Perspective

by Col Gilles Castel<sup>1</sup>

“Rules of Engagement (ROE) are the authorisation for, or limits on, the use of force during military operations. ROE do not limit the inherent right of self-defence.”<sup>2</sup>The concept of “use of force” is more or less understood by the nations, but when subjected to national regulations, “self-defence” can relate to various concepts and definitions during a NATO operation. The various definitions of “self-defence” can have a debilitating impact on the conduct of military operations, thus hampering the mission itself. Even when ACT succeeded in leading the work on issuing an ROE Training Standardization Agreement (STANAG), which was approved by the nations for promulgation and is now an agreed upon NATO training standard, establishing a common understanding of self-defence remains one of the main challenges commanders face during a NATO led operation. This article will describe how France deals with issues of self-defence, and the challenges French soldiers face in this area.

### **Perception of Self-Defence in France**

Self-defence in France is based on a dual-conception, which establishes a difference in its application between self-defence within the

<sup>1</sup>Col Gilles Castel is the Legal Advisor in Joint Analysis & Lessons Learned Centre (JALLC), Monsanto, Portugal.

<sup>2</sup>MC 362/1 NATO RULES OF ENGAGEMENT, 30 June 2003.

territory of France and self-defence outside of France. Since French self-defence is based on a dual-concept there will be a brief explanation of how France regulates self-defence domestically. Then there will be an examination of the application of self-defence to military operations. The article will conclude by examining how these duelling views impact the use of force by French troops.

### **Self-Defence in French Domestic Law**

In the French criminal code<sup>3</sup> there is no criminal liability for a person who uses force to protect him or herself or to protect someone else who is facing an unjustified use of force. Under French criminal law, self-defence is justified under the following circumstances:

- Unjustified attack
- Only as an immediate response to the attack (and this includes the necessary element that the attacker is clearly identified)
- Proportionality between the means used to defend and the gravity of the attack (the French Supreme Criminal Court applies a rule of "strict proportionality").

Until recently (2005) the French army was restricted in its use of self-defence, because it was operating under the French domestic law in regards to self-defence no matter where the military action occurred. Because of the very restrictive scope of self-defence application, French forces deployed in military operations encountered several difficulties in fulfilling their mission. A few examples are presented below:

1. French forces deployed to Mitrovica, Kosovo, under United Nations Security Council Resolution (UNSCR) 1244<sup>4</sup> faced many protests against their presence. These protests turned from peaceful to violent when demonstrators would use lethal weapons to threaten or at times even injure French soldiers. French soldiers, being subject to their domestic criminal law, including the regulations of self-defence, could not respond to attacks without clearly identifying the attacker. This made exercising self-defence during mass protests difficult, because French soldiers struggled to clearly identify the attackers. As a result, several French soldiers were wounded and unable to lawfully defend themselves from protestors' attacks.

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<sup>3</sup>Self-defence in French criminal code is "légitime défense" – par. 122 (5) French Criminal Code

<sup>4</sup> UNSCR 1244 dated June 10, 1999

2. While deployed in the Ivory Coast during Operation Licorne<sup>5</sup> French forces would often approach road blocks manned by armed outlaws who would threaten and intimidate the soldiers with their weapons. Since the outlaws were not physically using force against the soldiers, the incidents did not meet the threshold of an "attack" to justify a response by the French soldiers. So even though the threats of the outlaws severely hampered the French soldiers' mission (they were forced to reroute or even were restricted from free-movement) the soldiers had no choice but to peacefully retreat.

3. Another incident in Kosovo also resulted in questions of criminal liability. The French soldiers were manning a blockade; however when a Kosovar vehicle forced its way through the blockade, a French soldier in response shot the driver of the vehicle. The driver was seriously injured, and the soldier was left in a precarious situation because this did not fall within the French definition of self-defence. This was because the driver had not used any type of force against the soldier. The driver had simply defied orders. While the driver's actions could be interpreted as a threat, it was not an "unjustified attack" allowing the soldier to respond with lethal force. The French commanding officer overseeing this incident sympathised with the soldier's dilemma, and in the incident report tried to minimize it, stating that the driver had fired upon the soldier in order to justify the soldier's response. However a few days later, an MP investigator discovered the commanding officer's embezzlement, and found that this was an unjustified use of force which was a crime in the French domestic system.

These incidents showed that French soldiers faced a dilemma in operations under the French domestic requirements for self-defence. Soldiers were not able to appropriately respond until they were actually physically attacked, no matter what the level of the threat was.

### **Article L4123-12-II: An Exemption to French Self-Defence Laws**

As a solution to the dilemmas French soldiers were facing in regards to self-defence, as regulated by the domestic criminal law, the French Ministry of Defence Legal Department took the opportunity and proposed the revision of the General Status of Military Law in 2005<sup>6</sup> to propose a legal provision, Article L4123-12-II which was in the 2005 Code de la défense (amended

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<sup>5</sup>The French Armed Forces' peacekeeping operation in support of the United Nations Operation in Côte d'Ivoire  
<sup>6</sup>Loi n° 2005-270 du 24 mars 2005 portant statut général des militaires/ Law No. 2005-270 of 24 March 2005 on the general status of military

December 2013)<sup>7</sup>. This was basically an exemption from the French domestic standard of an actual attack which has posed a potentially fatal dilemma to French forces, due to the nature of their mission and threats they faced.

Article L4123-12-II applies only to the French military, and therefore it is not part of the French Criminal Code. However, the Code now instructs the French judges to use these provisions for cases of use of force by French soldiers in operations outside of the National Territory<sup>8</sup>. These provisions also apply to French troops deployed in NATO or UN led military operations and activities.

Under Article L4123-12-II provisions, during an operation outside of the National Territory, French soldiers are permitted to use coercive measures up to the use of lethal force as long as this is necessary for the mission and falls within the rules of international law<sup>9</sup>. Basically this clarifies that French soldiers can use force in contexts outside of self-defence, and provides an exemption for soldiers from the domestic criminal laws concerning self-defence. The main conditions posed by this article are as follows:

- Applies only to military personnel, not to civilians
- Applies only for operations held outside the French National Territory
- Applies to those using or ordering the use of force, operating under Law of Armed Conflict (LOAC) principles (particularly the principle of necessity).

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<sup>7</sup>Article 4123-12.II: "N'est pas pénalement responsable le militaire qui, dans le respect des règles du droit international et dans le cadre d'une opération mobilisant des capacités militaires, se déroulant à l'extérieur du territoire français ou des eaux territoriales françaises, quels que soient son objet, sa durée ou son ampleur, y compris la libération d'otages, l'évacuation de ressortissants ou la police en haute mer, exerce des mesures de coercition ou fait usage de la force armée, ou en donne l'ordre, lorsque cela est nécessaire à l'exercice de sa mission."

English Translation (Rough)

"A soldier is not criminally responsible, if he acts in compliance with the rules of international law and within the framework of an operation that mobilizes military capabilities and takes place outside French territory or the territorial waters of France, irrespective of the purpose, , duration or scope— if the soldier exercises coercion measures, or uses armed force, or gives the order, where this is necessary to carry out the mission including the release of hostages, evacuation of nationals or policing of the High Seas. ."

<sup>8</sup> "National Territory" designates the territory of the Republic of France and includes French-administered territories outside of Europe

<sup>9</sup> (FRA) Joint Centre for Concepts, Doctrine and Experimentation. "Article L 4123-12.II of the 2005 *Code de la défense*, amended in December 2013, following the extension provided by the 2013 *Loi de Programmation Militaire* (short term military planning law) in the chapter 'Dispositions relatives au traitement pénal des affaires militaires.'" Information retrieved from, [http://www.cicde.defense.gouv.fr/IMG/pdf/20140612\\_np\\_cicde\\_fra-jd-01a-def.pdf](http://www.cicde.defense.gouv.fr/IMG/pdf/20140612_np_cicde_fra-jd-01a-def.pdf) (Last Accessed 5/28/2015)



This rule basically represents a criminal liability exemption for soldiers. Nevertheless, Article L4123-12-II remains under the constant and strict control of a criminal judge in France who interprets the rule.

Since 2005 Article L4123-12-II was applied only a few times, each time in the investigative pre-trial stage in order to determine whether French soldiers should be tried or acquitted for criminal liability. Some applications were the following:

- In 2007, French troops deployed in the Ivory Coast used lethal force at a check point they were manning. The soldiers fired at a truck driver forcing a roadblock. In his preliminary investigation, the French judge identified the clear necessity of the use of force in that case and decided at that stage there was no criminal liability.
- In March 2008, French troops deployed to Kosovo faced a riot in front of the Mitrovica tribunal. The soldiers were attacked with stones and hand grenades, and were fired at by the rioters using small arms. After having identified the main leaders, the force commander decided to respond by employing snipers. Very specific and targeted force was used against the riot leaders and this led to the end of the riot. When reviewing the case, the French Judge decided that under Article L4123-12-II, there was no criminal liability.



Since both of these cases were decided under pre-trial preliminary investigations, to date no official judgement has been rendered by the French justice system regarding Article L4123-12-II. So for the time being there is no official precedent on Article L4123-12-II. Despite the lack of precedent, cases on the use of force by French troops is under the supervision of one specific trial chamber located in Paris (6th Chamber du Tribunal de Grande Instance de Paris). Therefore, commanders are now more confident in using force in operations, since they have a better expectation of how the judge will rule.

As a summary, the extended self-defence exemption that Article L4123-12-II provides now allows French troops to conduct any mission outside the National Territory without having to deal with any caveats regarding the use of force, so long as their conduct is within international law particularly the Law of Armed Conflict (LOAC). This gives French commanders more flexibility and a clear framework for the use of force in operations outside the National Territory of France.



# NATO SPOTLIGHT



**Name:** Melissa A. Harvison

**Rank/Service/Nationality:** Commander, Navy, USA

**Job Title:** Chief Legal Advisor, Naval Striking and Support Forces NATO

**Primary legal focus of effort:** Support Forces NATO (SFN) is a joint multi-national (11 NATO Nations MOU) maritime/ amphibious operational command located in Oeiras, Portugal. I participate in the planning and execution of exercises in which SFN is involved, as well as in the planning, review, and revision of the SFN portion of NATO contingency plans for protection of Eastern Europe. For exercises/operations, I draft or review technical arrangements for Host Nation Support, ROE, real world guidance, and other sections of the OPORD. I review and revise instructions, job descriptions, and policy; review and advise on fiscal matters, SFN MOU revisions; and negotiate revision of technical arrangements for support to SFN.

**Likes:** Traveling to see new countries, historical locations, architecture, and museums; reading; shopping; walking through beautiful gardens and nature trails; and spending time with friends and family.

**Dislikes:** Early mornings, disorganization, and arrogant Americans.

**When in Lisbon, Portugal everyone should:** Visit Sintra and all the beautiful palaces of different centuries and varied architecture.

**Best NATO experience:** Each meaningful conversation with a colleague from a different nation that expands my understanding of their nation, military, culture, and perspective on world events, both historically and currently.

**My one recommendation for the NATO Legal Community:** Share as much information and work products as possible to learn from each other and continue to improve the information sharing portal to facilitate information sharing.



**Name:** Terrence McCollom

**Rank/Service/Nationality:** Lieutenant Colonel/Air Force/USA

**Job title:** Senior Legal Advisor, NATO International Military Staff

**Primary legal focus of effort:** Provide legal advice to HQ NATO Military Committee.

**Likes:** Sports and exploring Europe with my wife and three daughters.

**Dislikes:** Close-mindedness, arrogance and ketchup.

**When in Brussels everyone should:** Enjoy a Westmalle Trippel beer in the Grand Place.

**Best NATO experience:** Providing legal advice during the development of the Readiness Action Plan.

**My one recommendation for the NATO Legal Community:** Reach out for advice/assistance from others in the legal community. Teamwork is key to our overall success.



NATO  
SPOTLIGHT

**Name:**Károly VÉGH

**Rank/Service/Nationality:** Captain – OF-2 / Army / Hungary

**Job title:** Legal Advisor in Operational Law, JFC Brunssum, NL

**Primary legal focus of effort:**Providing legal advice on international legal issues related to operations, exercises and status of forces.

**Likes:**Exploring places I have never seen before

**Dislikes:**Individuals believing that they own the exclusively correct answer

**When in Brunssum / The Netherlands everyone should:** have an excellent giant pancake ('pannenkoekje') filled with all good things, and spend some time enjoying the Dutch way of life and culture.

**Best NATO experience:**My current assignment at JFC Brunssum, being part of the NATO Legal Community

**My one recommendation for the NATO Legal Community:** Take the chance to learn each others' point of view and do not hesitate to exchange ideas.

## HAIL & ...

### Bienvenue...

<b>HQ AC Ramstein</b>	WgCDR Saunders, Michael
<b>JFC Brunssum</b>	Col Haverman, Bart
<b>JFC Naples</b>	LTC Walters, Scott
<b>JWC</b>	LTC Moore, John
	Mr Hybl Zdenek
<b>MARCOM</b>	LtCDR Clark, Oliver
<b>MNC NE</b>	RDir Blankenburg, Thomas
<b>NATO HQ / IMS</b>	LtCol Valk, Ben
<b>NATO School (O'gau)</b>	LtCol Bennett, Christopher
<b>NCIAgency</b>	Capt Wobma, Nick
<b>NFIU Poland</b>	Maj ZABIEGALA, Radoslaw
<b>NHQ Sarajevo</b>	LtCol Morgan, Christopher
<b>NRDC-ESP</b>	CAPT Tejedor, Gabriel
<b>NRDC- GER/NLD</b>	Maj Kennedy, Keirsten
<b>NSHQ</b>	LtCol Burch, Dylan
<b>NSPA</b>	Mrs. Dominique Van Boxem
<b>SHAPE</b>	LTC Shuey, Joshua
	LtCol Culver, Michael
	LtC Petruzzelli, Angelo
	Mr Cambazard, Victor



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**... FAREWELL****Bon Voyage...**

<b>ACT SEE</b>	Ms Baha, Lema
<b>HQ KFOR</b>	LTC Puzio, Michael SSG Foster, Alan
<b>HQ SACT</b>	CDR Hladon, Shelby CDR Panecaldo, Dena Ms Ponta, Adina
<b>JFC Naples</b>	COL Wheelehan, Kerry WgCdr Wetton, Steve
<b>JWC</b>	COL Kirkvold, Randy
<b>MARCOM</b>	Lt Evans, Tom
<b>NATO School (O'gau)</b>	LtC Bengs, Brian
<b>NRDC- GER/NLD</b>	LtC Thurnher, Jeffrey
<b>NHQ Sarajevo</b>	LtC Bennett, Christopher
<b>SHAPE</b>	LTC McGaha, Stephen Ms Swinkels, Nicoline



## UPCOMING EVENTS OF LEGAL INTEREST...

### ...at the NATO School, Oberammergau, Germany:



The **NATO Legal Advisors Course**, from **4 to 8 April 2016**, aims to provide military and civilian legal advisors, in national or NATO billets, an understanding of legal aspects of NATO operations and activities. Note that the Legal Advisors' Course is taking place twice per year. The second course in 2016 is scheduled to take place the week of **17 to 21 October 2016**.

For the full course description, please follow this link: [NSO LEGAL ADVISOR COURSE](#)

The **NATO Operational Law Course** is scheduled for the week of **18 to 22 April 2016**. The course aims to provide in-depth training and practical exercises focused on legal issues faced during NATO military operations. For the first time this year, there will be a second course scheduled to take place the week of **5 to 9 December 2016**.

For the full course description, please follow this link: [NSO OPLAW COURSE](#)

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### ...at the Cooperative Cyber Defence Centre of Excellence, Estonia:

The CCD COE in Tallinn, Estonia offers, twice per year, a course on **International Law of Cyber Operations**. In **2016**, the course is scheduled for the week of **23 to 27**



**May** and the week of **28 November to 2 December**. The course provides a practice-oriented survey of the international law applicable to cyber operations involving States.

For more information on how to register for the courses, please visit: <https://ccdcoe.org/event/law-course.html>

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### ...from the Centre of Excellence for Operations in Confined and Shallow Waters (COE CSW):

The COE CSW organises a **Naval Operations, Maritime Law Enforcement, and Human Rights Legal Workshop** which will take place in **San Francisco, California, USA**, from the **1st to the 3rd of March 2016**. The COE CSW will gather legal and operational experts in order to discuss the application of human rights on the high seas, international - regional authorities, and operational considerations. For more information, please visit: <http://www.coecsw.org/our-events/human-rights-workshop/>

Furthermore, from **3 to 6 October 2016**, in **Turku, Finland**, the COE CSW will



organise the annual **Conference on Operational Maritime Law**. Further information will be provided on the COE CSW website: <http://www.coecsw.org/our-events/event-information/>

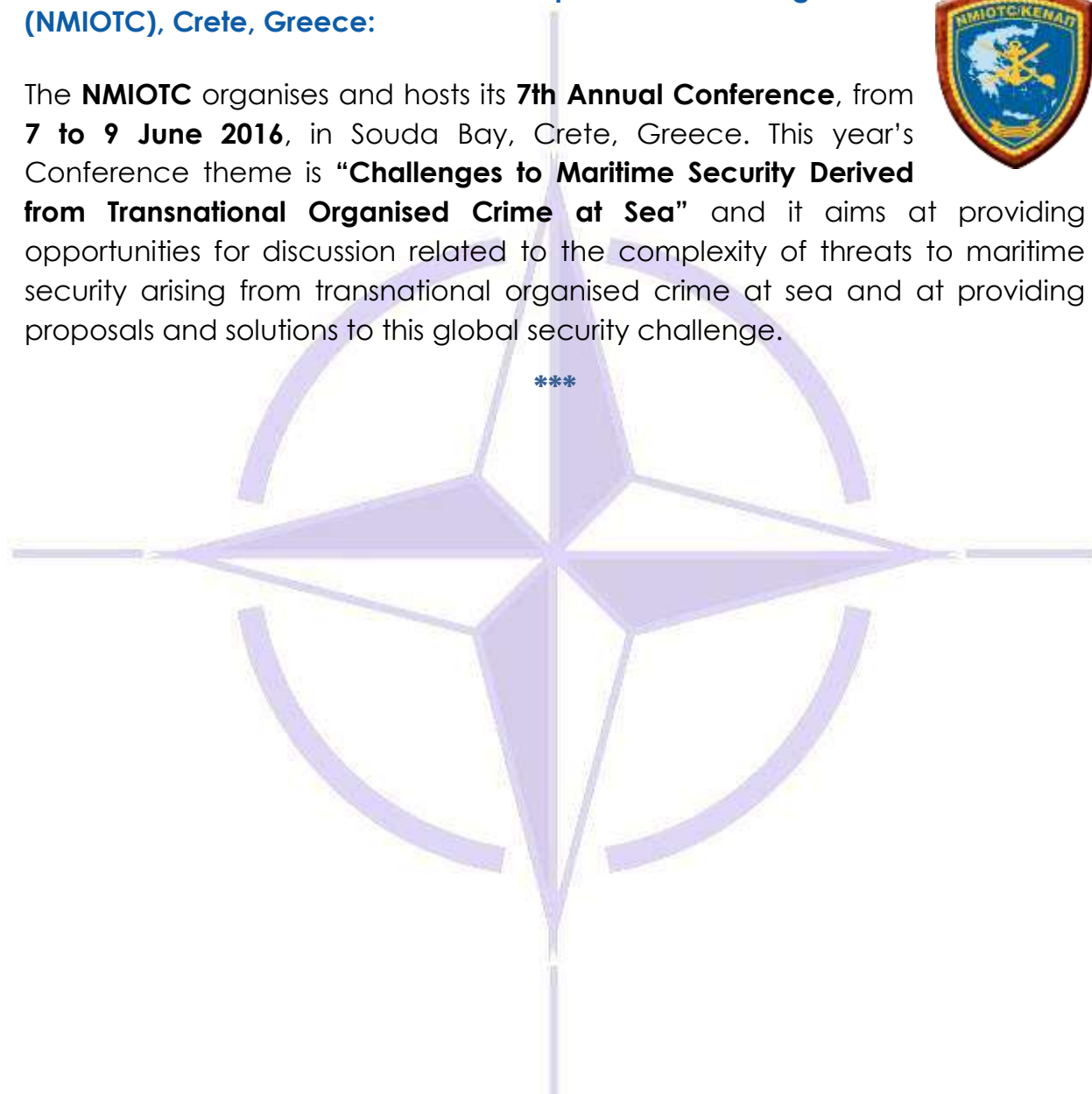
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**...at the NATO Maritime Interdiction Operational Training Centre (NMIOTC), Crete, Greece:**



The **NMIOTC** organises and hosts its **7th Annual Conference**, from **7 to 9 June 2016**, in Souda Bay, Crete, Greece. This year's Conference theme is **"Challenges to Maritime Security Derived from Transnational Organised Crime at Sea"** and it aims at providing opportunities for discussion related to the complexity of threats to maritime security arising from transnational organised crime at sea and at providing proposals and solutions to this global security challenge.

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## ...of NOTE



More information on NATO Training and Education issues can be found on the NATO Multimedia Library web page: <http://www.natolibguides.info/training>

This LibGuide is intended to provide a few starting points to assist you with your research on issues related to training and education, in particular in the NATO context

The current NATO Exercise Schedule can be found on the ACO web page:

<http://www.aco.nato.int/schedule.aspx>



The NATO Legal Gazette can also be found on the official ACT web page: <http://www.act.nato.int/publications>

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